

108TH CONGRESS
1ST SESSION

S. 790

To authorize appropriations for the Department of State for fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 3, 2003

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize appropriations for the Department of State for fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Relations Au-
5 thorization Act, Fiscal Years 2004 and 2005”.

1 **SEC. 2. ORGANIZATION OF ACT INTO TITLES; TABLE OF**
 2 **CONTENTS.**

3 (a) TITLES.—This Act is organized into eight titles
 4 as follows:

TITLE I—AUTHORIZATION OF APPROPRIATIONS

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPART-
 MENT OF STATE

TITLE IV—INTERNATIONAL ORGANIZATIONS

TITLE V—SUPPORTING THE WAR ON TERRORISM

TITLE VI—SECURITY ASSISTANCE

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PRE-
 VENTION ACT OF 2003

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—Streamlining Reporting Requirements

Subtitle B—Other Matters

5 (b) The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Organization of Act into titles; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Administration of foreign affairs.

Sec. 102. International organizations and conferences.

Sec. 103. International commissions.

Sec. 104. Migration and refugee assistance.

Sec. 105. Centers and foundations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND
 ACTIVITIES

Sec. 201. Reimbursement rate for airlift services provided to the Department
 of State.

Sec. 202. Grant authority to promote biotechnology.

Sec. 203. Immediate response facilities.

Sec. 204. Mine action programs grant authority.

Sec. 205. The U.S. Diplomacy Center.

Sec. 206. Public affairs grant authority.

TITLE III—ORGANIZATION AND PERSONNEL OF THE
 DEPARTMENT OF STATE

Sec. 301. Cost of living allowances.

Sec. 302. Waiver of annuity limitations on re-employed foreign service annu-
 itants.

Sec. 303. Fellowship of Hope Program.

Sec. 304. Claims for lost pay.

Sec. 305. Suspension or enforced leave.

Sec. 306. Home leave.

Sec. 307. Ombudsman for the Department of State.

Sec. 308. Repeal of recertification requirement for senior foreign service.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Sec. 401. Raising the cap on peacekeeping contributions.

TITLE V—SUPPORTING THE WAR ON TERRORISM

Sec. 501. Designation of foreign terrorist organizations.

TITLE VI—SECURITY ASSISTANCE

Sec. 601. Restrictions on economic support funds for Lebanon.

Sec. 602. Thresholds for congressional notification of FMS and commercial arms transfers.

Sec. 603. Bilateral agreement requirements relating to licensing of defense exports.

Sec. 604. Authorization of appropriations—foreign military financing, international military education and training, and nonproliferation, anti-terrorism, demining, and related programs.

Sec. 605. Cooperative threat reduction permanent waiver.

Sec. 606. Congressional notification for comprehensive defense export authorizations.

Sec. 607. expansion of authorities for loan of material, supplies, and equipment for research and development purposes.

Sec. 608. Establish dollar threshold for congressional notification of excess defense articles that are significant military equipment.

Sec. 609. Waiver of net proceeds resulting from disposal of U.S. Defense articles provided to a foreign country on a grant basis.

Sec. 610. Transfer of certain obsolete or surplus defense articles in the war reserve stockpiles for allies to Israel.

Sec. 611. Additions to U.S. war reserve stockpiles for allies.

Sec. 612. Provision of cataloging data and services.

Sec. 613. Provision to exercise waivers with respect to Pakistan.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION ACT OF 2003

Sec. 701. Short title.

Sec. 702. Inadmissibility of aliens supporting international child abductors and relatives of such abductors.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Reports on benchmarks for Bosnia.

Sec. 802. Report concerning the German foundation “Remembrance, Responsibility, and the Future”.

Sec. 803. Report on progress in Cyprus.

Sec. 804. Reports on activities in Colombia.

Sec. 805. Report on extradition of narcotics traffickers.

Sec. 806. Report on terrorist activity in which United States citizens were killed and related matters.

Sec. 807. Report and waiver regarding embassy in Jerusalem.

Sec. 808. Report on progress toward regional nonproliferation.

Sec. 809. Report on annual estimate and justification for sales program.

Sec. 810. Report on foreign military training.

Sec. 811. Report on human rights violations by IMET participants.

Sec. 812. Report on development of the European Security and Defense Identity (ESDI) Within the NATO Alliance.

Sec. 813. Report on transfers of military sensitive technology to countries and entities of concern.

Sec. 814. Nuclear reprocessing transfer waiver.

Sec. 815. Complex foreign contingencies.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

For “Diplomatic and Consular Programs” of the Department of State \$4,163,544,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005.

(A) WORLDWIDE SECURITY UPGRADES.—

Of the amounts authorized to be appropriated by subparagraph (1), \$646,701,000 for the fiscal year 2004, and such sums as may be necessary for the fiscal year 2005 are authorized to be appropriated only for worldwide security upgrades.

1 (2) CAPITAL INVESTMENT FUND.—For “Cap-
2 ital Investment Fund” of the Department of State,
3 \$157,000,000 for the fiscal year 2004, and such
4 sums as may be necessary for the fiscal year 2005.

5 (3) EMBASSY SECURITY, CONSTRUCTION AND
6 MAINTENANCE.—For “Embassy Security, Construc-
7 tion and Maintenance”, \$1,514,400,000 for the fis-
8 cal year 2004, and such sums as may be necessary
9 for fiscal year 2005.

10 (4) EDUCATIONAL AND CULTURAL EXCHANGE
11 PROGRAMS.—For “Educational and Cultural Ex-
12 change Programs”, \$345,346,000 for the fiscal year
13 2004, and such sums as may be necessary for fiscal
14 year 2005.

15 (5) REPRESENTATION ALLOWANCES.—For
16 “Representation Allowances”, \$9,000,000 for the
17 fiscal year 2004, and such sums as may be nec-
18 essary for fiscal year 2005.

19 (6) PROTECTION OF FOREIGN MISSIONS AND
20 OFFICIALS.—For “Protection of Foreign Missions
21 and Officials”, \$10,000,000 for the fiscal year 2004
22 and such sums as may be necessary for the fiscal
23 year 2005.

24 (7) EMERGENCIES IN THE DIPLOMATIC AND
25 CONSULAR SERVICE.—For “Emergencies in the Dip-

1 lomatic and Consular Service”, \$1,000,000 for the
 2 fiscal year 2004, and such sums as may be nec-
 3 essary for the fiscal year 2005.

4 (8) REPATRIATION LOANS.—For “Repatriation
 5 Loans”, \$1,219,000 for the fiscal year 2004, and
 6 such sums as may be necessary for the fiscal year
 7 2005.

8 (9) PAYMENT TO THE AMERICAN INSTITUTE IN
 9 TAIWAN.—For “Payment to the American Institute
 10 in Taiwan”, \$19,773,000 for the fiscal year 2004,
 11 and such sums as may be necessary for fiscal year
 12 2005.

13 (10) OFFICE OF THE INSPECTOR GENERAL.—
 14 For “Office of the Inspector General”, \$31,703,000
 15 for the fiscal year 2004, and such sums as may be
 16 necessary for the fiscal year 2005.

17 **SEC. 102. INTERNATIONAL ORGANIZATIONS AND CON-**
 18 **FERENCES.**

19 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
 20 ORGANIZATIONS.—There are authorized to be appro-
 21 priated for “Contributions to International Organiza-
 22 tions”, \$1,010,463,000 for the fiscal year 2004 and such
 23 sums as may be necessary for the fiscal year 2005, for
 24 the Department of State to carry out the authorities, func-
 25 tions, duties, and responsibilities in the conduct of the for-

1 eign affairs of the United States with respect to inter-
2 national organizations and to carry out other authorities
3 in law consistent with such purposes.

4 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
5 KEEPING ACTIVITIES.—There are authorized to be appro-
6 priated for “Contributions for International Peacekeeping
7 Activities”, \$550,200,000 for the fiscal year 2004, and
8 such sums as may be necessary for the fiscal year 2005,
9 for the Department of State to carry out the authorities,
10 functions, duties, and responsibilities of the United States
11 with respect to international peacekeeping activities and
12 to carry out other authorities in law consistent with such
13 purposes. Funds appropriated pursuant to this paragraph
14 are authorized to be available until expended.

15 (c) FOREIGN CURRENCY EXCHANGE RATES.—In ad-
16 dition to amounts authorized to be appropriated by sub-
17 section (a), there are authorized to be appropriated such
18 sums as may be necessary for each of the fiscal years 2004
19 and 2005 to offset adverse fluctuations in foreign currency
20 exchange rates. Amounts appropriated under this sub-
21 section shall be available for obligation and expenditure
22 only to the extent that the Director of the Office of Man-
23 agement and Budget determines and certifies to Congress
24 that such amounts are necessary due to such fluctuations.

1 **SEC. 103. INTERNATIONAL COMMISSIONS.**

2 The following amounts are authorized to be appro-
3 priated under “International Commissions” for the De-
4 partment of State to carry out the authorities, functions,
5 duties, and responsibilities in the conduct of the foreign
6 affairs of the United States and for other purposes author-
7 ized by law:

8 (1) INTERNATIONAL BOUNDARY AND WATER
9 COMMISSION, UNITED STATES AND MEXICO.—For
10 “International Boundary and Water Commission,
11 United States and Mexico”—

12 (A) for “Salaries and Expenses”,
13 \$31,562,000 for the fiscal year 2004, and such
14 sums as may be necessary for the fiscal year
15 2005; and

16 (B) for “Construction”, \$8,901,000 for the
17 fiscal year 2004, and such sums as may be nec-
18 essary for the fiscal year 2005;

19 (2) INTERNATIONAL BOUNDARY COMMISSION,
20 UNITED STATES AND CANADA.—For “International
21 Boundary Commission, United States and Canada”,
22 \$1,261,000 for the fiscal year 2004 and such sums
23 as may be necessary for the fiscal year 2005.

24 (3) INTERNATIONAL JOINT COMMISSION.—For
25 “International Joint Commission”, \$7,810,000 for

1 the fiscal year 2004 and such sums as may be nec-
 2 essary for the fiscal year 2005.

3 (4) INTERNATIONAL FISHERIES COMMIS-
 4 SIONS.—For “International Fisheries Commissions”,
 5 \$20,043,000 for the fiscal year 2004 and such sums
 6 as may be necessary for the fiscal year 2005.

7 **SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.**

8 There are authorized to be appropriated for “Migra-
 9 tion and Refugee Assistance” for authorized activities
 10 \$760,197,000 for the fiscal year 2004 and such sums as
 11 may be necessary for the fiscal year 2005.

12 **SEC. 105. CENTERS AND FOUNDATIONS.**

13 (a) ASIA FOUNDATION.—There are authorized to be
 14 appropriated for “The Asia Foundation” for authorized
 15 activities, \$9,250,000 for the fiscal year 2004 and such
 16 sums as may be necessary for the fiscal year 2005.

17 (b) NATIONAL ENDOWMENT FOR DEMOCRACY.—
 18 There are authorized to be appropriated for the “National
 19 Endowment for Democracy” for authorized activities,
 20 \$36,000,000 for the fiscal year 2004 and such sums as
 21 may be necessary for the fiscal year 2005.

22 (c) CENTER FOR CULTURAL AND TECHNICAL INTER-
 23 CHANGE BETWEEN EAST AND WEST.—There are author-
 24 ized to be appropriated for the “Center for Cultural and
 25 Technical Interchange Between East and West” for au-

1 thorized activities, \$14,280,000 for the fiscal year 2004
 2 and such sums as may be necessary for the fiscal year
 3 2005.

4 **TITLE II—DEPARTMENT OF** 5 **STATE AUTHORITIES AND AC-** 6 **TIVITIES**

7 **SEC. 201. REIMBURSEMENT RATE FOR AIRLIFT SERVICES** 8 **PROVIDED TO THE DEPARTMENT OF STATE.**

9 Section 2642(a) of title 10 (10 U.S.C. 2642(a)) is
 10 amended by inserting “or the Department of State” after
 11 “Central Intelligence Agency”.

12 **SEC. 202. GRANT AUTHORITY TO PROMOTE BIO-** 13 **TECHNOLOGY.**

14 The Secretary of State is authorized to support, by
 15 grants, cooperative agreements or contract, outreach and
 16 public diplomacy activities regarding the benefits of agri-
 17 cultural biotechnology, science-based regulatory systems,
 18 and the application of the technology for trade and devel-
 19 opment. Except as otherwise specifically authorized, the
 20 total amount of grants made in any one fiscal year pursu-
 21 ant to this authority shall not exceed \$500,000.

22 **SEC. 203. IMMEDIATE RESPONSE FACILITIES.**

23 (a) Section 604(b) of the Secure Embassy Construc-
 24 tion and Counterterrorism Act of 1999 (Public Law 106–
 25 113, 22 U.S.C. 4865 note) is amended by:

1 (1) redesignating subsection (b)(1) as
2 “(b)(1)(A)” and by redesignating subsection (b)(2)
3 as “(b)(1)(B)”;

4 (2) by deleting the period after the words “set
5 forth in section 606” at the end of subsection (b),
6 and adding the following: “; or

7 “(2) providing facilities to support immediate
8 response efforts in times of emergency.”.

9 (b) The Foreign Service Buildings Act of 1926 (Pub-
10 lic Law 69–186, 22 U.S.C. 292 et seq.) is amended by
11 adding the following new section at the end:

12 “SEC. 13. Of the amounts appropriated to carry out
13 the Foreign Service Buildings Act of 1926 and the Secure
14 Embassy Construction and Counterterrorism Act 10 of
15 1999, not to exceed \$15,000,000 in any fiscal year may
16 be made available to provide immediate response diplo-
17 matic facilities through a reprogramming of funds, not-
18 withstanding any advance congressional notification re-
19 quirements contained in any other law. In the case of any
20 such reprogramming that would otherwise be subject to
21 a requirement of advance congressional notification, notifi-
22 cation to the Committee on Foreign Relations and the
23 Committee on Appropriations of the Senate and the Com-
24 mittee on International Relations and the Committee on
25 Appropriations of the House of Representatives shall be

1 provided as soon as practicable, but not later than 3 days
 2 after the obligation or expenditure of such funds and shall
 3 contain an explanation of the circumstances requiring the
 4 deployment of immediate response facilities.”.

5 **SEC. 204. MINE ACTION PROGRAMS GRANT AUTHORITY.**

6 The Secretary of State is authorized to support pub-
 7 lic-private partnerships for mine action programs by
 8 grant, cooperative agreement, or contract. Except as oth-
 9 erwise specifically authorized, the total amount of grants
 10 made in any one fiscal year pursuant to this authority
 11 shall not exceed \$450,000.

12 **SEC. 205. THE U.S. DIPLOMACY CENTER.**

13 Title I of the State Department Basic Authorities Act
 14 of 1956 (22 U.S.C. 2651a et seq.) is amended by adding
 15 the following new section:

16 **“SEC. 59. THE U.S. DIPLOMACY CENTER.**

17 “(a) ACTIVITIES.—

18 “(1) The Secretary of State is authorized to
 19 provide—by contract, grant or otherwise—for appro-
 20 priate museum visitor and educational outreach
 21 services, including but not limited to, organizing
 22 conference activities, museum shop, and food serv-
 23 ices, in the public exhibit and related space utilized
 24 by the U.S. Diplomacy Center (“USDC”) program.

1 “(2) The Secretary of State may pay all reason-
2 able expenses of conference activities conducted by
3 the USDC, including refreshments and travel of par-
4 ticipants.

5 “(3) Any revenues generated under the author-
6 ity of paragraph (1) for visitor services may be re-
7 tained and credited to any appropriate Department
8 of State appropriation to recover the costs of oper-
9 ating the USDC.

10 “(b) DISPOSITION OF USDC ARTIFACTS AND MATE-
11 RIALS.—

12 “(1) All historic documents, artifacts or other
13 articles permanently acquired by the Department of
14 State and determined by the Secretary of State to
15 be suitable for display in the USDC shall be consid-
16 ered to be the property of the Secretary in his or her
17 official capacity and shall be subject to disposition
18 solely in accordance with this subsection.

19 “(2) SALE OR TRADE.—Whenever the Secretary
20 of State or his/her designee determines that—

21 “(A) any item covered by paragraph (1) no
22 longer serves to further the purposes of the
23 USDC as established in the Collections Man-
24 agement Policy, or

1 “(B) in order to maintain the standards of
2 the collections of the USDC, a better use of
3 that article would be its sale or exchange,
4 the Secretary may sell the item at fair market value, trade,
5 or transfer it, without regard to the requirements of the
6 Federal Property and Administrative Services Act of
7 1949. The proceeds of any such sale may be used solely
8 for the advancement of the USDC’s mission; in no event
9 shall proceeds be used for anything other than acquisition
10 or direct care of collections.

11 “(3) LOANS.—The Secretary of State may also
12 lend items covered by paragraph (1), when not need-
13 ed for use or display in the USDC, to the Smithso-
14 nian Institution or a similar institution for repair,
15 study, or exhibition.

16 “(c) Except as may be identified subject to re-
17 programming procedures, the Bureau of Public Affairs
18 may not expend more than \$950,000 for fiscal year 2004,
19 and such sums as may be necessary for fiscal year 2005,
20 for the U.S. Diplomacy Center.”.

21 **SEC. 206. PUBLIC AFFAIRS GRANT AUTHORITY.**

22 To the extent that the Secretary of State is otherwise
23 authorized by law to provide for public affairs activities,
24 the Secretary may do so by grant, cooperative agreement,
25 or contract.

1 **TITLE III—ORGANIZATION AND**
2 **PERSONNEL OF THE DEPART-**
3 **MENT OF STATE**

4 **SEC. 301. COST OF LIVING ALLOWANCES.**

5 Section 5924 of Title 5, United States Code, is
6 amended as follows:

7 (1) By revising section (4)(A) to read as fol-
8 lows:

9 “(A) An allowance not to exceed the cost
10 of obtaining such kindergarten, elementary and
11 secondary educational services as are ordinarily
12 provided without charge by the public schools in
13 the United States (including activities required
14 for successful completion of a grade or course
15 and such educational services as are provided
16 by the States under the Individuals with Dis-
17 abilities Education Act), plus in those cases
18 when adequate schools are not available at the
19 post of the employee, board and room, and peri-
20 odic transportation between that post and the
21 school chosen by the employee, not to exceed
22 the total cost to the Government of the depend-
23 ent attending an adequate school in the nearest
24 United States locality where an adequate school
25 is available, without regard to section 3324(a)

1 and (b) of title 31. When travel from school to
2 post is infeasible, travel may be allowed between
3 the school attended and the home of a des-
4 ignated relative or family friend or to join a
5 parent at any location, with the allowable travel
6 expense not to exceed the cost of travel between
7 the school and post. The amount of the allow-
8 ance granted shall be determined on the basis
9 of the educational facility used.”.

10 (2) By revising section (4)(B) to read as fol-
11 lows:

12 “(B) The travel expenses of dependents of
13 an employee to and from a secondary, post-sec-
14 ondary or post-baccalaureate educational insti-
15 tution, not to exceed one annual trip each way
16 for each dependent. An allowance payment
17 under subparagraph (A) of this paragraph (4)
18 may not be made for a dependent during the 12
19 months following his arrival at the selected edu-
20 cational institution under authority contained in
21 this subparagraph (B).”.

22 (3) By inserting a new section 4(C) as follows:

23 “(C) Allowances provided pursuant to sub-
24 paragraphs (A) and (B) above may include, at
25 the election of the employee and in lieu of

1 transportation thereof, payment or reimburse-
 2 ment of the costs incurred to store the baggage
 3 at or in the vicinity of the school during the de-
 4 pendent's annual trip between the school and
 5 the employee's duty station, provided that such
 6 payment or reimbursement may not exceed the
 7 cost that the Government would incur to trans-
 8 port the baggage with the dependent in connec-
 9 tion with the annual trip.”.

10 **SEC. 302. WAIVER OF ANNUITY LIMITATIONS ON RE-EM-**
 11 **PLOYED FOREIGN SERVICE ANNUITANTS.**

12 (a) Section 824(g) of the Foreign Service Act of 1980
 13 (22 U.S.C. 4064(g)) is amended to read as follows:

14 “(g) The Secretary may waive the application of
 15 paragraphs (a) through (d) of this section, on a case by
 16 case basis, for an annuitant re-employed on a temporary
 17 basis—

18 “(i) if, and for so long as, the authority is nec-
 19 essary due to an emergency involving a direct threat
 20 to life or property or other unusual circumstances;
 21 or

22 “(ii) in positions for which there is exceptional
 23 difficulty in recruiting or retaining a qualified em-
 24 ployee.”.

1 (b) Effective October 1, 2005, section 824(g), as
2 amended by this section, is further amended to read as
3 follows:

4 “(g) The Secretary may waive the application of
5 paragraphs (a) through (d) of this section, on a case by
6 case basis, for an annuitant re-employed on a temporary
7 basis, but only if, and for so long as, the authority is nec-
8 essary due to an emergency involving a direct threat to
9 life or property or other unusual circumstances.”.

10 **SEC. 303. FELLOWSHIP OF HOPE PROGRAM.**

11 The Secretary of State is authorized to establish the
12 Fellowship of Hope program under which employees of the
13 governments of designated countries may be assigned to
14 an office of profit or trust in the Department of State
15 and continue to receive salary and other benefits from
16 those governments, in exchange for assignments of a mem-
17 ber of the Foreign Service to the governments of the des-
18 ignated foreign countries. The Secretary of State shall ad-
19 minister this program in a manner consistent with the na-
20 tional security and foreign policy interests of the United
21 States, in consultation with the Attorney General and the
22 Director of Central Intelligence.

1 **SEC. 304. CLAIMS FOR LOST PAY.**

2 Section 2 of the State Department Basic Authorities
3 Act (22 U.S.C. 2669) is amended by adding a new sub-
4 section (o) as follows:

5 “(o) make administrative corrections or adjustments
6 to an employee’s pay, allowances, or differentials, resulting
7 from mistakes or retroactive personnel actions, as well as
8 provide back pay and other categories of payments under
9 the Back Pay Act as part of the settlement or compromise
10 of administrative claims or grievances filed against the De-
11 partment.”.

12 **SEC. 305. SUSPENSION OR ENFORCED LEAVE.**

13 (a) Notwithstanding any other provision of law, and
14 pending final resolution of the matter, the Secretary may
15 suspend a member of the Foreign Service without pay, or
16 place the member on enforced leave without pay—

17 (1) where there is an investigation regarding
18 the revocation of an employee’s security clearance or
19 a suspension of an employee’s security clearance; or

20 (2) where there is reasonable cause to believe a
21 member has committed a crime for which a sentence
22 of imprisonment may be imposed and there is a
23 nexus to the efficiency of the Service; or

24 (3) for such other cause as will promote the ef-
25 ficiency of the service;

1 (b) Any member suspended or placed on enforced
2 leave pursuant to subsection (a) shall be entitled to—

3 (1) at least 30 days advance written notice of
4 the specific reasons for such suspension, unless there
5 is reasonable cause to believe the employee has com-
6 mitted a crime for which a sentence of imprisonment
7 may be imposed;

8 (2) a reasonable time, not less than seven days,
9 to answer orally and in writing;

10 (3) be represented by an attorney or other rep-
11 resentative; and

12 (4) a final written decision.

13 (c) Any member suspended or placed on enforced
14 leave pursuant to this section shall be entitled to grieve
15 such action in accordance with procedures applicable to
16 grievances under chapter 11 of this Act. The review by
17 the Foreign Service Grievance Board with respect to such
18 a grievance shall be limited:

19 (1) in the case of an action pursuant to sub-
20 paragraph (a)(1) only to a determination whether
21 the procedures set forth in subsection (b) were fol-
22 lowed, and

23 (2) in the case of an action pursuant to sub-
24 paragraph (a)(2), only to a determination of whether
25 the reasonable cause requirements have been fulfilled

1 and whether there is a nexus between the conduct
2 and the efficiency of the Service; and

3 (3) in the case of a suspension pursuant to sub-
4 paragraph (a)(3), only to a determination whether
5 the action promotes the efficiency of the service.

6 (d) In no case regarding an appeal pursuant to this
7 section may the Foreign Service Grievance Board order
8 prescriptive relief.

9 **SEC. 306. HOME LEAVE.**

10 (a) Section 901(6) of the Foreign Service Act (22
11 U.S.C. 4081(6)) is amended by striking “unbroken by
12 home leave” wherever that phrase occurs.

13 (b) Section 903(a) of the Foreign Service Act (22
14 U.S.C. 4083) is amended by striking “18 months” and
15 inserting “12 months”.

16 **SEC. 307. OMBUDSMAN FOR THE DEPARTMENT OF STATE.**

17 (a) There is established in the Office of the Secretary
18 of State the position of Ombudsman. The Ombudsman
19 shall report directly to the Secretary of State.

20 (b) At the discretion of the Secretary of State, the
21 Ombudsman shall participate in meetings regarding the
22 management of the Department in order to assure that
23 all employees may contribute to the achievement of the
24 Department’s responsibilities and to promote the career
25 interests of all employees.

1 (c) CONFORMING AMENDMENT.—Subsection (c) of
 2 section 172 of the Foreign Relations Authorization Act,
 3 Fiscal Years 1988 and 1989 (as codified in 22 U.S.C.
 4 2664a(c)) is deleted, and subsection (d) renumbered ac-
 5 cordingly.

6 **SEC. 308. REPEAL OF RECERTIFICATION REQUIREMENT**
 7 **FOR SENIOR FOREIGN SERVICE.**

8 Section 305(d) of the Foreign Service Act of 1980
 9 (22 U.S.C. 3945(d)) is hereby repealed.

10 **TITLE IV—INTERNATIONAL**
 11 **ORGANIZATIONS**

12 **SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBU-**
 13 **TIONS.**

14 (a) IN GENERAL.—Section 404 of the Foreign Rela-
 15 tions Authorization Act, Fiscal Years 1994 and 1995
 16 (Public Law 103–236) is amended by amending subpara-
 17 graph (B), added by section 402 of Public Law 107–228
 18 (FY 2003 Foreign Relations Authorization Act), to amend
 19 subparagraph (iv) as follows and add subparagraph (v) at
 20 the end:

21 “(iv) For assessments made during
 22 calendar year 2004, 27.1 percent.

23 “(v) For assessments made during
 24 calendar year 2005, 27.1 percent.”.

1 **TITLE V—SUPPORTING THE WAR**
 2 **ON TERRORISM**

3 **SEC. 501. DESIGNATION OF FOREIGN TERRORIST ORGANI-**
 4 **ZATIONS.**

5 Section 219 of the Immigration and Nationality Act
 6 (8 U.S.C. 1189) is amended as follows:

7 (1) DURATION OF DESIGNATION.—

8 (A) in subparagraph 219(a)(4)(A), by
 9 striking the words “Subject to paragraphs (5)
 10 and (6), a” and adding “A” and by striking the
 11 words “for a period of 2 years beginning on the
 12 effective date of the designation under para-
 13 graph (2)(B)” and adding “until revoked under
 14 paragraphs (5) or (6) or set aside pursuant to
 15 subparagraph (c)” in lieu thereof;

16 (B) by revising subparagraph 219(a)(4)(B)
 17 to read as follows:

18 “(B) REVIEW OF DESIGNATION UPON PE-
 19 TITION.—

20 “(i) IN GENERAL.—The Secretary
 21 shall review the designation of a foreign
 22 terrorist organization under the procedures
 23 set forth in (ii)–(iii) if the designated orga-
 24 nization files a petition for revocation with-
 25 in the petition period. If the organization

1 has not previously filed a petition for rev-
2 ocation under this subparagraph, the peti-
3 tion period begins once two years have
4 elapsed from the date of designation. If the
5 designated organization has previously
6 filed a petition under this subparagraph,
7 then the petition period begins once two
8 years have elapsed from the date of its last
9 petition.

10 “(ii) PROCEDURES.—Any foreign ter-
11 rorist organization that submits a petition
12 under this subparagraph must provide evi-
13 dence in that petition that the relevant cir-
14 cumstances described in paragraph (1) no
15 longer exist with respect to the organiza-
16 tion.

17 “(iii) The Secretary shall complete his
18 or her review of any petition from a des-
19 ignated organization that is filed within
20 the petition 20 period and shall make a de-
21 termination concerning revocation of the
22 designation within 180 days after receiving
23 the petition. The Secretary may consider
24 classified information in making a deter-
25 mination in response to a petition. Classi-

1 fied information shall not be subject to dis-
2 closure for such time as it remains classi-
3 fied, except that such information may be
4 disclosed to a court ex parte and in camera
5 for purposes of judicial review under sub-
6 section (c). A determination under this
7 clause shall be published in the Federal
8 Register, and any revocation under this
9 subparagraph shall be made under the pro-
10 cedures set forth in paragraph (6).”;

11 (C) by adding a new subparagraph
12 219(a)(4)(C) to read as follows:

13 “(C) OTHER REVIEW OF DESIGNATION.—

14 “(i) IN GENERAL.—The Secretary
15 shall review the designation of each foreign
16 terrorist organization at least once every
17 four years in order to determine whether it
18 should be revoked pursuant to paragraph
19 (6). If such review does not take place pur-
20 suant to subparagraph (4)(B) in response
21 to a petition for revocation that is filed
22 during the petition period, then it shall be
23 conducted pursuant to procedures to be de-
24 veloped by the Secretary, and neither the
25 results of such review nor the applicable

1 procedures shall be reviewable in any
2 court.

3 “(ii) The Secretary shall publish the
4 results of any review conducted pursuant
5 to this subparagraph in the Federal Reg-
6 ister.”;

7 (D) in subparagraph 219(a)(6)(A), by de-
8leting the words “or a redesignation made
9under paragraph (4)(B)” and by adding “at
10any time, and shall revoke a designation upon
11completion of a review conducted pursuant to
12subparagraphs (4)(B) or (4)(C)”;

13 (E) in subparagraph 219(a)(6)(A)(i), by
14deleting the words “or a redesignation”;

15 (F) in subparagraph 219(a)(7), by deleting
16“, or the revocation of a redesignation under
17paragraph (6),”; and

18 (G) in subparagraph 219(a)(8), by deleting
19“, or if a redesignation under this subsection
20has become effective under subsection
21(b)(4)(B),” and by deleting “or redesignation.”.

22 (2) ALIASES.—By inserting a new subsection
23 (b) as follows and relettering the following sub-
24sections accordingly:

25 “(b) AMENDMENTS TO A DESIGNATION.—

1 “(1) IN GENERAL.—The Secretary is authorized
2 to amend a designation under the provisions of this
3 subsection if the Secretary finds that the organiza-
4 tion has changed its name, adopted a new alias, dis-
5 solved and then reconstituted itself under a different
6 name or names, or merged-with another organiza-
7 tion.

8 “(2) PROCEDURE.—Such amendments shall be
9 effective upon publication in the Federal Register
10 and the provisions of subparagraphs (a)(2)(B) and
11 (a) (2)(C) shall apply. The procedures and rules set
12 forth in paragraphs (a)(4), (5), (6), (7), and (8)
13 shall also apply to amended designations.

14 “(3) Any such amendment shall be reported to
15 the appropriate Congressional committees within 30
16 days of publication pursuant to subparagraph
17 (a)(2)(A)(i).

18 “(4) The administrative record may be amend-
19 ed to include such new or additional names and any
20 additional relevant information to support the
21 amendment.

22 “(5) The Secretary may consider classified in-
23 formation in making an amendment under this sub-
24 section. Classified information shall not be subject to
25 disclosure for such time as it remains classified, ex-

cept that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).”.

(3) TECHNICAL AMENDMENTS.—

(A) In subparagraph 219(a)(3)(B), by changing “subsection (b)” to “subsection (c)”.

(B) In subsection 219(c)(1), as amended by this section, by striking the phrase after “publication” and before “in the United States Court of Appeals” and inserting “in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review in the United States” in lieu thereof.

(C) In subsection 219(c)(2), (3), and (4), as amended by this section, by adding “, amendment, or determination” after “designation” wherever it occurs.

(4) SAVINGS PROVISION.—The term “designation” includes all previous redesignations made pursuant to subparagraph 219(a)(4) prior to the effective date of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraphs (a)(5) or (a)(6).

TITLE VI—SECURITY ASSISTANCE

SEC. 601. RESTRICTIONS ON ECONOMIC SUPPORT FUNDS FOR LEBANON.

Section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003” is amended by inserting after “lapses.”:

“(c) EXCEPTION.—Subsection (a) shall not apply to such assistance otherwise subject to the restriction set forth therein that is made available to address the water needs of Southern Lebanon.”.

SEC. 602. THRESHOLDS FOR CONGRESSIONAL NOTIFICATION OF FMS AND COMMERCIAL ARMS TRANSFERS.

The Arms Export Control Act is amended—

(1) in section 36(b)—

(A) in paragraph (1)—

(i) by striking “Subject to paragraph 6, in”, and inserting in lieu thereof “(1) In”;

(ii) by striking “\$14,000,000” and inserting in lieu thereof “\$100,000,000”;

(iii) by striking “\$50,000,000” and inserting in lieu thereof “\$200,000,000”;

1 (iv) by striking “\$200,000,000” and
 2 inserting in lieu thereof “\$500,000,000”;
 3 and

4 (v) by inserting “and in any case in
 5 which the President concludes doing so
 6 would be appropriate,” before “before such
 7 letter of offer is issued”;

8 (B) in paragraph (5)(C)—

9 (i) by striking “Subject to paragraph
 10 (6), if” and inserting in lieu thereof “If”;

11 (ii) by striking “\$14,000,000” and in-
 12 serting in lieu thereof “\$100,000,000”;

13 (iii) by striking “\$50,000,000” and
 14 inserting in lieu thereof “\$200,000,000”;

15 (iv) by striking “\$200,000,000” and
 16 inserting in lieu thereof “\$500,000,000”;
 17 and

18 (v) by inserting “and in any case in
 19 which the President concludes doing so
 20 would be appropriate,” before “then the
 21 President shall submit”; and

22 (C) by striking paragraph (6);

23 (2) in section 36(c)—

24 (A) in paragraph (1)—

1 (i) by striking “Subject to paragraph
2 (5), in”, and by inserting in lieu thereof
3 “In”;

4 (ii) by striking “\$14,000,000” and in-
5 serting in lieu thereof “\$100,000,000”;

6 (iii) by striking “\$50,000,000” and
7 inserting in lieu thereof “\$200,000,000”;

8 (iv) by inserting “and in any case in
9 which the President concludes doing so
10 would be appropriate,” before “before
11 issuing such license”; and

12 (B) in paragraph 2 by striking “(A) and
13 (B)” and inserting in lieu thereof “(A), (B) and
14 (C)”; and

15 (C) by striking paragraph (5);

16 (3) in section 3(d)—

17 (A) in paragraphs (1) and (3)(A) by strik-
18 ing “Subject to paragraph (5), the” and insert-
19 ing in lieu thereof “The”;

20 (B) in paragraphs (1) and (3)(A) by strik-
21 ing “\$14,000,000” and inserting in lieu thereof
22 “\$100,000,000”;

23 (C) in paragraphs (1) and (3)(A) by strik-
24 ing “\$50,000,000” and inserting in lieu thereof
25 “\$200,000,000”; and

1 (D) by striking paragraph (5).

2 **SEC. 603. BILATERAL AGREEMENT REQUIREMENTS RELAT-**
 3 **ING TO LICENSING OF DEFENSE EXPORTS.**

4 The Arms Export Control Act is amended in section
 5 38(j) as follows—

6 (1) by adding a new paragraph (5)—

7 “(5) WAIVER.—Any of the requirements for a
 8 bilateral agreement set forth in paragraph (2) may
 9 be waived if the President determines that to do so
 10 is important to the national interests, in particular
 11 the foreign policy, of the United States, and, prior
 12 to exercising this authority, provides notification to
 13 the appropriate congressional committees of his in-
 14 tent to exercise this authority, the justification for,
 15 and the extent of the exercise of this authority. The
 16 certification requirement of paragraph 3(A) may be
 17 met where the President has exercised this author-
 18 ity.”; and

19 (2) by adding a new paragraph (4)(C)—

20 “(C) UNITED STATES ORIGIN DEFENSE
 21 ITEMS.—The term ‘United States origin defense
 22 items’ means those defense items that would be
 23 exempt from United States defense export li-
 24 censing requirements under an anticipated

1 country exemption extended in accordance with
2 the authority of this subsection.”.

3 **SEC. 604. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) GRANTS UNDER ARMS EXPORT CONTROL ACT.—

5 There is authorized to be appropriated to the President
6 for grant assistance under section 23 of the Arms Export
7 Control Act (22 U.S.C. 2763) and for the subsidy cost,
8 as defined in section 502(5) of the Federal Credit Reform
9 Act of 1990, of direct loans under such section
10 \$4,414,000,000 for fiscal year 2004 and such sums as
11 may be necessary for FY 2005.

12 (b) INTERNATIONAL MILITARY EDUCATION AND
13 TRAINING.—There is authorized to be appropriated to the
14 President \$91,700,000 for fiscal year 2004 and such sums
15 as may be necessary for fiscal year 2005 to carry out
16 chapter 5 of part II of the Foreign Assistance Act of 1961,
17 as amended (22 U.S.C. 2347, et seq.).

18 (c) NONPROLIFERATION, ANTI-TERRORISM,
19 DEMINING, AND RELATED PROGRAMS.—There is author-
20 ized to be appropriated under “Nonproliferation, Anti-
21 Terrorism, Demining, and Related Programs”
22 \$385,200,000 for fiscal year 2004 and such sums as may
23 be necessary for fiscal year 2005.

1 **SEC. 605. COOPERATIVE THREAT REDUCTION PERMANENT**
2 **WAIVER.**

3 (a) AUTHORITY TO WAIVE RESTRICTIONS AND ELI-
4 GIBILITY REQUIREMENTS.—if the President submits the
5 certification and report described in subsection (b) with
6 respect to an independent state of the former Soviet Union
7 for a fiscal year—

8 (1) the restrictions in subsection (d) of section
9 1203 of the Cooperative Threat Reduction Act of
10 1993 (22 U.S.C. 5952) shall cease to apply, and
11 funds may be obligated and expended under that
12 section for assistance, to that state during that fiscal
13 year; and

14 (2) funds may be obligated and expended dur-
15 ing that fiscal year under section 502 of the FREE-
16 DOM Support Act (22 U.S.C. 5852) for assistance
17 or other programs and activities for that state even
18 if that state has not met one or more of the require-
19 ments for eligibility under paragraphs (1) through
20 (4) of that section.

21 (b) CERTIFICATION AND REPORT.—

22 (1) The certification and report referred to in
23 subsection (a) are a written certification submitted
24 by the President to Congress that the waiver of the
25 restrictions and requirements described in para-
26 graphs (1) and (2) of that subsection during such

1 fiscal year is important to the national security in-
2 terests of the United States, together with a report
3 containing the following:

4 (A) A description of the activity or activi-
5 ties that prevent the President from certifying
6 that the state is committed to the matters set
7 forth in the provisions of law specified in para-
8 graphs (1) and (2) of subsection (a) in such fis-
9 cal year.

10 (B) An explanation of why the waiver is
11 important to the national security interests of
12 the United States.

13 (C) A description of the strategy, plan, or
14 policy of the President for promoting the com-
15 mitment of the state to, and compliance by the
16 state with, such matters, notwithstanding the
17 waiver.

18 (2) The matter included in the report under
19 paragraph (1) shall be submitted in unclassified
20 form, but may include a classified annex.

1 **SEC. 606. CONGRESSIONAL NOTIFICATION FOR COM-**
2 **PREHENSIVE DEFENSE EXPORT AUTHORIZA-**
3 **TIONS.**

4 Section 36(d)(1) of the Arms Export Control Act
5 (Public Law 90–629) is amended to add the following new
6 sentences at the end after “subsection.”:

7 “Notwithstanding section 27(g) of this Act, the pro-
8 visions of this subsection shall also apply in the case
9 of an approval under section 38 of this Act of a
10 comprehensive export authorization provided for in
11 section 126.14 of the International Traffic in Arms
12 Regulations where the estimated total value of the
13 transfers anticipated at the time of application
14 meets the value thresholds of subsection (c)(1). The
15 provisions shall also apply to amendments to such
16 comprehensive authorizations that involve the addi-
17 tion to the authorization of a new country entering
18 into a related cooperative agreement with the United
19 States Government or memorandum of under-
20 standing with the Department of Defense to partici-
21 pate in cooperative activities referred to in such au-
22 thorizations.”.

1 **SEC. 607. EXPANSION OF AUTHORITIES FOR LOAN OF MA-**
 2 **TERIAL, SUPPLIES, AND EQUIPMENT FOR RE-**
 3 **SEARCH AND DEVELOPMENT PURPOSES.**

4 Section 65 of the Arms Export Control Act (22
 5 U.S.C. 2796d) is amended—

6 (1) in paragraph (1) of subsection (a)—

7 (A) by striking “Except as provided in
 8 subsection (c), the Secretary of Defense, with
 9 the concurrence of the Secretary of State, may
 10 loan to a country that is a NATO or major
 11 non-NATO ally” and inserting “Except as pro-
 12 vided in subsection (c), the Secretary of De-
 13 fense may loan to—

14 “(i) a NATO organization or a coun-
 15 try that is a NATO ally;

16 “(ii) a major non-NATO ally; or

17 “(iii) a friendly foreign country”; and

18 (B) by striking “The Secretary may accept
 19 as a loan or a gift from a country that is a
 20 NATO or major non-NATO ally” and inserting
 21 “The Secretary may accept as a loan or a gift
 22 from—

23 “(i) a NATO organization or a coun-
 24 try that is a NATO ally;

25 “(ii) a major non-NATO ally; or

26 “(iii) a friendly foreign country”; and

1 (2) by amending subsection (d) to add after
 2 “United States)” the following:
 3 “and the term ‘friendly foreign country’ means any coun-
 4 try not a member of the North Atlantic Treaty Organiza-
 5 tion designated as a friendly foreign country for purposes
 6 of section 27(j)(2) of this Act”.

7 **SEC. 608. ESTABLISH DOLLAR THRESHOLD FOR CONGRES-**
 8 **SIONAL NOTIFICATION OF EXCESS DEFENSE**
 9 **ARTICLES THAT ARE SIGNIFICANT MILITARY**
 10 **EQUIPMENT.**

11 Section 516(f)(1) of the Foreign Assistance Act of
 12 1961, as amended, (22 U.S.C. 2321j) is amended by strik-
 13 ing the clause “excess defense articles that are significant
 14 military equipment (as defined in section 47(9) of the
 15 Arms Export Control Act) or”.

16 **SEC. 609. WAIVER OF NET PROCEEDS RESULTING FROM**
 17 **THE DISPOSAL OF U.S. DEFENSE ARTICLES**
 18 **PROVIDED TO A FOREIGN COUNTRY ON A**
 19 **GRANT BASIS.**

20 Section 505(f) of the Foreign Assistance Act of 1961,
 21 as amended, (22 U.S.C. 2314(f)) is amended—

22 (1) by striking in the second sentence “In the
 23 case of items which were delivered prior to 1985,
 24 the” and inserting in lieu thereof “The”; and,

1 (2) by adding after the second sentence the fol-
 2 lowing:

3 “A waiver is not required for a country to retain such net
 4 proceeds if the net proceeds are five per cent or less of
 5 the original acquisition value of the items.”.

6 **SEC. 610. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS**
 7 **DEFENSE ARTICLES IN THE WAR RESERVE**
 8 **STOCKPILES FOR ALLIES TO ISRAEL.**

9 (a) AUTHORITY.—

10 (1) Notwithstanding Section 514 of the Foreign
 11 Assistance Act of 1961, as amended, (22 U.S.C.
 12 2321h), the President may transfer to Israel, in re-
 13 turn for concessions to be negotiated by the Sec-
 14 retary of Defense, any or all of the items described
 15 in paragraph (2).

16 (2) The items referred to in paragraph (1) are
 17 munitions such as armor, artillery, automatic weap-
 18 ons ammunition, missiles, and other munitions
 19 that—

20 (A) are obsolete or surplus items;

21 (B) are in the inventory of the Department
 22 of Defense;

23 (C) are intended for use as reserve stocks
 24 for Israel; and

1 (D) as of the date of enactment of this
2 Act, are located in a stockpile in Israel.

3 (b) CONCESSIONS.—The value of concessions nego-
4 tiated pursuant to subsection (a) shall be at least equal
5 to the fair market value of the items transferred. The con-
6 cessions may include cash compensation, services, waiver
7 of charges otherwise payable by the United States, and
8 other items of value.

9 (c) ADVANCE NOTIFICATION OF TRANSFER.—Not
10 less than 30 days before making a transfer under the au-
11 thority of this section, the President shall transmit to the
12 Committee on Foreign Relations and Armed Services
13 Committee of the Senate and the Committee on Inter-
14 national Relations and the Armed Services Committee of
15 the House of Representatives a notification of the pro-
16 posed transfer. The notification shall identify the items
17 to be transferred and the concessions to be received.

18 (d) EXPIRATION OF AUTHORITY.—No transfer may
19 be made under the authority of this section five years after
20 the date of enactment of this Act.

21 **SEC. 611. ADDITIONS TO U.S. WAR RESERVE STOCKPILES**
22 **FOR ALLIES.**

23 Section 514(b)(2) of the Foreign Assistance Act of
24 1961 as amended (22 U.S.C. 2321h(b)), is amended—

1 (1) in subparagraph (A) by striking
 2 “\$50,000,000” and “2001”, and inserting in lieu
 3 thereof “\$100,000,000” and “2004”, respectively;
 4 and

5 (2) in subparagraph (B) by striking
 6 \$50,000,000” and “Republic of Korea” and insert-
 7 ing in lieu thereof “\$100,000,000” and “Israel”, re-
 8 spectively.

9 **SEC. 612. PROVISION OF CATALOGING DATA AND SERV-**
 10 **ICES.**

11 Section 21(h)(2) of the Arms Export Control Act (22
 12 U.S.C. 2761(h)(2)) is amended by striking “or to any
 13 member government of that Organization if that Organi-
 14 zation or member government” and inserting “, to any
 15 member of that Organization, or to the government of any
 16 other country if that Organization, member government,
 17 or other government”.

18 **SEC. 613. PROVISION TO EXERCISE WAIVERS WITH RE-**
 19 **SPECT TO PAKISTAN.**

20 Public Law 107–57, an Act to Authorize the Presi-
 21 dent to Exercise Waivers of Foreign Assistance Restric-
 22 tions with Respect to Pakistan, is amended—

23 (1) in section 1(a), by striking “2002”, wher-
 24 ever appearing (including in the caption), and insert-
 25 ing in lieu thereof “2004”;

1 (2) in section 1(b), by striking “2003”, wher-
 2 ever appearing (including in the caption), and insert-
 3 ing in lieu thereof “2005”;

4 (3) in section 2, by striking “prior to January
 5 1, 2001,”;

6 (4) in section 3(2), by striking “Foreign Oper-
 7 ations, Export Financing, and Related Programs
 8 Appropriations Acts, 2002, as is” and inserting in
 9 lieu thereof “annual foreign operations, export fi-
 10 nancing, and related programs appropriations Acts
 11 for fiscal years 2002, 2003, 2004, and 2005, as
 12 are”; and

13 (5) in section 6, by striking “2003” and insert-
 14 ing in lieu thereof “2005”.

15 **TITLE VII—INTERNATIONAL PA-**
 16 **RENTAL CHILD ABDUCTION**
 17 **PREVENTION ACT OF 2003**

18 **SEC. 701. SHORT TITLE.**

19 This Act shall be cited as the “International Parental
 20 Child Abduction Prevention Act of 2003”.

1 **SEC. 702. INADMISSIBILITY OF ALIENS SUPPORTING INTER-**
 2 **NATIONAL CHILD ABDUCTORS AND REL-**
 3 **ATIVES OF SUCH ABDUCTORS.**

4 (a) IN GENERAL.—Section 212(a)(10)(C)(ii) of the
 5 Immigration and Nationality Act (8 U.S.C.
 6 1182(a)(10)(C) (ii)) is amended—

7 (1) in subclause (I), by striking the comma at
 8 the end and inserting in its place a semicolon;

9 (2) in subclause (II), by striking the comma be-
 10 fore “or” at the end and inserting in its place a
 11 semicolon;

12 (3) by amending subclause (III) to read as fol-
 13 lows:

14 “(III) is a spouse (other than a
 15 spouse who is the parent of the ab-
 16 ducted child), son or daughter (other
 17 than the abducted child), grandson or
 18 granddaughter (other than the ab-
 19 ducted child), parent, grandparent,
 20 sibling, cousin, uncle, aunt, nephew,
 21 or niece of an alien described in clause
 22 (i), or is a spouse of the abducted
 23 child described in clause (i), if such
 24 person has been designated by the
 25 Secretary of State, in the Secretary of

1 State's sole and unreviewable discre-
 2 tion,";

3 (4) by separating the final general clause from
 4 subclause (III) as amended by subsection (a) (3) of
 5 this section; and

6 (5) by amending the final general clause to read
 7 as follows:

8 "is inadmissible until the child described in
 9 clause (i) is surrendered to the person
 10 granted custody by the order described in
 11 that clause, and such person and child are
 12 permitted to return to the United States or
 13 such person's place of residence, or until
 14 the abducted child is 21 years of age.".

15 (b) AUTHORITY TO CANCEL CERTAIN DESIGNA-
 16 TIONS; IDENTIFICATION OF ALIENS SUPPORTING ABDUC-
 17 TORS AND RELATIVES OF ABDUCTORS; ENTRY OF AB-
 18 DUCTORS AND OTHER INADMISSIBLE ALIENS IN VISA
 19 LOOKOUT SYSTEM; DEFINITIONS.—Section
 20 212(a)(10)(C) of the Immigration and Nationality Act (8
 21 U.S.C. 1182(a)(10)(C)) is amended by adding at the end
 22 the following:

23 "(iv) AUTHORITY TO CANCEL CER-
 24 TAIN DESIGNATIONS.—The Secretary of
 25 State may, in his sole and unreviewable

1 discretion and at any time, cancel a des-
2 ignation made pursuant to Section
3 212(a)(10)(C)(ii)(III) .

4 “(v) IDENTIFICATION OF ALIENS SUP-
5 PORTING ABDUCTORS AND RELATIVES OF
6 ABDUCTORS.—In all instances in which the
7 Secretary of State knows that an alien has
8 committed an act described in clause (i),
9 the Secretary of State shall take appro-
10 priate action to identify the individuals
11 who are potentially inadmissible under
12 clause (ii).

13 “(vi) ENTRY OF ABDUCTORS AND
14 OTHER INADMISSIBLE PERSONS IN VISA
15 LOOKOUT SYSTEM.—In all instances in
16 which the Secretary of State knows that an
17 alien has committed an act described in
18 clause (i), the Secretary of State shall take
19 appropriate action to cause the entry into
20 the visa lookout system of the name or
21 names of, and identifying information
22 about, such individual and of any persons
23 identified pursuant to clause (v) as poten-
24 tially inadmissible under clause (ii).

1 “(vii) DEFINITIONS.—For purposes of
2 this subparagraph—

3 “(I) the term ‘child’ means a per-
4 son under twenty-one years of age re-
5 gardless of marital status; and

6 “(II) the term ‘sibling’ includes
7 step-siblings and half-siblings.”.

8 (c) ANNUAL REPORT.—The Secretary of State shall
9 submit to the Committee on International Relations and
10 the Committee on the Judiciary of the United States
11 House of Representatives, and the Committee on Foreign
12 Relations and the Committee on the Judiciary of the
13 United States Senate, for the year beginning on the first
14 day of the first full month after the date of enactment
15 of this Act, and for each of the four subsequent years,
16 an annual report that describes the operation of Section
17 212(a)(10)(C) of the Immigration and Nationality Act, as
18 amended by this Title, during the year to which the report
19 pertains. Each such annual report shall be submitted not
20 later than 60 days after the end of the applicable reporting
21 period. As part of the required description of the Act’s
22 operation, and to the extent corresponding data are rea-
23 sonably available, each such annual report shall specify—

24 (1) the number of cases known to the Secretary
25 of State, disaggregated according to the nationality

1 of the aliens concerned, in which a visa was denied
2 to an applicant on the basis of the applicant's inad-
3 missibility under Section 212(a)(10)(C) during the
4 reporting period;

5 (2) the cumulative total number of cases known
6 to the Secretary of State, disaggregated according to
7 the nationality of the aliens concerned, in which a
8 visa was denied to an applicant on the basis of the
9 applicant's inadmissibility under Section
10 212(a)(10)(C) since the beginning of the first re-
11 porting period;

12 (3) the number of cases known to the Secretary
13 of State, disaggregated according to the nationality
14 of the aliens concerned, in which an alien's name
15 was placed in the visa lookout system on the basis
16 of the alien's inadmissibility or potential inadmis-
17 sibility under Section 212(a)(10)(C) during the re-
18 porting period; and

19 (4) the cumulative total number of names,
20 disaggregated according to the nationality of the
21 aliens concerned, known to the Secretary of State to
22 appear in the visa lookout system on the basis of the
23 aliens' inadmissibility or potential inadmissibility
24 under Section 212(a)(10)(C) at the end of the re-
25 porting period.

1 **TITLE VIII—MISCELLANEOUS**
2 **PROVISIONS**
3 **Subtitle A—Streamlining**
4 **Reporting Requirements**

5 **SEC. 801. REPORTS ON BENCHMARKS FOR BOSNIA.**

6 Section 7(b)(2) of the 1998 Supplemental Appropria-
7 tions and Rescissions Act (Public Law 105–174, 112 Stat.
8 64) and Section 1203 of the Strom Thurmond National
9 Defense Authorization Act for Fiscal Year 1999 (Public
10 Law 105–261) are repealed.

11 **SEC. 802. REPORT CONCERNING THE GERMAN FOUNDA-**
12 **TION “REMEMBRANCE, RESPONSIBILITY, AND**
13 **THE FUTURE”.**

14 Section 704 of the Foreign Relations Authorization
15 Act, Fiscal Year 2003 (Public Law 107–228) is repealed.

16 **SEC. 803. REPORT ON PROGRESS IN CYPRUS.**

17 Section 620C(c) of the Foreign Assistance Act of
18 1961 (Public Law 87–195) is amended by:

- 19 (1) striking in the second sentence “within 60
20 days after the date of enactment of this section and
21 at the end of each succeeding 60–day period”; and
22 (2) inserting in its place “on a semiannual
23 basis”.

1 **SEC. 804. REPORTS ON ACTIVITIES IN COLOMBIA.**

2 Section 694 of the Foreign Relations Authorization
3 Act, Fiscal Year 2003 (Public Law 107–228) is repealed.

4 **SEC. 805. REPORT ON EXTRADITION OF NARCOTICS TRAF-**
5 **FICKERS.**

6 Section 3203 of the 2001 Military Construction Ap-
7 propriations Act (Public Law 106–246) is repealed.

8 **SEC. 806. REPORT ON TERRORIST ACTIVITY IN WHICH**
9 **UNITED STATES CITIZENS WERE KILLED AND**
10 **RELATED MATTERS.**

11 Section 805 of the Admiral James W. Nance and
12 Meg Donovan Foreign Relations Authorization Act, Fiscal
13 Years 2000 and 2001 (22 U.S.C. 2656f note), as amended
14 by section 216 of the Foreign Relations Authorization Act,
15 Fiscal Year 2003 (Public Law 107–228), is repealed.

16 **SEC. 807. REPORT AND WAIVER REGARDING EMBASSY IN**
17 **JERUSALEM.**

18 The Jerusalem Embassy Act of 1995 (Public Law
19 104–45) is amended as follows:

20 (1) in section 6, by:

21 (A) striking “SEMIANNUAL” in the sec-
22 tion heading;

23 (B) and by striking “every six months
24 thereafter” and inserting in its place “each year
25 thereafter”; and

1 (2) in section 7(a)(2) by striking “for an addi-
 2 tional six month period” and inserting in its place
 3 “for an additional one year period”.

4 **SEC. 808. REPORT ON PROGRESS TOWARD REGIONAL NON-**
 5 **PROLIFERATION.**

6 Section 620F(c) of the Foreign Assistance Act of
 7 1961 (22 U.S.C. 2376(c)) is repealed.

8 **SEC. 809. REPORT ON ANNUAL ESTIMATE AND JUSTIFICA-**
 9 **TION FOR SALES PROGRAM.**

10 Section 25 of the Arms Export Control Act (22
 11 U.S.C. 2765) is repealed.

12 **SEC. 810. ANNUAL FOREIGN MILITARY TRAINING REPORT.**

13 Section 656 of the Foreign Assistance Act of 1961
 14 is amended as follows:

15 (1) in paragraph (a)—

16 (A) by striking “January 1” and inserting
 17 in lieu thereof “March 1”;

18 (B) after “personnel” by inserting “, ex-
 19 cluding training provided through sales,”;

20 (C) after “State” by inserting “, which
 21 was completed”;

22 (D) by striking all that follows after “pre-
 23 vious fiscal year” before the period;

24 (E) by inserting the following new second
 25 sentence:

1 “This paragraph shall not apply with respect to any
 2 NATO member, Australia, New Zealand or Japan unless
 3 the Secretaries jointly determine, after consultation with
 4 Congress, that inclusion of any such country in the report
 5 is warranted.”; and

6 (F) by striking (a) (2);

7 (2) in paragraph (b)—

8 (A) in subparagraph (1) after “purpose for
 9 the activity,” by inserting “and” and after “op-
 10 eration” by striking all that follows before the
 11 period;

12 (B) in subparagraph (3) after “activity”
 13 the first time it occurs by striking all that fol-
 14 lows before the period;

15 (3) in paragraph (c) after “unclassified form”
 16 by striking all that follows before the period; and

17 (4) in paragraph (d) by striking “All unclassi-
 18 fied portions of the” and inserting in lieu thereof
 19 “The”.

20 **SEC. 811. REPORT ON HUMAN RIGHTS VIOLATIONS BY IMET**

21 **PARTICIPANTS**

22 (a) Section 549 of the Foreign Assistance Act of
 23 1961 (22 U.S.C. 2347(h)) is repealed.

24 (b) Section 548 of the Foreign Assistance Act of
 25 1961 (22 U.S.C. 2347g) is amended by striking para-

1 graphs (b) and (c) in their entirety and inserting the fol-
 2 lowing:

3 “(b) INFORMATION ON HUMAN RIGHTS ABUSES.—
 4 Upon request of the Secretary of State for information
 5 regarding foreign personnel or military units, the Sec-
 6 retary of Defense shall provide such information contained
 7 in the database to the Secretary of State. If the Secretary
 8 of State determines that a foreign person identified in the
 9 database maintained pursuant to this section was involved
 10 in a violation of internationally recognized human rights,
 11 the Secretary of State shall so advise the Secretary of De-
 12 fense, who shall in turn ensure that the database is up-
 13 dated to contain such fact and all relevant information.”.

14 **SEC. 812. REPORT ON THE DEVELOPMENT OF THE EURO-**
 15 **PEAN SECURITY AND DEFENSE IDENTITY**
 16 **(ESDI) WITHIN THE NATO ALLIANCE.**

17 Section 1223 of the Strom Thurmond National De-
 18 fense Authorization Act for Fiscal Year 1999 (Public Law
 19 105–261; 112 Stat. 2075 and 2155, respectively) is re-
 20 pealed.

21 **SEC. 813. REPORT ON TRANSFERS OF MILITARY SENSITIVE**
 22 **TECHNOLOGY TO COUNTRIES AND ENTITIES**
 23 **OF CONCERN.**

24 The National Defense Authorization Act for Fiscal
 25 Year 2000 (Public Law 106–65; 113 Stat. 542, 697, 706,

1 748, 756, 779, and 798, respectively) is amended in sec-
 2 tion 1402, by striking subsection (b)(2).

3 **Subtitle B—Other Matters**

4 **SEC. 814. NUCLEAR REPROCESSING TRANSFER WAIVER.**

5 Section 102(a)(2) of the Arms Export and Control
 6 Act (Public Law 90–629) (22 U.S.C. 2799aa–1) is amend-
 7 ed in the first sentence by deleting the phrase “in any
 8 fiscal year” and the phrase “during that fiscal year”.

9 **SEC. 815. COMPLEX FOREIGN CONTINGENCIES.**

10 (a) PURPOSES.—The President should ensure that
 11 assistance provided to address complex foreign crises is
 12 designed to respond on an urgent, flexible basis, including
 13 at the outset, to mitigate without regard to scale of the
 14 crisis, but taking account of the gravity of the crises, polit-
 15 ical crises threatening democratic institutions, food, agri-
 16 cultural or health crises, fiscal or economic crises affecting
 17 countries, regions or ethnic groups. The response should
 18 be designed to best serve United States foreign policy in-
 19 terests, including the restoration or maintenance of peace
 20 and security.

21 (b) Whenever the President determines it to be im-
 22 portant to the national interest he is authorized to furnish
 23 on such terms and conditions as he may determine assist-
 24 ance under this section for the purpose of responding to
 25 complex foreign crises.

1 (c) There is hereby established a United States Com-
2 plex Foreign Contingency Fund to carry out the purposes
3 of this section. There is authorized to be appropriated to
4 the President from time to time such amounts as may be
5 necessary for the fund to carry out the purposes of this
6 section, which may be made available notwithstanding any
7 other provision of law. Amounts appropriated hereunder
8 shall remain available until expended.

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