

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS  
2004 AND 2005

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MAY 16, 2003.—Ordered to be printed

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Mr. HYDE, from the Committee on International Relations,  
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1950]

[Includes committee cost estimate]

The Committee on International Relations, to whom was referred the bill (H.R. 1950) to authorize appropriations for the Department of State for the 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
The Amendment .....	5
Purpose and Summary .....	83
Background and Need for the Legislation .....	84
Hearings .....	85
Committee Consideration .....	85
Votes of the Committee .....	88
Committee Oversight Findings .....	89
New Budget Authority and Tax Expenditures .....	89
Committee Cost Estimate .....	89
Performance Goals and Objectives .....	89
Constitutional Authority Statement .....	89
New Advisory Committees .....	90
Congressional Accountability Act .....	90
Federal Mandates .....	90
Changes in Existing Law .....	90

Sectional Analyses .....	90
Additional Views .....	154

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 2004 and 2005”.

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) ORGANIZATION OF ACT INTO DIVISIONS.—This Act is organized into two divisions as follows:

(1) DIVISION A.—Department of State Authorization Act, Fiscal Years 2004 and 2005.

(2) DIVISION B.—Defense Trade and Security Assistance Reform Act of 2003.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.  
 Sec. 2. Organization of act into divisions; table of contents.  
 Sec. 3. Definitions.

DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Sec. 101. Short title.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

Sec. 111. Administration of foreign affairs.  
 Sec. 112. United States educational and cultural programs.  
 Sec. 113. Contributions to international organizations.  
 Sec. 114. International commissions.  
 Sec. 115. Migration and refugee assistance.  
 Sec. 116. Voluntary contributions to international organizations.  
 Sec. 117. Voluntary contributions for international peacekeeping activities.  
 Sec. 118. Grants to the Asia Foundation.

Subtitle B—United States International Broadcasting Activities

Sec. 121. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—United States Public Diplomacy

Sec. 201. Findings and purposes.  
 Sec. 202. Public diplomacy responsibilities of the Department of State.  
 Sec. 203. Annual plan on public diplomacy strategy.  
 Sec. 204. Public diplomacy training.  
 Sec. 205. United States Advisory Commission on Public Diplomacy.  
 Sec. 206. Library program.  
 Sec. 207. Sense of Congress concerning public diplomacy efforts in sub-Saharan Africa.

Subtitle B—Basic Authorities and Activities

Sec. 221. United States policy with respect to Jerusalem as the capital of Israel.  
 Sec. 222. Modification of reporting requirements.  
 Sec. 223. Report concerning efforts to promote Israel’s diplomatic relations with other countries.  
 Sec. 224. Reimbursement rate for airlift services provided to the Department of State.  
 Sec. 225. Sense of Congress regarding additional United States consular posts.  
 Sec. 226. Validity of United States passports for travel to countries receiving United States foreign assistance.  
 Sec. 227. Security capital cost sharing.  
 Sec. 228. Authority to issue administrative subpoenas.  
 Sec. 229. Enhancing refugee resettlement and maintaining the United States commitment to refugees.  
 Sec. 230. The Colin Powell Center for American Diplomacy.

Subtitle C—Educational and Cultural Authorities

Sec. 251. Establishment of initiatives for predominantly Muslim countries.  
 Sec. 252. Database of American and foreign participants in exchange programs.  
 Sec. 253. Report on inclusion of freedom and democracy advocates in educational and cultural exchange programs.  
 Sec. 254. Sense of the Congress concerning educational and cultural exchange program for foreign journalists.  
 Sec. 255. Sense of Congress regarding Korean Fulbright programs.  
 Sec. 256. Authorizing East Timorese scholarships for graduate study.  
 Sec. 257. Public safety awareness in study abroad programs.

Subtitle D—Consular Authorities

Sec. 271. Machine readable visas.  
 Sec. 272. Processing of visa applications.  
 Sec. 273. Staffing at diplomatic missions.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Sec. 301. Fellowship of Hope Program.  
 Sec. 302. Claims for lost pay.  
 Sec. 303. Ombudsman for the Department of State.

- Sec. 304. Repeal of recertification requirement for senior foreign service.
- Sec. 305. Report concerning status of employees of State Department.
- Sec. 306. Home leave.
- Sec. 307. Increased limits applicable to post differentials and danger pay allowances.
- Sec. 308. Regulations regarding retirement credit for government service performed abroad.
- Sec. 309. Minority recruitment.
- Sec. 310. Meritorious step increases.

#### TITLE IV—INTERNATIONAL ORGANIZATIONS

##### Subtitle A—Basic Authorities and Activities

- Sec. 401. Raising the cap on peacekeeping contributions.
- Sec. 402. Regarding the reentry of the United States in UNESCO.
- Sec. 403. UNESCO national commission.
- Sec. 404. Organization of American States (OAS) emergency fund.
- Sec. 405. United States efforts regarding the status of Israel in the Western European and Others Group at the United Nations.

##### Subtitle B—United States International Leadership

- Sec. 431. Short title.
- Sec. 432. Findings.
- Sec. 433. Establishment of a democracy caucus.
- Sec. 434. Annual diplomatic missions on multilateral issues.
- Sec. 435. Leadership and membership of international organizations.
- Sec. 436. Increased training in multilateral diplomacy.
- Sec. 437. Promoting assignments to international organizations.
- Sec. 438. Implementation and establishment of office on multilateral negotiations.
- Sec. 439. Synchronization of United States contributions to international organizations.

#### TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

##### Subtitle A—Basic Authorities and Activities

- Sec. 501. Mideast Radio and Television Network, Inc.
- Sec. 502. Improving signal delivery to Cuba.
- Sec. 503. Report concerning efforts to counter jamming of broadcasts of Radio Marti and TV Marti.
- Sec. 504. Pilot program for the promotion of travel and tourism in the United States through United States international broadcasting.
- Sec. 505. Radio Free Asia broadcasts into North Korea.
- Sec. 506. Prohibition on elimination of international broadcasting in Eastern Europe.

##### Subtitle B—Global Internet Freedom

- Sec. 521. Short title.
- Sec. 522. Findings.
- Sec. 523. Purposes.
- Sec. 524. Development and deployment of technologies to defeat Internet jamming and censorship.

##### Subtitle C—Reorganization of United States International Broadcasting

- Sec. 531. Establishment of United States International Broadcasting Agency.
- Sec. 532. Authorities and functions of the agency.
- Sec. 533. Role of the Secretary of State.
- Sec. 534. Administrative provisions.
- Sec. 535. Broadcasting Board of Governors and International Broadcasting Bureau.
- Sec. 536. Transition.
- Sec. 537. Conforming amendments.
- Sec. 538. References.
- Sec. 539. Broadcasting standards.
- Sec. 540. Effective date.

#### TITLE VI—INTERNATIONAL FREE MEDIA ACT OF 2003

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Findings.
- Sec. 604. Statements of policy.
- Sec. 605. Coordinator for International Free Media.
- Sec. 606. United States Advisory Commission on Public Diplomacy and International Media.
- Sec. 607. International Free Media Fund.
- Sec. 608. Free media promotion activity of the Broadcasting Board of Governors.

#### TITLE VII—MISCELLANEOUS PROVISIONS

##### Subtitle A—Reporting Requirements

- Sec. 701. Reports on benchmarks for Bosnia.
- Sec. 702. Reports to Committee on International Relations.
- Sec. 703. Reports concerning the capture and prosecution of paramilitary and other terrorist leaders in Colombia.
- Sec. 704. Reports relating to Magen David Adom Society.
- Sec. 705. Report concerning the return of portraits of Holocaust victims to the artist Dina Babbitt.
- Sec. 706. Report to Congress on use of vested assets.
- Sec. 707. Report concerning the conflict in Uganda.
- Sec. 708. Requirement for report on United States policy toward Haiti.
- Sec. 709. Report on the effects of Plan Columbia on Ecuador.
- Sec. 710. Report on actions taken by Pakistan.
- Sec. 711. Report on democracy in the Western Hemisphere.
- Sec. 712. Report concerning internal and intra-regional conflicts in the Great Lakes region of Africa.

##### Subtitle B—Other Matters

- Sec. 721. Sense of Congress relating to East Timor, justice, and rehabilitation.

- Sec. 722. Sense of Congress concerning human rights and justice in Indonesia.
- Sec. 723. Amendment to the International Religious Freedom Act of 1998.
- Sec. 724. Sense of Congress with respect to human rights in Central Asia.
- Sec. 725. Technical correction to authorization of appropriations for fiscal year 2003 for Center for Cultural and Technical Interchange Between East and West.
- Sec. 726. Under Secretary of Commerce for Industry and Security.
- Sec. 727. Concerning the spread of weapons of mass destruction.
- Sec. 728. International agriculture biotechnology information program.
- Sec. 729. Refugee resettlement burdensharing.
- Sec. 730. Sense of Congress on climate change.
- Sec. 731. Sense of Congress regarding migration issues between the United States and Mexico.
- Sec. 732. Sense of Congress concerning United States assistance to Palestinian refugees.
- Sec. 733. United States policy on World Bank Group loans to Iran.
- Sec. 734. Sense of Congress relating to Soviet nuclear tests in Kazakhstan.
- Sec. 735. Sense of Congress relating to violence against women.

DIVISION B—DEFENSE TRADE AND SECURITY ASSISTANCE REFORM ACT OF 2003

TITLE X—GENERAL PROVISIONS

- Sec. 1001. Short title.
- Sec. 1002. Definitions.
- Sec. 1003. References to Arms Export Control Act.

TITLE XI—TERRORIST-RELATED PROHIBITIONS AND ENFORCEMENT MEASURES

- Sec. 1101. Eligibility provisions.
- Sec. 1102. Weapons transfers to foreign persons in the United States.
- Sec. 1103. Coordination of license exemptions with United States law enforcement agencies.
- Sec. 1104. Mechanisms to identify persons in violation of certain provisions of law.
- Sec. 1105. Comprehensive nature of United States arms embargoes.
- Sec. 1106. Transactions with countries supporting acts of international terrorism.
- Sec. 1107. Amendments to control of arms exports and imports.
- Sec. 1108. High risk exports and end use verification.
- Sec. 1109. Concurrent jurisdiction of the Federal Bureau of Investigation.
- Sec. 1110. Report on foreign-supplied defense articles, defense services, and dual use goods and technology discovered in Iraq.

TITLE XII—STRENGTHENING MUNITIONS EXPORT CONTROLS

- Sec. 1201. Control of items on Missile Technology Control Regime Annex.
- Sec. 1202. Certifications relating to export of certain defense articles and services.
- Sec. 1203. Notification requirements for technical assistance and manufacturing licensing agreements with NATO member countries, Australia, New Zealand, and Japan.
- Sec. 1204. Strengthening defense cooperation with Australia and the United Kingdom.
- Sec. 1205. Training and liaison for small businesses.
- Sec. 1206. Study and report relating to co-locating munitions control functions of the Departments of State, Defense, and Homeland Security.

TITLE XIII—SECURITY ASSISTANCE AND RELATED PROVISIONS

Subtitle A—Foreign Military Sales and Financing Authorities

- Sec. 1301. Authorization of appropriations.
- Sec. 1302. Provision of cataloging data and services.
- Sec. 1303. Annual estimate and justification for sales program.
- Sec. 1304. Adjustment to advance notification requirement for transfer of certain excess defense articles.

Subtitle B—International Military Education and Training

- Sec. 1311. Authorization of appropriations.
- Sec. 1312. Annual foreign military training reporting.

Subtitle C—Assistance for Select Countries

- Sec. 1321. Assistance for Israel.
- Sec. 1322. Assistance for Egypt.

Subtitle D—Miscellaneous Provisions

- Sec. 1331. United States War Reserve Stockpiles for Allies.
- Sec. 1332. Transfer to Israel of certain defense articles in the United States War Reserve Stockpiles for Allies.
- Sec. 1333. Expansion of authorities for loan of material, supplies, and equipment for research and development purposes.
- Sec. 1334. Assistance for demining and related activities.
- Sec. 1335. Reports relating to Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.
- Sec. 1336. Statement of House of Representatives regarding the Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.
- Sec. 1337. Nonproliferation and Disarmament Fund.
- Sec. 1338. Maritime interdiction patrol boats for Mozambique.
- Sec. 1339. Report on missile defense cooperation.
- Sec. 1340. Iran's program to develop a nuclear explosive device.

TITLE XIV—MISSILE THREAT REDUCTION ACT OF 2003

- Sec. 1401. Short title.

Subtitle A—Strengthening International Missile Nonproliferation Law

- Sec. 1411. Findings.
- Sec. 1412. Policy of the United States.
- Sec. 1413. Sense of Congress.

Subtitle B—Strengthening United States Missile Nonproliferation Law

- Sec. 1421. Probationary period for foreign persons.

- Sec. 1422. Strengthening United States missile proliferation sanctions on foreign persons.  
 Sec. 1423. Comprehensive United States missile proliferation sanctions on all responsible persons.

Subtitle C—Incentives for Missile Threat Reduction

- Sec. 1431. Foreign assistance.  
 Sec. 1432. Authorization of appropriations.  
 Sec. 1433. Authorization of technical assistance in missile disarmament.

TITLE XV—EXPORTS OF SATELLITES

- Sec. 1501. Export controls on satellites and related items.  
 Sec. 1502. Mandatory review by Department of State.  
 Sec. 1503. Export restrictions not affected.  
 Sec. 1504. Definitions.

TITLE XVI—PROMOTION OF DEMOCRACY, HUMAN RIGHTS, AND RULE OF LAW IN BELARUS

- Sec. 1601. Assistance to promote democracy and civil society in Belarus.  
 Sec. 1602. Radio broadcasting to Belarus.  
 Sec. 1603. Sense of Congress relating to sanctions against the Government of Belarus.  
 Sec. 1604. Multilateral cooperation.  
 Sec. 1605. Report.  
 Sec. 1606. Definitions.

TITLE XVII—ISRAELI-PALESTINIAN PEACE ENHANCEMENT ACT OF 2003

- Sec. 1701. Short title.  
 Sec. 1702. Findings.  
 Sec. 1703. Purposes.  
 Sec. 1704. Sense of Congress.  
 Sec. 1705. Recognition of a Palestinian state.  
 Sec. 1706. Limitation on assistance to a Palestinian state.  
 Sec. 1707. Authorization of assistance to a Palestinian state.

TITLE XVIII—MISCELLANEOUS FOREIGN ASSISTANCE PROVISIONS

- Sec. 1801. Additional authorities relating to international narcotics control assistance.  
 Sec. 1802. United States opium eradication program in Colombia.  
 Sec. 1803. Cooperative Development Program.  
 Sec. 1804. West Bank and Gaza Program.  
 Sec. 1805. Annual human rights country reports on incitement to acts of discrimination.  
 Sec. 1806. Assistance to East Timor.  
 Sec. 1807. Support for democracy-building efforts for Cuba.  
 Sec. 1808. Amendment to the Afghanistan Freedom Support Act of 2002.  
 Sec. 1809. Congo Basin Forest Partnership.  
 Sec. 1810. Combatting the piracy of United States copyrighted materials.  
 Sec. 1811. Assistance for law enforcement forces in certain foreign countries.  
 Sec. 1812. Human Rights and Democracy Fund.  
 Sec. 1813. Enhanced police training.  
 Sec. 1814. Promoting a secure and democratic Afghanistan.  
 Sec. 1815. Grants to the Africa Society.

**SEC. 3. DEFINITIONS.**

In this Act:

- (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.  
 (2) **DEPARTMENT.**—The term “Department” means the Department of State.  
 (3) **SECRETARY.**—Except as otherwise provided, the term “Secretary” means the Secretary of State.

**DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005**

**SEC. 101. SHORT TITLE.**

This division may be cited as the “Department of State Authorization Act, Fiscal Years 2004 and 2005”.

**TITLE I—AUTHORIZATIONS OF APPROPRIATIONS**

**Subtitle A—Department of State**

**SEC. 111. ADMINISTRATION OF FOREIGN AFFAIRS.**

(a) **IN GENERAL.**—The following amounts are authorized to be appropriated for the Department under “Administration of Foreign Affairs” to carry out the authorities,

functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For “Diplomatic and Consular Programs”, \$4,187,544,000 for the fiscal year 2004 and \$4,438,796,000 for the fiscal year 2005.

(B) PUBLIC DIPLOMACY.—

(i) IN GENERAL.—Of the amounts authorized to be appropriated by subparagraph (A), \$320,930,000 for the fiscal year 2004 and \$329,838,000 for the fiscal year 2005 is authorized to be appropriated for public diplomacy.

(ii) IMPROVEMENTS IN PUBLIC DIPLOMACY PROGRAMS.—Of the amounts authorized to be appropriated under clause (i) \$20,000,000 for the fiscal year 2004 and \$20,000,000 for the fiscal year 2005 is authorized to be available for improvements and modernization of public diplomacy programs and activities of the Department of State.

(iii) TRANSLATION SERVICES.—Of the amounts authorized to be appropriated under clause (i), \$4,000,000 for the fiscal year 2004 and \$4,000,000 for the fiscal year 2005 is authorized to be available for translation services available to public affairs officers in overseas posts.

(C) WORLDWIDE SECURITY UPGRADES.—Of the amounts authorized to be appropriated by subparagraph (A), \$646,701,000 for the fiscal year 2004 and \$679,036,000 for the fiscal year 2005 is authorized to be appropriated for worldwide security upgrades.

(D) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amounts authorized to be appropriated by subparagraph (A), \$20,000,000 for the fiscal year 2004 and \$20,000,000 for the fiscal year 2005 is authorized to be appropriated for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(E) RECRUITMENT OF MINORITY GROUPS.—Of the amount authorized to be appropriated by subparagraph (A), \$2,000,000 for the fiscal year 2004 and \$2,000,000 for the fiscal year 2005 is authorized to be appropriated for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

(2) CAPITAL INVESTMENT FUND.—For “Capital Investment Fund”, \$157,000,000 for the fiscal year 2004 and \$161,710,000 for the fiscal year 2005.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—

(A) IN GENERAL.—For “Embassy Security, Construction and Maintenance”, \$653,000,000 for the fiscal year 2004 and \$784,000,000 for the fiscal year 2005, in addition to amounts otherwise authorized to be appropriated for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–470).

(B) AMENDMENT OF THE NANCE-DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT.—Section 604(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (113 Stat. 1501A–453) is amended—

(i) at the end of paragraph (4) by striking “and”;

(ii) in paragraph (5) by striking “\$900,000,000.” and inserting “\$1,000,000,000; and”;

(iii) by inserting after paragraph (5) the following:  
“(6) for fiscal year 2005, \$1,000,000,000.”.

(4) REPRESENTATION ALLOWANCES.—For “Representation Allowances”, \$9,000,000 for the fiscal year 2004 and \$9,000,000 for the fiscal year 2005.

(5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For “Protection of Foreign Missions and Officials”, \$10,000,000 for the fiscal year 2004 and \$10,000,000 for the fiscal year 2005.

(6) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the Diplomatic and Consular Service”, \$1,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

(7) REPATRIATION LOANS.—For “Repatriation Loans”, \$1,219,000 for the fiscal year 2004 and \$1,219,000 for the fiscal year 2005.

(8) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For “Payment to the American Institute in Taiwan”, \$19,773,000 for the fiscal year 2004 and \$20,761,000 for the fiscal year 2005.

(9) OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General”, \$31,703,000 for the fiscal year 2004 and \$32,654,000 for the fiscal year 2005.

(b) AVAILABILITY OF FUNDS FOR PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—The amount appropriated pursuant to subsection (a)(5) is authorized to remain available through September 30, 2006.

**SEC. 112. UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS.**

(a) IN GENERAL.—Amounts in this section are authorized to be appropriated for the Department of State to carry out educational and cultural programs of the Department of State under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes.

(b) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For “Educational and Cultural Exchange Programs”, \$393,000,000 for the fiscal year 2004 and \$405,000,000 for the fiscal year 2005.

(2) PROGRAMS IN EASTERN EUROPE AND FORMER SOVIET UNION.—Of the amounts authorized to be appropriated under paragraph (1), \$150,000,000 for the fiscal year 2004 and \$150,000,000 for the fiscal year 2005 is authorized to be available for programs in Eastern Europe and countries of the former Soviet Union.

(3) ACADEMIC EXCHANGE PROGRAMS.—

(A) IN GENERAL.—Of the amounts authorized to be appropriated under paragraph (1), \$142,000,000 for the fiscal year 2004 and \$142,000,000 for the fiscal year 2005 is authorized to be available for the “Academic Exchange Programs” (other than programs described in paragraph (4)).

(B) HIV/AIDS INITIATIVE.—Of the amounts authorized to be available under subparagraph (A), \$1,000,000 for the fiscal year 2004 and \$1,000,000 for the fiscal year 2005 is authorized to be available for HIV/AIDS research and mitigation strategies.

(C) FULBRIGHT ENGLISH TEACHING ASSISTANT PROGRAM IN KOREA.—Of the amounts authorized to be available by subparagraph (A), \$750,000 for the fiscal year 2004 and \$750,000 for the fiscal year 2005 is authorized to be available for the Fulbright English Teaching Assistant Program in Korea, which sends United States citizen students to serve as English language teaching assistants at Korean colleges and high schools.

(D) DANTE B. FASCELL NORTH-SOUTH CENTER.—Of the amounts authorized to be available by subparagraph (A), \$1,025,000 for the fiscal year 2004 and \$1,025,000 for the fiscal year 2005 is authorized to be available for the “Dante B. Fascell North-South Center”.

(E) GEORGE J. MITCHELL SCHOLARSHIP PROGRAM.—Of the amounts authorized to be available under subparagraph (A), \$500,000 for the fiscal year 2004 and \$500,000 for the fiscal year 2005 is authorized to be available for the “George J. Mitchell Scholarship Program” which provides for one year of postgraduate study for American scholars at institutions of higher education in Ireland and Northern Ireland.

(4) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) IN GENERAL.—Of the amounts authorized to be appropriated under paragraph (1), \$110,000,000 for the fiscal year 2004 and \$110,000,000 for the fiscal year 2005 is authorized to be available for other educational and cultural exchange programs authorized by law.

(B) INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.—Of the amounts authorized to be available under subparagraph (A), \$35,000,000 for the fiscal year 2004 and \$35,000,000 for the fiscal year 2005 is authorized to be available for initiatives for predominantly Muslim countries established under section 251.

(C) TIBETAN EXCHANGES.—Of the amounts authorized to be available under subparagraph (A), \$500,000 for the fiscal year 2004 and \$500,000 for the fiscal year 2005 is authorized to be available for “Ngawang Choephel Exchange Programs” (formerly known as “programs of educational and cultural exchange between the United States and the people of Tibet”) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319).

(D) EAST TIMORESE SCHOLARSHIPS.—Of the amounts authorized to be available under subparagraph (A), \$1,000,000 for the fiscal year 2004 and \$1,000,000 for the fiscal year 2005 is authorized to be available for “East Timorese Scholarships”.

(E) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be available under subparagraph (A), \$750,000 for the fiscal year 2004 and \$750,000 for the fiscal year 2005 is authorized to be available for “South Pacific Exchanges”.

(F) SUDANESE SCHOLARSHIPS.—Of the amounts authorized to be available under subparagraph (A), \$500,000 for the fiscal year 2004 and \$500,000 for the fiscal year 2005 is authorized to be available for scholarships for students from southern Sudan for secondary or postsecondary education in the United States, to be known as “Sudanese Scholarships”.

(G) SUMMER INSTITUTES FOR KOREAN STUDENTS.—Of the amounts authorized to be available under subparagraph (A), \$750,000 for the fiscal year 2004 and \$750,000 for the fiscal year 2005 is authorized to be available for summer academic study programs in the United States (focusing on United States political systems, government institutions, society, and democratic culture) for college and university students from the Republic of Korea, to be known as the “United States Summer Institutes for Korean Student Leaders”.

(H) SCHOLARSHIPS FOR INDIGENOUS PEOPLES OF MEXICO AND CENTRAL AND SOUTH AMERICA.—Of the amounts authorized to be available under subparagraph (A), \$400,000 for the fiscal year 2004 and \$400,000 for the fiscal year 2005 is authorized to be available for scholarships for postsecondary education in the United States for students from Mexico and the countries of Central and South America who are from the indigenous peoples of the region.

(c) NATIONAL ENDOWMENT FOR DEMOCRACY.—

(1) IN GENERAL.—For the “National Endowment for Democracy”, \$45,000,000 for the fiscal year 2004 and \$47,000,000 for the fiscal year 2005.

(2) INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.—Of the amounts authorized to be appropriated under paragraph (1), \$3,000,000 for the fiscal year 2004 and \$3,000,000 for the fiscal year 2005 is authorized to be available for the National Endowment for Democracy to fund programs that promote democracy, good governance, the rule of law, independent media, religious tolerance, the rights of women, and strengthening of civil society in countries of predominantly Muslim population within the jurisdiction of the Bureau of Near Eastern Affairs of the Department of State.

(d) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the “Center for Cultural and Technical Interchange between East and West”, \$14,280,000 for the fiscal year 2004 and \$14,280,000 for the fiscal year 2005.

(e) REAGAN-FASCELL DEMOCRACY FELLOWS.—For the “Reagan-Fascell Democracy Fellows”, for fellowships for democracy activists and scholars from around the world at the International Forum for Democratic Studies in Washington, D.C., to study, write, and exchange views with other activists and scholars and with Americans, \$1,000,000 for the fiscal year 2004 and \$1,000,000 for the fiscal year 2005.

(f) BENJAMIN GILMAN INTERNATIONAL SCHOLARSHIP PROGRAM.—Section 305 of the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000 (22 U.S.C. 2462 note) is amended by striking “\$1,500,000” and inserting “\$2,500,000”.

**SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—There is authorized to be appropriated under the heading “Contributions to International Organizations” \$1,010,463,000 for the fiscal year 2004 and \$1,040,776,000 for the fiscal year 2005 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—There is authorized to be appropriated under the heading “Contributions for International Peacekeeping Activities” \$550,200,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

(c) FOREIGN CURRENCY EXCHANGE RATES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts authorized to be appropriated by subsection (a), there is authorized to be appropriated



such sums as may be necessary for the fiscal years 2004 and 2005 to offset adverse fluctuations in foreign currency exchange rates.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated under this subsection may be available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to the appropriate congressional committees that such amounts are necessary due to such fluctuations.

(d) REFUND OF EXCESS CONTRIBUTIONS.—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the organization or agency concerned its proportionate share of the amount by which the total contributions to the organization or agency exceed the expenditures of the regular assessed budget of the organization or agency.

**SEC. 114. INTERNATIONAL COMMISSIONS.**

The following amounts are authorized to be appropriated under “International Commissions” for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions, and for other purposes authorized by law:

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

(A) for “Salaries and Expenses”, \$31,562,000 for the fiscal year 2004 and \$31,562,000 for the fiscal year 2005; and

(B) for “Construction”, \$8,901,000 for the fiscal year 2004 and \$8,901,000 for the fiscal year 2005.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For “International Boundary Commission, United States and Canada”, \$1,261,000 for the fiscal year 2004 and \$1,261,000 for the fiscal year 2005.

(3) INTERNATIONAL JOINT COMMISSION.—For “International Joint Commission”, \$7,810,000 for the fiscal year 2004 and \$7,810,000 for the fiscal year 2005.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions”, \$20,043,000 for the fiscal year 2004 and \$20,043,000 for the fiscal year 2005.

**SEC. 115. MIGRATION AND REFUGEE ASSISTANCE.**

(a) IN GENERAL.—There is authorized to be appropriated for the Department for “Migration and Refugee Assistance” for authorized activities, \$927,000,000 for the fiscal year 2004 and \$957,000,000 for the fiscal year 2005.

(b) REFUGEES RESETTLING IN ISRAEL.—Of the amount authorized to be appropriated by subsection (a), \$50,000,000 for the fiscal year 2004 and \$50,000,000 for the fiscal year 2005 is authorized to be available for the resettlement of refugees in Israel.

(c) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of the amount authorized to be appropriated by subsection (a), \$2,000,000 for the fiscal year 2004 and \$2,000,000 for the fiscal year 2005 is authorized to be available for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(d) HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE.—Of the amount authorized to be appropriated by subsection (a), \$2,000,000 for the fiscal year 2004 and \$2,000,000 for the fiscal year 2005 is authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to this section are authorized to remain available until expended.

**SEC. 116. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State for “Voluntary Contributions to International Organizations”, \$342,555,000 for the fiscal year 2004 and \$345,000,000 for the fiscal year 2005.

(b) UNITED NATIONS VOLUNTARY FUND FOR VICTIMS OF TORTURE.—Of the amounts authorized to be appropriated under subsection (a), \$6,000,000 for the fiscal year 2004 and \$7,000,000 for the fiscal year 2005 is authorized to be available for a United States voluntary contribution to the United Nations Voluntary Fund for Victims of Torture.

(c) ORGANIZATION OF AMERICAN STATES.—Of the amounts authorized to be appropriated under subsection (a) \$2,000,000 for fiscal years 2004 and 2005 is authorized

to be available for a United States voluntary contribution to the Organization of American States for the Inter-American Committee Against Terrorism (CICTE) to identify and develop a port in the Latin American and Caribbean region into a model of best security practices and appropriate technologies for improving port security in the Western Hemisphere. Amounts authorized to be available by the preceding sentence are authorized to remain available until expended and are in addition to amounts otherwise available to carry out section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221).

(d) RESTRICTIONS ON UNITED STATES CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

(1) LIMITATION.—Of the amounts made available under subsection (a) for each of the fiscal years 2004 and 2005 for United States contributions to the United Nations Development Program an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the Secretary of State submits to the appropriate congressional committees the certification described in paragraph (2).

(2) CERTIFICATION.—The certification referred to in paragraph (1) is a certification by the Secretary of State that all programs and activities of the United Nations Development Program (including United Nations Development Program—Administered Funds) in Burma—

(A) are focused on eliminating human suffering and addressing the needs of the poor;

(B) are undertaken only through international or private voluntary organizations that have been deemed independent of the State Peace and Development Council (SPDC) (formerly known as the State Law and Order Restoration Council (SLORC)), after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma;

(C) provide no financial, political, or military benefit to the SPDC; and

(D) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

(e) UNITED NATIONS POPULATION FUND (UNFPA).—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under subsection (a), \$50,000,000 for each of the fiscal years 2004 and 2005 is authorized only to be available for a United States voluntary contribution to the United Nations Population Fund (UNFPA).

(2) PERMANENT GUIDELINES FOR VOLUNTARY CONTRIBUTIONS TO UNFPA.—Section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221) is amended by inserting after subsection (a) the following new subsection:

“(b)(1) For fiscal year 2004 and each subsequent fiscal year, funds appropriated to the President or the Department of State under any law for a voluntary contribution to the United Nations Population Fund (UNFPA) may be obligated and expended for such purpose beginning 30 days after such funds become available and only if the President certifies to the Congress that the United Nations Population Fund (UNFPA) does not directly support or participate in coercive abortion or involuntary sterilization. The certification authority of the President under the preceding sentence may not be delegated.

“(2) In paragraph (1), the term ‘directly supports or participates in coercive abortion or involuntary sterilization’ means knowingly and intentionally working with a purpose to continue, advance, or expand the practice of coercive abortion or involuntary sterilization, or playing a primary and essential role in a coercive or involuntary aspect of a country’s family planning program.”.

**SEC. 117. VOLUNTARY CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of State for “Voluntary Contributions for International Peacekeeping”, \$110,000,000 for the fiscal year 2004 and \$110,000,000 for the fiscal year 2005.

(b) PEACEKEEPING IN AFRICA.—Of the amounts authorized to be appropriated under subsection (a), \$40,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005 is authorized to be appropriated for peacekeeping activities in Africa.

**SEC. 118. GRANTS TO THE ASIA FOUNDATION.**

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164; 22 U.S.C. 4403) is amended to read as follows:

“SEC. 404. There is authorized to be appropriated to the Secretary of State \$18,000,000 for the fiscal year 2004 and \$18,000,000 for the fiscal year 2005 for grants to The Asia Foundation pursuant to this title.”.

## **Subtitle B—United States International Broadcasting Activities**

### **SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.**

The following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948, the United States International Broadcasting Act of 1994, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) **INTERNATIONAL BROADCASTING OPERATIONS.**—

(A) **IN GENERAL.**—For “International Broadcasting Operations”, \$600,354,000 for the fiscal year 2004 and \$612,146,000 for the fiscal year 2005.

(B) **ALLOCATION OF FUNDS.**—Of the amounts authorized to be appropriated by subparagraph (A), there is authorized to be available for Radio Free Asia \$30,000,000 for the fiscal year 2004 and \$30,000,000 for the fiscal year 2005.

(C) **OFFICE OF GLOBAL INTERNET FREEDOM.**—Of the amounts authorized to be appropriated by subparagraph (A), there is authorized to be available for the Broadcasting Board of Governors for the establishment and operations of the Office of Global Internet Freedom under section 524(a) \$8,000,000 for the fiscal year 2004 and \$8,000,000 for the fiscal year 2005.

(2) **BROADCASTING CAPITAL IMPROVEMENTS.**—For “Broadcasting Capital Improvements”, \$29,895,000 for the fiscal year 2004 and \$11,395,000 for the fiscal year 2005.

(3) **BROADCASTING TO CUBA.**—For “Broadcasting to Cuba”, \$26,901,000 for the fiscal year 2004 and \$27,439,000 for the fiscal year 2005.

## **TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES**

### **Subtitle A—United States Public Diplomacy**

#### **SEC. 201. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—The Congress makes the following findings:

(1) The United States possesses strong and deep connections with the peoples of the world separate from its relations with their governments. These connections can be a major asset in the promotion of United States interests and foreign policy.

(2) Misinformation and hostile propaganda in these countries regarding the United States and its foreign policy endanger the interests of the United States. Existing efforts to counter such misinformation and propaganda are inadequate and must be greatly enhanced in both scope and substance.

(3) United States foreign policy has been hampered by an insufficient consideration of the importance of public diplomacy in the formulation and implementation of that policy and by the underuse of modern communication techniques.

(4) The United States should have an operational strategy and a coordinated effort regarding the utilization of its public diplomacy resources.

(5) The development of an operational strategy and a coordinated effort by United States agencies regarding public diplomacy would greatly enhance United States foreign policy.

(6) The Secretary of State has undertaken efforts to ensure that of the new positions established at the Department of State after September 30, 2002, a significant proportion are for public diplomacy.

(b) **PURPOSES.**—It is the purpose of this subtitle to enhance in scope and substance, redirect, redefine, and reorganize United States public diplomacy.

#### **SEC. 202. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.**

(a) **IN GENERAL.**—The State Department Basic Authorities Act of 1956 (22 U.S.C. 265 et seq.) is amended by inserting after section 58 the following new section:

**“SEC. 59. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.**

“(a) **IN GENERAL.**—The Secretary of State shall make public diplomacy an integral component in the planning and execution of United States foreign policy. The Department of State, in coordination with the United States International Broadcasting Agency, shall develop a comprehensive strategy for the use of public diplomacy resources and assume a prominent role in coordinating the efforts of all Federal agencies involved in public diplomacy. Public diplomacy efforts shall be addressed to developed and developing countries, to select and general audiences, and shall utilize all available media to ensure that the foreign policy of the United States is properly explained and understood not only by the governments of countries but also by their peoples, with the objective of enhancing support for United States foreign policy. The Secretary shall ensure that the public diplomacy strategy of the United States is cohesive and coherent and shall aggressively and through the most effective mechanisms counter misinformation and propaganda concerning the United States. The Secretary shall endeavor to articulate the importance in American foreign policy of the guiding principles and doctrines of the United States, particularly freedom and democracy. The Secretary, in coordination with the Board of Governors of the United States International Broadcasting Agency, shall develop and articulate long-term measurable objectives for United States public diplomacy. The Secretary is authorized to produce and distribute public diplomacy programming for distribution abroad in order to achieve public diplomacy objectives, including through satellite communication, the Internet, and other established and emerging communications technologies.

**“(b) INFORMATION CONCERNING UNITED STATES ASSISTANCE.—**

“(1) **IDENTIFICATION OF ASSISTANCE.**—In cooperation with the United States Agency for International Development (USAID) and other public and private assistance organizations and agencies, the Secretary shall ensure that information concerning foreign assistance provided by the United States Government, United States nongovernmental organizations and private entities, and the American people is disseminated widely and prominently, particularly, to the extent practicable, within countries and regions that receive such assistance. The Secretary shall ensure that, to the extent practicable, projects funded by the United States Agency for International Development (USAID) that do not involve commodities, including projects implemented by private voluntary organizations, are identified as being supported by the United States of America, as American Aid or provided by the American people.

“(2) **REPORT TO CONGRESS.**—Not later than 120 days after the end of each fiscal year, the Secretary shall submit a report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on efforts to disseminate information concerning assistance described in paragraph (1) during the preceding fiscal year. Each such report shall include specific information concerning all instances in which the United States Agency for International Development has not identified projects in the manner prescribed in paragraph (1) because such identification was not practicable. Any such report shall be submitted in unclassified form, but may include a classified appendix.

“(c) **AUTHORITY.**— Subject to the availability of appropriations, the Secretary may contract with and compensate government and private agencies or persons for property and services to carry out this section.”

**(b) ESTABLISHMENT OF PUBLIC DIPLOMACY RESERVE CORPS.—**

(1) The Secretary of State shall establish a public diplomacy reserve corps to augment the public diplomacy capacity and capabilities of the Department in emergency and critical circumstances worldwide. The Secretary shall develop a contingency plan for the use of the corps to bolster public diplomacy resources and expertise. To the extent necessary and appropriate, the Secretary may recruit experts in public diplomacy and related fields from the private sector.

(2) While actively serving with the reserve corps, individuals are prohibited from engaging in activities directly or indirectly intended to influence public opinion within the United States to the same degree that employees of the Department engaged in public diplomacy are so prohibited.

**(c) FUNCTIONS OF THE UNDER SECRETARY FOR PUBLIC DIPLOMACY.—**

(1) Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended by striking “formation” and all that follows through the period at the end and inserting “formation, supervision, and implementation of United States public diplomacy policies, programs, and activities, including the provision of guidance to Department personnel in the United States and overseas who conduct or implement such policies, programs, and activities. The Under Secretary for Public Diplomacy shall assist the United States Agency for International Broadcasting in presenting the policies of the

United States clearly and effectively, shall submit statements of United States policy and editorial material to the Agency for broadcast consideration in addition to material prepared by the Agency, and shall ensure that editorial material created by the Agency for broadcast is reviewed expeditiously by the Department.”

(2) The Under Secretary for Public Diplomacy, in carrying out the functions under the last sentence of section 1(b)(3) of the State Department Basic Authorities Act of 1956 (as added by paragraph (1)), shall consult with public diplomacy officers operating at United States overseas posts and in the regional bureaus of the Department of State.

**SEC. 203. ANNUAL PLAN ON PUBLIC DIPLOMACY STRATEGY.**

The Secretary of State, in coordination with all appropriate Federal agencies, shall prepare an annual review and analysis of the impact of public diplomacy efforts on target audiences. Each review shall assess the United States public diplomacy strategy worldwide and by region, including the allocation of resources and an evaluation and assessment of the progress in, and barriers to, achieving the goals set forth under previous plans submitted under this section. On the basis of such review, the Secretary of State, in coordination with all appropriate Federal agencies shall develop and submit, as part of the annual budget submission, a public diplomacy strategy which specifies goals, agency responsibilities, and necessary resources and mechanisms for achieving such goals during the next fiscal year. The plan may be submitted in classified form.

**SEC. 204. PUBLIC DIPLOMACY TRAINING.**

(a) FINDINGS.—The Congress makes the following findings:

(1) The Foreign Service should recruit individuals with expertise and professional experience in public diplomacy.

(2) Ambassadors should have a prominent role in the formulation of public diplomacy strategies for the countries and regions to which they are assigned and be accountable for the operation and success of public diplomacy efforts at their posts.

(3) Initial and subsequent training of Foreign Service officers should be enhanced to include information and training on public diplomacy and the tools and technology of mass communication.

(b) PERSONNEL.—

(1) In the recruitment, training, and assignment of members of the Foreign Service, the Secretary shall emphasize the importance of public diplomacy and of applicable skills and techniques. The Secretary shall consider the priority recruitment into the Foreign Service, at middle-level entry, of individuals with expertise and professional experience in public diplomacy, mass communications, or journalism, especially individuals with language facility and experience in particular countries and regions.

(2) The Secretary of State shall seek to increase the number of Foreign Service officers proficient in languages spoken in predominantly Muslim countries. Such increase shall be accomplished through the recruitment of new officers and incentives for officers in service.

**SEC. 205. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

(a) STUDY AND REPORT BY UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—Section 604(c)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is amended to read as follows:

“(2)(A) Not less often than every two years, the Commission shall undertake an in-depth review of United States public diplomacy programs, policies, and activities. Each study shall assess the effectiveness of the various mechanisms of United States public diplomacy, in light of factors including public and media attitudes around the world toward the United States, Americans, United States foreign policy, and the role of the American private-sector community abroad, and make appropriate recommendations.

“(B) A comprehensive report of each study under subparagraph (A) shall be submitted to the Secretary of State and the appropriate congressional committees. At the discretion of the Commission, any report under this subsection may be submitted in classified or unclassified form, as appropriate.”

(b) INFORMATION AND SUPPORT FROM OTHER AGENCIES.—Upon request of the United States Advisory Commission on Public Diplomacy, the Secretary of State, the Director of the United States International Broadcasting Agency, and the head of any other Federal agency that conducts public diplomacy programs and activities shall provide information to the Advisory Commission to assist in carrying out the responsibilities under section 604(c)(2) of the United States Information and Educational Exchange Act of 1948 (as amended by subsection (a)).

(c) ENHANCING THE EXPERTISE OF UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

(1) QUALIFICATIONS OF MEMBERS.—Section 604(a)(2) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)(2)) is amended by adding at the end the following: “At least 4 members shall have substantial experience in the conduct of public diplomacy or comparable activities in the private sector. At least 1 member shall be an American residing abroad. No member may be an officer or employee of the United States.”

(2) APPLICATION OF AMENDMENT.—The amendments made by paragraph (1) shall not apply to individuals who are members of the United States Advisory Commission on Public Diplomacy on the date of the enactment of this Act.

**SEC. 206. LIBRARY PROGRAM.**

The Secretary of State shall develop and implement a demonstration program to assist foreign governments to establish or upgrade their public library systems to improve literacy and support public education. The program should provide training in the library sciences. The purpose of the program shall be to advance American values and society, particularly the importance of freedom and democracy.

**SEC. 207. SENSE OF CONGRESS CONCERNING PUBLIC DIPLOMACY EFFORTS IN SUB-SAHARAN AFRICA.**

(a) FINDINGS.—The Congress makes the following findings:

(1) A significant number of sub-Saharan African countries have predominantly Muslim populations, including such key countries as Nigeria, Senegal, Djibouti, Mauritania, and Guinea.

(2) In several of these countries, groups with links to militant religious organizations are active among the youth, primarily young men, promoting a philosophy and practice of intolerance and radical clerics are effectively mobilizing public sentiment against the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary should include countries in sub-Saharan Africa with predominantly Muslim populations in the public diplomacy activities authorized by this Act and the amendments made by this Act.

**SEC. 208. THE COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.**

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 59 (22 U.S.C. 2730) the following new section:

**“SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.**

“(a) DESIGNATION.—The diplomacy center of the Department of State, located in the Harry S Truman building, is hereby designated as the ‘Colin Powell Center for American Diplomacy’ (hereinafter in this section referred to as the ‘Center’).

“(b) ACTIVITIES.—

“(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the Center.

“(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

“(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

“(c) DISPOSITION OF CENTER ARTIFACTS AND MATERIALS.—

“(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the Center shall be considered to be the property of the Secretary in the Secretary’s official capacity and shall be subject to disposition solely in accordance with this subsection.

“(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center’s mission and may not be used for any purpose other than the acquisition and direct care of collections.

“(3) DETERMINATIONS PRIOR TO SALE OR TRADE.—The determination referred to in paragraph (2), with respect to an item, is a determination that—

“(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

“(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.  
 “(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.”.

## Subtitle B—Basic Authorities and Activities

### SEC. 221. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

(a) LIMITATION ON USE OF FUNDS FOR CONSULATE IN JERUSALEM.—None of the funds authorized to be appropriated by this Act may be expended for the operation of a United States consulate or diplomatic facility in Jerusalem unless such consulate or diplomatic facility is under the supervision of the United States Ambassador to Israel.

(b) LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(c) RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.—The first section of “An Act to regulate the issue and validity of passports, and for other purposes”, approved July 3, 1926 (22 U.S.C. 211a; 44 Stat. 887) is amended by inserting after the first sentence the following: “For purposes of the issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen’s legal guardian, record the place of birth as Israel.”.

### SEC. 222. MODIFICATION OF REPORTING REQUIREMENTS.

(a) REPEAL.—Section 805 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 805(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113; appendix G; 113 Stat. 1501A-470) (relating to reports on terrorist activity in which United States citizens were killed and related matters) is hereby repealed.

(b) ANNUAL COUNTRY REPORTS ON TERRORISM.—Section 140(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204; 22 U.S.C. 2656f(b)(2)) is amended—

- (1) in subparagraph (D), by striking “and” at the end;
- (2) in subparagraph (E), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following:

“(F) for the reports due through May 1, 2005, information concerning terrorist attacks in Israel, territory administered by Israel, and territory administered by the Palestinian Authority, including—

“(i) a list of all citizens of the United States killed or injured in such attacks during the previous year;

“(ii) the date of each attack and the total number of people killed or injured in each attack;

“(iii) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

“(iv) to the extent possible, a list of suspects implicated in each attack and the nationality of each suspect, including information on their whereabouts (or suspected whereabouts);

“(v) a list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body;

“(vi) the status of each case pending against a suspect, including information on whether the suspect has been arrested, detained, indicted, prosecuted, or convicted by the Palestinian Authority or Israel, and if detained and then released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism;

“(vii) available information on convictions, releases or changes in the situation of suspects involved in attacks committed prior to December 31, 2003, and not covered in previous reports submitted under section 805(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; and

“(viii) the policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any informa-

tion on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.”.

(c) CONSULTATION.—The Secretary of State shall, in preparing the portion of the annual country reports on terrorism required by subparagraph (F) of section 140(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100–204; 22 U.S.C. 2656f(b)(2)), as added by subsection (b), consult and coordinate with all other Government officials who have information necessary to complete that portion of the report. Nothing contained in this subsection shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

**SEC. 223. REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Israel is a friend and ally of the United States whose security is vital to regional stability and United States interests.

(2) Israel currently maintains diplomatic relations with approximately 160 countries. Approximately 30 countries do not have any diplomatic relations with Israel.

(3) The State of Israel has been actively seeking to establish formal relations with a number of countries.

(4) The United States should assist its ally, Israel, in its efforts to establish diplomatic relations.

(5) After more than 50 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

(b) REPORT CONCERNING UNITED STATES EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes the following information (in classified or unclassified form, as appropriate):

(1) Actions taken by the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to the status of negotiations to enter into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

**SEC. 224. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.**

Section 2642 of title 10, United States Code, is amended—

(1) in the heading by inserting “and Department of State” after “Central Intelligence Agency”; and

(2) in subsection (a) by striking “Agency,” and inserting “Agency or the Department of State.”.

**SEC. 225. SENSE OF CONGRESS REGARDING ADDITIONAL UNITED STATES CONSULAR POSTS.**

It is the sense of the Congress that to help advance United States economic, political, and public diplomacy interests, the Secretary of State should make best efforts to establish consulates or other appropriate diplomatic presence in: Pusan, South Korea; Medan, Indonesia; and Hat Yai, Thailand.

**SEC. 226. VALIDITY OF UNITED STATES PASSPORTS FOR TRAVEL TO COUNTRIES RECEIVING UNITED STATES FOREIGN ASSISTANCE.**

The first section of the Act entitled “An Act to regulate the issue and validity of passports, and for other purposes”, approved July 3, 1926 (22 U.S.C. 211a) is amended by striking “travellers.” and inserting “travellers, and no such restriction may apply to a country in which the United States is providing assistance authorized by the Foreign Assistance Act of 1961.”.

**SEC. 227. SECURITY CAPITAL COST SHARING.**

(a) AUTHORIZATION.—The first section of the Foreign Service Buildings Act, 1926 (22 U.S.C. 292) is amended by adding at the end the following new subsection:

“(c) SECURITY CAPITAL COST-SHARING PROGRAM.—(1) The Secretary of State, as the single manager of all buildings and grounds acquired under this Act or otherwise acquired or authorized for the use of the diplomatic and consular establishments in foreign countries, is authorized to establish and implement a Security Capital Cost-Sharing Program to collect funds from each agency on the basis of its total overseas presence in a manner that encourages rightsizing of its overseas presence,



and expend those funds to accelerate the provision of safe, secure, functional buildings for United States Government personnel overseas.

“(2) The Secretary is authorized to determine annually and charge each Federal agency the amount to be collected under paragraph (1) from the agency. To determine such amount, the Secretary may prescribe and use a formula that takes into account the number of authorized positions of each agency, including contractors and locally hired personnel, who are assigned to United States diplomatic facilities and are under the authority of a chief of mission pursuant to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

“(3) The head of an agency charged a fee under this section shall remit the amount of the fee to the Secretary of State through the Intra-Governmental Payment and Collection System or other appropriate means.

“(4) There shall be established on the books of the Treasury an account to be known as the ‘Security Capital Cost-Sharing Program Fund’, which shall be administered by the Secretary. There shall be deposited into the account all amounts collected by the Secretary pursuant to the authority under paragraph (1), and such funds shall remain available until expended. Such funds shall be used solely for the provision of new safe, secure, functional diplomatic facilities that comply with all applicable legal standards, including those standards established under the authority of the Secure Embassy Construction and Counterterrorism Act of 1999. The Secretary shall include in the Department of State’s Congressional Presentation Document an accounting of the sources and uses of the amounts deposited into the account.

“(5) The Secretary shall not collect a fee for an authorized position of an agency of the Federal Government that has been or would be granted a waiver pursuant to section 606(a)(2)(B)(i) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)(i)).

“(6) In this subsection—

“(A) the term ‘agency of the Federal Government’—

“(i) includes the Interagency Cooperative Administrative Support Service; and

“(ii) does not include the Marine Security Guard; and

“(B) the term ‘United States diplomatic facility’ has the meaning given that term in section 603 of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865 note).”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

**SEC. 228. AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS.**

Section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) is amended by adding at the end the following new subsection:

“(d) ADMINISTRATIVE SUBPOENAS.—

“(1) IN GENERAL.—If the Secretary determines that there is an imminent threat against a person, foreign mission, or international organization protected under the authority of subsection (a)(3), the Secretary may issue in writing, and cause to be served, a subpoena requiring—

“(A) the production of any records or other items relevant to the threat; and

“(B) testimony by the custodian of the items required to be produced concerning the production and authenticity of those items.

“(2) REQUIREMENTS.—

“(A) RETURN DATE.—A subpoena under this subsection shall describe the items required to be produced and shall specify a return date within a reasonable period of time within which the requested items may be assembled and made available. The return date specified may not be less than 24 hours after service of the subpoena.

“(B) NOTIFICATION TO ATTORNEY GENERAL.—As soon as practicable following the issuance of a subpoena under this subsection, the Secretary shall notify the Attorney General of its issuance.

“(C) OTHER REQUIREMENTS.—The following provisions of section 3486 of title 18, United States Code, shall apply to the exercise of the authority of paragraph (1):

“(i) Paragraphs (4) through (8) of subsection (a).

“(ii) Subsections (b), (c), and (d).

“(3) DELEGATION OF AUTHORITY.—The authority under this subsection may be delegated only to the Deputy Secretary of State.

“(4) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report re-

garding the exercise of the authority under this subsection during the previous calendar year.”.

**SEC. 229. ENHANCING REFUGEE RESETTLEMENT AND MAINTAINING THE UNITED STATES COMMITMENT TO REFUGEES.**

(a) **FINDINGS.**—The Congress makes the following findings:

(1) The United States has a longstanding tradition of providing refugee assistance and relief through the Department of State’s migration and refugee assistance account for refugees throughout the world who have been subjected to religious and other forms of persecution.

(2) A strong refugee resettlement and assistance program is a critical component of the United States’ strong commitment to freedom.

(3) The United States refugee admissions program has been in decline for much of the last five years, resulting in a chronic inability of the United States to meet the ceiling on refugee admissions that has been set by the President each year.

(4) Refugee applicants have always undergone rigorous security screenings. The September 11, 2001, terrorist attacks on the United States has rightfully increased the awareness of the need to ensure that all aliens seeking admission to the United States would not endanger the United States.

(5) Private voluntary organizations and nongovernmental organizations (NGOs) have and continue to provide valuable information to State Department officials for refugee processing, and along with Embassy personnel, can be utilized to assist in the preliminary screening of refugees so that State Department officials can focus to a greater extent on security.

(6) Currently there are 15 million refugees worldwide. In order to meet the ceiling set by the Administration, which has been 70,000 in recent years, a broader cross-section could be considered for resettlement in the United States if the Department of State were to expand existing refugee processing priority categories in a reasonable and responsible manner. Expansion of refugee selection should include the expanded use of both the existing category reserved for refugees of special interest to the United States as well as the existing categories reserved for family reunification.

(b) **PURPOSE.**—It is the purpose of this section to provide the Department of State with tools to enable it to carry out its responsibilities with greater efficiency with respect to the identification and processing of refugee applicants.

(c) **ENHANCEMENT OF REFUGEE IDENTIFICATION AND PROCESSING.**—

(1) In addition to traditional agencies currently used in the processing of refugees for admission to the United States, where applicable, the Secretary shall develop and utilize partnerships with voluntary resettlement organizations that permit such organizations to assist in the identification and referral of refugees.

(2) In addition to traditional agencies currently used in the processing of refugees for admission to the United States, where applicable, the Secretary shall utilize private voluntary organizations with ties to domestic constituencies in the overseas processing of refugees.

(3) In addition to traditional agencies currently used in the processing of refugees for admission to the United States, where applicable, the Secretary shall establish refugee response teams.

(A) **ESTABLISHMENT OF REFUGEE RESPONSE TEAMS.**—In order to make the processing of refugees more efficient and effective, enhance the quality of refugee resettlement programs, and to augment the capacity of the United States government to identify, process, assist, and counsel individuals for eventual adjudication by the Department of Homeland Security as refugees, where applicable, the Secretary shall establish and utilize the services of Refugee Response Teams, (in this section referred to as “RRTs”). RRTs shall be coordinated by the Assistant Secretary of State for Population, Refugees, and Migration, or the Assistant Secretary’s designee.

(B) **COMPOSITION OF THE RRTS.**—RRTs shall be comprised of representatives of nongovernmental organizations and private voluntary organizations that have experience in refugee law, policy and programs.

(C) **RESPONSIBILITIES OF THE RRTS.**—RRTs shall be responsible for—

(i) monitoring refugee situations, with a view toward identifying those refugees whose best durable solution is third country resettlement;

(ii) preparing profiles and documentation for resettlement consideration by the United States Government;

(iii) augmenting or establishing an overseas operation, especially in response to urgent developments requiring quick responses or more staff resources than are available in the existing processing entities;

- (iv) assisting with training and technical assistance to existing international organizations and other processing entities; and
- (v) such other responsibilities as may be determined by the Secretary of State.

(D) RESPONSIBILITIES OF THE SECRETARY.—The Secretary shall establish appropriate training seminars for RRT personnel and make use of RRTs in situations where existing mechanisms are unable to identify and process refugees in a timely manner.

(d) PERFORMANCE STANDARDS.—In consultation with private voluntary organizations and NGOs, the Secretary shall establish performance standards to ensure accountability and effectiveness in the tasks carried out in subsection (c).

(e) CONSIDERATION OF VARIOUS GROUPS.—To ensure that there is adequate planning across fiscal years and that both the Department of State’s planning and processing operations result in adequate numbers of travel-ready refugees to fulfill the admissions goals set forth in the determinations on refugee admissions required by sections 207(a) and 207(b) of the Immigration and Nationality Act (8 U.S.C. 1157(a) and (b)), the Secretary of State shall work to ensure that—

(1) those refugees in special need, including long-stayers in first countries of asylum, unaccompanied refugee minors, urban refugees, and refugees in women-headed households be given special attention for resettlement processing;

(2) attempts are made to expand processing of those refugees of all nationalities who have close family ties to citizens and residents in the United States, including spouses, unmarried children, or parents of persons lawfully admitted to the United States, regardless of their country of nationality, country of habitual residence, or first country of asylum, as well as grandparents, grandchildren, married sons or daughters, or siblings of United States citizens or other persons lawfully admitted to the United States;

(3) attempts are made to expand the number of refugees considered who are of special concern to the United States; and

(4) expanded access is provided to broader categories of refugees seeking admission to the United States, thus reducing instances of relationship-based misrepresentation by persons who are bona fide refugees but who resort to such misrepresentation merely as a way to be interviewed for refugee status.

(f) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to Congress that includes information concerning the following:

(1) Efforts of the Secretary to utilize NGO’s in refugee identification, utilize private voluntary organizations in processing refugees, establish and utilize RRTs, and an explanation of the rationale for not using such organizations and agencies in situations where the Secretary has made such a determination, as described in subsection (c).

(2) Efforts of the Secretary to implement performance standards and measures as described in subsection (d) and the success of NGO’s and private voluntary organizations in meeting such standards.

(3) Efforts of the Secretary to expand consideration of various groups for refugee processing as described in subsection (e).

(4) Efforts to ensure that there is planning across fiscal years so as to fulfill the refugee admissions goals set forth by the President in his annual presidential determinations on refugee admissions.

**SEC. 230. THE COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.**

Title I of the State Department Basic Authorities Act of 1956 is amended by adding after section 59 (22 U.S.C. 2730) the following new section:

**“SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.**

“(a) DESIGNATION.—The diplomacy center of the Department of State, located in the Harry S Truman building, is hereby designated as the ‘Colin Powell Center for American Diplomacy’ (hereinafter in this section referred to as the ‘Center’).

“(b) ACTIVITIES.—

“(1) SUPPORT AUTHORIZED.—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the Center.

“(2) PAYMENT OF EXPENSES.—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

- “(3) RECOVERY OF COSTS.—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.
- “(c) DISPOSITION OF CENTER ARTIFACTS AND MATERIALS.—
- “(1) PROPERTY OF SECRETARY.—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the Center shall be considered to be the property of the Secretary in the Secretary’s official capacity and shall be subject to disposition solely in accordance with this subsection.
- “(2) SALE OR TRADE.—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center’s mission and may not be used for any purpose other than the acquisition and direct care of collections.
- “(3) DETERMINATIONS PRIOR TO SALE OR TRADE.—The determination referred to in paragraph (2), with respect to an item, is a determination that—
- “(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or
- “(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.
- “(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.”

## Subtitle C—Educational and Cultural Authorities

### SEC. 251. ESTABLISHMENT OF INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.

- (a) FINDINGS.—The Congress makes the following findings:
- (1) Surveys indicate that, in countries of predominantly Muslim population, opinions of the United States and American foreign policy among the general public and select audiences are significantly distorted by highly negative and hostile beliefs and images and that many of these beliefs and images are the result of misinformation and propaganda by individuals and organizations hostile to the United States.
- (2) These negative opinions and images are highly prejudicial to the interests of the United States and to its foreign policy.
- (3) As part of a broad and long-term effort to enhance a positive image of the United States in the Muslim world, a key element should be the establishment of programs to promote a greater familiarity with American society and values among the general public and select audiences in countries of predominantly Muslim population.
- (b) ESTABLISHMENT OF INITIATIVES.—The Secretary of State shall establish the following programs with countries with predominantly Muslim populations as part of the educational and cultural exchange programs of the Department of State for the fiscal years 2004 and 2005:
- (1) JOURNALISM PROGRAM.—A program for foreign journalists, editors, media managers, and postsecondary students of journalism which, in cooperation with private sector sponsors to include universities, shall sponsor workshops and professional training in techniques, standards, and practices in the field of journalism to assist the participants to achieve the highest standards of professionalism.
- (2) ENGLISH LANGUAGE TEACHING.—The Secretary shall provide grants to United States citizens to work in middle and secondary schools as English language teaching assistants for not less than an academic year. If feasible, the host government or local educational agency shall share the salary costs of the assistants.
- (3) SISTER CITY PARTNERSHIPS.—The Secretary shall expand and enhance sister-city partnerships between United States and international municipalities in an effort to increase global cooperation at the community level. Such partnerships shall encourage economic development, municipal cooperation, health care initiatives, youth and educational programs, disability advocacy, emergency preparedness, and humanitarian assistance.
- (4) CIVICS EDUCATION.—The Secretary shall establish a civics education program which shall develop civics education teaching curricula and materials, provide training for teachers of civics, and provide English language teaching materials that are designed to promote civics education. Civics education programs

under this paragraph shall place particular emphasis on the on-site training of educators and the function of the mass media within that society.

(5) **YOUTH AMBASSADORS.**—The Secretary shall establish a program for visits by middle school students (to the extent feasible) and secondary school students to the United States during school holidays in their home country for periods not to exceed 4 weeks and a program for academic year study in the United States for secondary school students. Participating students shall reflect the economic, geographic, and ethnic diversity of their countries. Activities shall include cultural and educational activities designed to familiarize participating students with American society and values. To the extent practicable, the program involving school holiday visits shall be coordinated with middle and secondary schools in the United States to provide for school-based activities and interactions. The Secretary shall encourage the establishment of direct school-to-school linkages under the programs.

(6) **FULBRIGHT EXCHANGE PROGRAM.**—The Secretary shall seek to substantially increase the number of awards under the J. William Fulbright Educational Exchange Program to graduate students, scholars, professionals, teachers, and administrators from the United States who are applying for such awards to study, teach, conduct research, or pursue scholarship in predominantly Muslim countries. Part of such increase shall include awards for scholars and teachers who plan to teach subjects relating to American studies.

(7) **HUBERT H. HUMPHREY FELLOWSHIPS.**—The Secretary shall seek to substantially increase the number of Hubert H. Humphrey Fellowships awarded to candidates from predominantly Muslim countries.

(8) **LIBRARY TRAINING EXCHANGE PROGRAM.**—The Secretary shall develop an exchange program for postgraduate students seeking additional training in the library sciences and related fields.

(c) **GENERAL PROVISION.**—Programs established under this section shall be carried out under the provisions of the United States Information and Educational Exchange Act of 1948 and the Mutual Educational and Cultural Exchange Act of 1961.

**SEC. 252. DATABASE OF AMERICAN AND FOREIGN PARTICIPANTS IN EXCHANGE PROGRAMS.**

To the extent practicable, the Secretary of State, in coordination with the heads of other agencies that conduct international exchange and training programs, shall establish and maintain a database listing all American and foreign alumni of such programs in order to encourage networking, interaction, and communication with alumni.

**SEC. 253. REPORT ON INCLUSION OF FREEDOM AND DEMOCRACY ADVOCATES IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Congress a report concerning the implementation of section 102 of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996. The report shall include information concerning the number of grants to conduct exchange programs to countries described in such section that have been submitted for competitive bidding, what measures have been taken to ensure that willingness to include supporters of freedom and democracy in such programs is given appropriate weight in the selection of grantees, and an evaluation of whether United States exchange programs in the countries described in such section are fully open to supporters of freedom and democracy, and, if not, what obstacles remain and what measures are being taken to implement such policy.

**SEC. 254. SENSE OF THE CONGRESS CONCERNING EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM FOR FOREIGN JOURNALISTS.**

It is the sense of the Congress that the Secretary of State should work toward the establishment of a program for foreign journalists from regions of conflict that will provide professional training in techniques, standards, and practices in the field of journalism.

**SEC. 255. SENSE OF CONGRESS REGARDING KOREAN FULBRIGHT PROGRAMS.**

It is the sense of the Congress that Fulbright program activities for Korea should—

- (1) include participation by students from throughout South Korea, including proportional representation from areas outside of Seoul;
- (2) attempt to include Korean students from a broad range of educational institutions, including schools other than elite universities;
- (3) broaden the Korean student emphasis beyond degree-seeking graduate students, to include opportunities for one-year nondegree study at United States campuses by pre-doctoral Korean students; and

(4) include a significant number of Korean students planning to move into areas other than advanced research and university teaching, such as those heading towards careers in government service, media, law, and business.

**SEC. 256. AUTHORIZING EAST TIMORESE SCHOLARSHIPS FOR GRADUATE STUDY.**

Section 237 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236) is amended by inserting “graduate or” after “at the”.

**SEC. 257. PUBLIC SAFETY AWARENESS IN STUDY ABROAD PROGRAMS.**

With respect to the Department of State’s support for study abroad programs, Congress—

(1) encourages the Bureau of Educational and Cultural Affairs to support public safety awareness activities as part of such programs; and

(2) encourages the Bureau to continue supporting such activities and urges special attention to public safety issues, including road safety.

## **Subtitle D—Consular Authorities**

**SEC. 271. MACHINE READABLE VISAS.**

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended by adding at the end the following:

“(4) For each of the fiscal years 2004 and 2005, any amount that exceeds \$700,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.”.

**SEC. 272. PROCESSING OF VISA APPLICATIONS.**

(a) **IN GENERAL.**—It shall be the policy of the Department of State to process each visa application from an alien classified as an immediate relative or as a K-1 nonimmigrant within 30 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security. In the case of an immigrant visa application where the petitioner is a relative other than an immediate relative, it should be the policy of the Department to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Department of Homeland Security.

(b) **DEFINITIONS.**—In this section:

(1) **IMMEDIATE RELATIVE.**—The term “immediate relative” has the meaning given the term in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)).

(2) **K-1 NONIMMIGRANT.**—The term “K-1 nonimmigrant” means a nonimmigrant alien described in section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)).

**SEC. 273. STAFFING AT DIPLOMATIC MISSIONS.**

At least once every five years and pursuant to a process determined by the President for staffing at diplomatic missions and overseas constituent posts, the Secretary of State shall require each chief of mission to review every staff element under chief of mission authority, including staff from other executive agencies, and recommend approval or disapproval of each staff element. The Secretary of State shall submit an annual report concerning such reviews together with the Secretary’s recommendations to the heads of all affected agencies and the Inspector General of the Department of State.

## **TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE**

**SEC. 301. FELLOWSHIP OF HOPE PROGRAM.**

The Secretary of State is authorized to establish in the Department of State an exchange program to be designated the “Fellowship of Hope Program”. The program shall provide for the exchange and assignment of government employees of designated countries to fellowship positions at the Department of State and reciprocal assignment of civil service and foreign service employees of the Department as fellows within the governments of foreign countries.

**SEC. 302. CLAIMS FOR LOST PAY.**

Section 2 of the State Department Basic Authorities Act (22 U.S.C. 2669) is amended—

(1) at the end of subsection (o) by striking the period and inserting “; and”; and

(2) by inserting after subsection (o) the following new subsection:

“(p) make administrative corrections or adjustments to an employee’s pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, and to provide back pay and other categories of payments under the Back Pay Act as part of the settlement of administrative claims or grievances filed against the Department.”.

**SEC. 303. OMBUDSMAN FOR THE DEPARTMENT OF STATE.**

(a) **ESTABLISHMENT.**—There is established in the Office of the Secretary of State the position of Ombudsman. The position of Ombudsman shall be a career position within the Senior Executive Service. The Ombudsman shall report directly to the Secretary of State.

(b) **DUTIES.**—At the discretion of the Secretary of State, the Ombudsman shall participate in meetings regarding the management of the Department in order to assure that all employees may contribute to the achievement of the Department’s responsibilities and to promote the career interests of all employees.

(c) **CONFORMING AMENDMENT.**—Section 172 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2664a) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

**SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.**

Section 305 of the Foreign Service Act of 1980 (22 U.S.C. 3945) is amended by striking subsection (d).

**SEC. 305. REPORT CONCERNING STATUS OF EMPLOYEES OF STATE DEPARTMENT.**

Not later than one year after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the appropriate congressional committees a report that analyzes and evaluates the merits of the conversion of employees of the Department of State to excepted service under chapter 21 of title 5, United States Code.

**SEC. 306. HOME LEAVE.**

(a) **REST AND RECUPERATION TRAVEL.**—Section 901(6) of the Foreign Service Act of 1980 (22 U.S.C. 4081(6)) is amended by striking “unbroken by home leave” both places it appears.

(b) **REQUIRED LEAVE IN THE UNITED STATES.**—Section 903(a) of the Foreign Service Act of 1980 (22 U.S.C. 4083(a)) is amended by striking “18 months” and inserting “12 months”.

**SEC. 307. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.**

(a) **POST DIFFERENTIALS.**—Section 5925(a) of title 5, United States Code, is amended by striking “25 percent” in the third sentence and inserting “35 percent”.

(b) **DANGER PAY ALLOWANCES.**—Section 5928 of title 5, United States Code, is amended by striking “25 percent” both places it appears and inserting “35 percent”.

(c) **CRITERIA.**—The Secretary shall inform the appropriate congressional committees of the criteria to be used in determinations of appropriate adjustments in post differentials under section 5925 of title 5, United States Code, and danger pay allowances under section 5928 of title 5, United States Code.

(d) **STUDY AND REPORT.**—Two years after the date of the enactment of this Act, the Secretary of State shall conduct a study assessing the effect of the increases in post differentials and danger pay allowances made by the amendments in subsections (a) and (b) in filling “hard-to-fill” positions. The Secretary shall submit a report of such study to the appropriate congressional committees.

**SEC. 308. REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.**

Section 321(f) of the Foreign Relations Authorization Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law 107–228) is amended by striking “regulations” and inserting “regulations, not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005,”.

**SEC. 309. MINORITY RECRUITMENT.**

(a) **REPORTING REQUIREMENT.**—Section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended by striking “and April 1, 2004” and inserting “April 1, 2004, and April 1, 2005”.

(b) **USE OF FUNDS.**—The provisions of section 325 of such Act shall apply to funds authorized by section 111(a)(1)(E) of this Act.

(c) CONFORMING AMENDMENT.—Section 325(c) of such Act is amended in the second sentence by striking “two” and inserting “three”.

**SEC. 310. MERITORIOUS STEP INCREASES.**

Section 406(b) of the Foreign Service Act of 1980 (22 U.S.C. 3966(b)) is amended by striking “receiving an increase in salary under subsection (a),”.

## TITLE IV—INTERNATIONAL ORGANIZATIONS

### Subtitle A—Basic Authorities and Activities

**SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBUTIONS.**

Section 404(b)(2)(B) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 is amended by inserting after clause (iv) the following:

“(v) For assessments made during calendar year 2005 and calendar year 2006, 27.10 percent.”.

**SEC. 402. REGARDING THE REENTRY OF THE UNITED STATES IN UNESCO.**

(a) SENSE OF CONGRESS.—As the United States resumes membership in the United Nations Educational, Scientific, and Cultural Organization (UNESCO), the President should—

(1) appoint a United States Representative to the Organization for Economic Cooperation and Development (OECD) who shall also serve as the United States Representative to UNESCO;

(2) take steps to ensure that more Americans are employed by UNESCO, particularly for senior level positions;

(3) request that the Secretary General of UNESCO create a Deputy Director General position for Management or a comparable position with high level managerial and administrative responsibilities to be filled by an American;

(4) insist that any increases in UNESCO’s budget beyond the level of zero nominal growth for the 2004-2005 biennium focus primarily on the adoption of management and administrative reforms; and

(5) request that the Secretary General of UNESCO spend the United States contribution to UNESCO for the last quarter of calendar year 2003 on key education and science priorities of the organization that will directly benefit United States national interests.

(b) ANNUAL ASSESSMENT FOR UNITED STATES PARTICIPATION IN UNESCO.—Of the amounts authorized to be appropriated by section 113(a), such sums as may be necessary for each of the fiscal years 2004 and 2005 are authorized to be available for the annual assessment for United States contributions to the regular budget of the United Nations Educational, Scientific, and Cultural Organization.

**SEC. 403. UNESCO NATIONAL COMMISSION.**

(a) IN GENERAL.—Section 3 of the Act of July 30, 1946, “Providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.” (22 U.S.C. 287o) is amended to read as follows:

“SEC. 3. (a) In fulfillment of article VII of the constitution of the Organization, the Secretary of State shall establish a National Commission on Educational, Scientific, and Cultural Cooperation.

“(b) The National Commission shall be composed of not more than 35 members appointed by the Secretary of State in consultation with the National Academy of Sciences, the National Science Foundation, the Secretary of Education, the Secretary of Health and Human Services, and the Secretary of the Interior. Members of the National Commission shall be representatives of nongovernmental organizations, academic institutions, and associations interested in education, scientific, and cultural matters. Periodically, the Secretary shall review and revise the entities represented on the National Commission in order to achieve a desirable rotation in representation. Except as otherwise provided, each member of the National Commission shall be appointed to a term of 3 years. As designated by the Secretary of State at the time of appointment, of the members first appointed one-third shall be appointed for a term of 1 year, one-third shall be appointed for a term of 2 years, and one-third shall be appointed for a term of 3 years. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office. No member may serve more than 2 consecutive terms. The Secretary of State shall designate a chair of the National Commission.



“(c) Members of the National Commission shall serve without pay. For attendance at the annual meeting, each member shall receive travel expenses in accordance with section 5703 of title 5, United States Code.

“(d) The National Commission shall meet at the call of the chair at least annually and such meetings may be through video conferencing or other electronic means. The National Commission shall designate an executive committee from among the members of the commission and may designate such other committees as may be necessary to carry out its duties under this Act.

“(e) Upon request of the National Commission, the Secretary of State may detail any of the personnel of the Department of State to the National Commission to assist it in carrying out its duties under this Act.”

(b) CONFORMING CHANGES.—Section 2 of the Act of July 30, 1946, “Providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.” (22 U.S.C. 287o) is amended by striking “One of the representatives” and all that follows through the end of such section.

**SEC. 404. ORGANIZATION OF AMERICAN STATES (OAS) EMERGENCY FUND.**

Section 109(b)(3) of Public Law 104–114 (22 U.S.C. 6039(b)(3)) is amended by striking “shall provide not less than \$5,000,000” and inserting “shall provide for each of the fiscal years 2004 and 2005 not less than \$500,000”.

**SEC. 405. UNITED STATES EFFORTS REGARDING THE STATUS OF ISRAEL IN THE WESTERN EUROPEAN AND OTHERS GROUP AT THE UNITED NATIONS.**

(a) UNITED STATES EFFORTS.—The Secretary of State and other appropriate officials of the United States Government should pursue an aggressive diplomatic effort and should take all necessary steps to ensure the extension and upgrade of Israel’s membership in the Western European and Others Group at the United Nations.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act and semiannually thereafter through September 30, 2005, the Secretary of State shall submit to the appropriate congressional committees a report on the steps taken by the United States pursuant to subsection (a) and progress in achieving the objectives of subsection (a).

## **Subtitle B—United States International Leadership**

**SEC. 431. SHORT TITLE.**

This subtitle may be cited as the “United States International Leadership Act of 2003”.

**SEC. 432. FINDINGS.**

The Congress makes the following findings:

(1) International organizations and other multilateral institutions play a key role in United States foreign policy and serve key United States foreign policy objectives, such as obligating all countries to freeze assets of terrorist groups, preventing the proliferation of chemical, biological, and nuclear weapons, and spearheading the fight to combat the ravages of HIV/AIDS and other infectious diseases.

(2) Decisions at many international organizations, including membership and key positions, remain subject to determinations made by regional groups where democratic states are often in the minority and where there is intensive cooperation among repressive regimes. As a result, the United States has often been blocked in its attempts to take action in these institutions to advance its goals and objectives, including at the United Nations Human Rights Commission (where a representative of Libya was elected as chairman and the United States temporarily lost a seat).

(3) In order to address these shortcomings, the United States must actively work to improve the workings of international organizations and multilateral institutions, particularly by creating a caucus of democratic countries that will advance United States interests. In the Second Ministerial Conference of the Community of Democracies in Seoul, Korea, on November 10–20, 2002, numerous countries recommended working together as a democracy caucus in international organizations such as the United Nations and ensuring that international and regional institutions develop and apply democratic standards for member states.

(4) In addition, the United States has shortchanged its ability to influence these organizations by failing to obtain enough support for positions that are

congruent to or consistent with United States objectives and has not done enough to build expertise in the United States Government in the area of multilateral diplomacy.

**SEC. 433. ESTABLISHMENT OF A DEMOCRACY CAUCUS.**

(a) **IN GENERAL.**—The President of the United States, acting through the Secretary of State and the relevant United States chiefs of mission, shall seek to establish a democracy caucus at the United Nations, the United Nations Human Rights Commission, the United Nations Conference on Disarmament, and at other broad-based international organizations.

(b) **PURPOSES OF THE CAUCUS.**—A democracy caucus at an international organization should—

- (1) forge common positions, including, as appropriate, at the ministerial level, on matters of concern before the organization and work within and across regional lines to promote agreed positions;
- (2) work to revise an increasingly outmoded system of regional voting and decision making; and
- (3) set up a rotational leadership scheme to provide member states an opportunity, for a set period of time, to serve as the designated president of the caucus, responsible for serving as its voice in each organization.

**SEC. 434. ANNUAL DIPLOMATIC MISSIONS ON MULTILATERAL ISSUES.**

The Secretary of State, acting through the principal officers responsible for advising the Secretary on international organizations, shall ensure that a high-level delegation from the United States Government, on an annual basis, is sent to consult with key foreign governments in every region in order to promote the United States agenda at key international fora, such as the United Nations General Assembly, United Nations Human Rights Commission, the United Nations Education, Science, and Cultural Organization, and the International Whaling Commission.

**SEC. 435. LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.**

(a) **UNITED STATES POLICY.**—The President, acting through the Secretary of State and the relevant United States chiefs of mission, shall use the voice, vote, and influence of the United States to—

- (1) where appropriate, reform the criteria for leadership and, in appropriate cases for membership, at all United Nations bodies and at other international organizations and multilateral institutions to which the United States is a member so as to exclude nations that violate the principles of the specific organization;
- (2) make it a policy of the United Nations and other international organizations and multilateral institutions, of which the United States is a member, that a member state may not stand in nomination or be in rotation for a leadership position in such bodies if the member state is subject to sanctions imposed by the United Nations Security Council; and
- (3) work to ensure that no member state stand in nomination or be in rotation for a leadership position in such organizations, or for membership of the United Nations Security Council, if the member state is subject to a determination under section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or section 6(j) of the Export Administration Act.

(b) **REPORT TO CONGRESS.**—Not later than 15 days after a country subject to a determination under section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or section 6(j) of the Export Administration Act is selected for a leadership post in an international organization of which the United States is a member or a membership of the United Nations Security Council, the Secretary of State shall submit a report to the appropriate congressional committees on any steps taken pursuant to subsection (a)(3).

**SEC. 436. INCREASED TRAINING IN MULTILATERAL DIPLOMACY.**

(a) **TRAINING PROGRAMS.**—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding after subsection (b) the following new subsection:

“(c) **TRAINING IN MULTILATERAL DIPLOMACY.**—

“(1) **IN GENERAL.**—The Secretary shall establish a series of training courses for officers of the Service, including appropriate chiefs of mission, on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments.

“(2) **PARTICULAR PROGRAMS.**—The Secretary shall ensure that the training described in paragraph (1) is provided at various stages of the career of members of the Service. In particular, the Secretary shall ensure that after January 1, 2004—

“(A) officers of the Service receive training on the conduct of diplomacy at international organizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments as part of their training upon entry of the Service; and

“(B) officers of the Service, including chiefs of mission, who are assigned to United States missions representing the United States to international organizations and other multilateral institutions or who are assigned in Washington, D.C. to positions that have as their primary responsibility formulation of policy towards such organizations and institutions or towards participation in broad-based multilateral negotiations of international instruments receive specialized training in the areas described in paragraph (1) prior to beginning of service for such assignment or, if receiving such training at that time is not practical, within the first year of beginning such assignment.”

(b) TRAINING FOR CIVIL SERVICE EMPLOYEES.—The Secretary shall ensure that employees of the Department of State that are members of the civil service and that are assigned to positions described in section 708(c) of the Foreign Service Act of 1980 (as amended by this subtitle) have training described in such section.

(c) CONFORMING AMENDMENTS.—Section 708 of such Act is further amended—

(1) in subsection (a) by striking “(a) The” and inserting “(a) TRAINING ON HUMAN RIGHTS.—The”; and

(2) in subsection (b) by striking “(b) The” and inserting “(b) TRAINING ON REFUGEE LAW AND RELIGIOUS PERSECUTION.—The”.

**SEC. 437. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.**

(a) PROMOTIONS.—

(1) IN GENERAL.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003) is amended by striking the period at the end and inserting: “, and shall consider whether the member of the Service has served in a position whose primary responsibility is to formulate policy towards or represent the United States at an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument.”

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect January 1, 2010.

(b) ESTABLISHMENT OF A MULTILATERAL DIPLOMACY CONE IN THE FOREIGN SERVICE.—

(1) FINDINGS.—

(A) The Department of State maintains a number of United States missions both within the United States and abroad that are dedicated to representing the United States to international organizations and multilateral institutions, including missions in New York, Brussels, Geneva, Rome, Montreal, Nairobi, Vienna, and Paris, which will soon be responsible for United States representation to UNESCO and OECD.

(B) In offices at the Harry S. Truman Building, the Department maintains a significant number of positions in bureaus that are either dedicated, or whose primary responsibility is, to represent the United States to such organizations and institutions or at multilateral negotiations.

(C) Given the large number of positions in the United States and abroad that are dedicated to multilateral diplomacy, the Department of State may be well served in developing persons with specialized skills necessary to become experts in this unique form of diplomacy.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report—

(A) evaluating whether a new cone should be established for the Foreign Service that concentrates on members of the Service that serve at international organizations and multilateral institutions or are primarily responsible for participation in broad-based multilateral negotiations of international instruments; and

(B) provides alternative mechanisms for achieving the objective of developing a core group of United States diplomats and other government employees who have expertise and broad experience in conducting multilateral diplomacy.

**SEC. 438. IMPLEMENTATION AND ESTABLISHMENT OF OFFICE ON MULTILATERAL NEGOTIATIONS.**

(a) ESTABLISHMENT OF OFFICE.—The Secretary of State is authorized to establish, within the Bureau of International Organizational Affairs, an Office on Multilateral Negotiations to be headed by a Special Representative for Multilateral Negotiations (in this section referred to as the “special representative”).

(b) APPOINTMENT.—The special representative shall be appointed by the President with the advice and consent of the Senate and shall have the rank of Ambassador-at-Large. At the discretion of the President another official at the Department may serve as the special representative. The President may direct that the special representative report to the Assistant Secretary for International Organizations.

(c) STAFFING.—The special representative shall have a staff of foreign service and civil service officers skilled in multilateral diplomacy.

(d) DUTIES.—The special representative shall have the following responsibilities:

(1) IN GENERAL.—The primary responsibility of the special representative shall be to assist in the organization of, and preparation for, United States participation in multilateral negotiations, including the advocacy efforts undertaken by the Department of State and other United States agencies.

(2) ADVISORY ROLE.—The special representative shall advise the President and the Secretary of State, as appropriate, regarding advocacy at international organizations and multilateral institutions and negotiations and, in coordination with the Assistant Secretary of State for International Organizational Affairs, shall make recommendations regarding—

(A) effective strategies (and tactics) to achieve United States policy objectives at multilateral negotiations;

(B) the need for and timing of high level intervention by the President, the Secretary of State, the Deputy Secretary of State, and other United States officials to secure support from key foreign government officials for the United States position at such organizations, institutions, and negotiations;

(C) the composition of United States delegations to multilateral negotiations; and

(D) liaison with Congress, international organizations, nongovernmental organizations, and the private sector on matters affecting multilateral negotiations.

(3) DEMOCRACY CAUCUS.—The special representative, in coordination with the Assistant Secretary for International Organizational Affairs, shall ensure the establishment of a democracy caucus.

(4) ANNUAL DIPLOMATIC MISSIONS OF MULTILATERAL ISSUES.—The special representative, in coordination with the Assistant Secretary for International Organizational Affairs, shall organize annual consultations between the principal officers responsible for advising the Secretary of State on international organizations and foreign governments to promote the United States agenda at the United Nations General Assembly and other key international fora (such as the United Nations Human Rights Commission).

(5) LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.—The special representative, in coordination with the Assistant Secretary of International Organizational Affairs, shall direct the efforts of the United States Government to reform the criteria for leadership and membership of international organizations as described in section 435.

(6) PARTICIPATION IN MULTILATERAL NEGOTIATIONS.—The special representative, or members of the special representative's staff, may, as required by the President or the Secretary of State, serve on a United States delegation to any multilateral negotiation.

(e) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a plan to establish a democracy caucus to the appropriate congressional committees. The report required by section 437(c) may be submitted together with the report under this subsection.

**SEC. 439. SYNCHRONIZATION OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

Not later than 180 days after the date of the enactment of this Act, the President shall submit a plan to the appropriate congressional committees on the implementation of section 404 of the Foreign Relations Authorization Act of 2003 (Public Law 107-228), (relating to a resumption by the United State of the payment of its full contribution to certain international organizations at the beginning of each calendar year).

## TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

### Subtitle A—Basic Authorities and Activities

#### SEC. 501. MIDEAST RADIO AND TELEVISION NETWORK, INC.

(a) The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding after section 309 the following new section:

#### “SEC. 310. MIDEAST RADIO AND TELEVISION NETWORK, INC.

“(a) **AUTHORITY.**—Grants authorized under section 305 shall be available to make annual grants to Mideast Radio and Television Network, Inc. (hereinafter in this title also referred to as ‘Mideast Network’) for the purpose of carrying out radio and television broadcasting to the Middle East region.

“(b) **FUNCTION.**—Mideast Network shall provide radio and television programming to the Middle East region consistent with the broadcasting standards and broadcasting principles set forth in section 303 of this Act.

“(c) **GRANT AGREEMENT.**—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

“(1) The Board may not make any grant to the nonprofit corporation, Mideast Network unless its certificate of incorporation provides that—

“(A) the Board of Directors of Mideast Radio and Television Network, Inc. (hereinafter referred to as ‘the Board’) shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

“(B) the Board shall make all major policy determinations governing the operation of Mideast Network and shall appoint and fix the compensation of such managerial officers and employees of Mideast Network as it considers necessary to carry out the purposes of the grant provided under this title, except that no officer or employee may be paid a salary or other compensation in excess of the rate of pay payable for Level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(2) Any grant agreement under this section shall require that any contract entered into by Mideast Network shall specify that obligations are assumed by Mideast Network and not the United States Government.

“(3) Any grant agreement shall require that any lease agreement entered into by Mideast Network shall be, to the maximum extent possible, assignable to the United States Government.

“(4) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

“(5) Duplication of language services and technical operations between the Mideast Radio and Television Network, Inc., (including Radio Sawa), RFE/RL, and the International Broadcasting Bureau will be reduced to the extent appropriate, as determined by the Board.

“(d) **NOT A FEDERAL AGENCY OR INSTRUMENTALITY.**—Nothing in this title may be construed to establish Mideast Network as a Federal agency or instrumentality, nor shall the officers or employees of Mideast Network be considered to be officers or employees of the United States Government.

“(e) **AUDIT AUTHORITY.**—

“(1) Such financial transactions of Mideast Network, as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of Mideast Network are normally kept.

“(2) Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by Mideast Network pertaining to such financial transactions as necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of Mideast Network shall remain in the custody of Mideast Network.

“(3) Notwithstanding any other provisions of law, the Inspector General of the Department of State is authorized to exercise the authorities of the Inspector General Act with respect to the Mideast Network.”

## (b) CONFORMING AMENDMENTS.—

(1) Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204) is amended—

(A) in subsection (a)(5) by striking “308 and 309” and inserting “308, 309, and 310”;

(B) in subsection (a)(6) by striking “308 and 309” and inserting “308, 309, and 310”; and

(C) in subsection (c) by striking “308 and 309” and inserting “308, 309, and 310”.

(2) Section 307 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6206) is amended—

(A) in subsection (a) by striking “308 and 309” and inserting “308, 309, and 310”; and

(B) in subsection (c) by adding “Mideast Radio and Television Network, Inc.,” after “Asia”.

(3) Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203(g)) is amended by striking “and Radio Free Asia” and inserting “, Radio Free Asia, and Mideast Radio and Television Network, Inc.”.

(4) Section 8332(b)(11) of title 5, United States Code, is amended by adding “Mideast Radio and Television Network, Inc.,” after “the Asia Foundation.”.

**SEC. 502. IMPROVING SIGNAL DELIVERY TO CUBA.**

Section 3 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465a) is amended—

(1) in subsection (c) by striking the second sentence and inserting “The Board is authorized to simultaneously utilize other broadcasting transmission facilities, and other frequencies, including the Amplitude Modulation (AM) Band (535 kHz to 1705 kHz), the Frequency Modulation (FM) Band, and the Short-wave (SW) Band.”;

(2) in subsection (c) in the third sentence by striking “*Provided, That*” and all that follows before the period at the end;

(3) in subsection (d) by striking the last sentence;

(4) by amending subsection (e) to read as follows:

“(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated ‘Radio Marti program.’; and

(5) in subsection (f) by striking “Voice of America”.

**SEC. 503. REPORT CONCERNING EFFORTS TO COUNTER JAMMING OF BROADCASTS OF RADIO MARTI AND TV MARTI.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report providing the following information:

(1) Specific steps taken to increase the capabilities of Radio Marti and TV Marti to ensure that broadcasts overcome jamming by the Government of Cuba.

(2) An evaluation and analysis of not less than 10 alternate methods to counter jamming of radio and television broadcasts including the following:

(A) Methods used to broadcast into Iraq involving a C-130.

(B) Methods previously used to transmit into the former Soviet Union and other Soviet bloc countries.

(C) Successful methods employed by non-United States Government entities, such as those used by the Falun Gong to overcome Chinese Government jamming and those recently used by a Cuban exile group to transmit television broadcasts into Cuba.

**SEC. 504. PILOT PROGRAM FOR THE PROMOTION OF TRAVEL AND TOURISM IN THE UNITED STATES THROUGH UNITED STATES INTERNATIONAL BROADCASTING.**

(a) **PILOT PROGRAM.**—The Broadcasting Board of Governors, in consultation with the Department of Commerce and other appropriate Federal, State, and local agencies, shall conduct a pilot program for the promotion of travel and tourism in the United States through United States international broadcasting, particularly to regional economies that have been affected by the decrease in tourism following the events of September 11, 2001.

(b) **PROGRAMMING.**—The pilot program shall devote regular programming to broadcasting information on localities of the United States with the purpose of promoting travel and tourism to regional economies heavily reliant on such tourism.

(c) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report detailing the actions taken by the Board in carrying out this section.

**SEC. 505. RADIO FREE ASIA BROADCASTS INTO NORTH KOREA.**

(a) **FINDINGS.**—The Congress makes the following findings:

(1) North Korea's development of nuclear weapons and missile delivery systems poses one of the gravest security threats to the United States in the world.

(2) The Kim Jong Il regime in North Korea has one of the worst human rights records in the world. On April 16, 2003, the United Nations Commission on Human Rights passed a resolution, "expressing its deep concern about reports of systemic, widespread and grave violations of human rights" in North Korea.

(3) In order to ensure its survival, the Kim Jong Il regime makes extensive efforts to control the flow of information in North Korea.

(4) In 2002, a survey found that five of twelve "elite" defectors from North Korea had listened to Radio Free Asia.

(5) Radio Free Asia broadcasts only 4 hours each day into North Korea.

(6) Many North Korean citizens lack radios capable of receiving Radio Free Asia broadcasts.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Broadcasting Board of Governors should ensure that Radio Free Asia increases its broadcasting with respect to North Korea to 24 hours each day.

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, after consulting with other agencies of the United States Government, shall submit a report, in classified form, on specific measures currently being undertaken and measures necessary, including the provision of adequate radios, to maximize North Korean citizen access to Radio Free Asia and other foreign broadcasts to the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

**SEC. 506. PROHIBITION ON ELIMINATION OF INTERNATIONAL BROADCASTING IN EASTERN EUROPE.**

During the 2 year period beginning on the date of the enactment of this Act, the Broadcasting Board of Governors may not eliminate foreign language broadcasting in any of the following languages: Bulgarian, Czech, Estonian, Hungarian, Latvian, Lithuanian, Georgian, Polish, Slovene, Slovak, Romanian, Croatian, Armenian, and Ukrainian.

## **Subtitle B—Global Internet Freedom**

**SEC. 521. SHORT TITLE.**

This subtitle may be cited as the "Global Internet Freedom Act of 2003".

**SEC. 522. FINDINGS.**

The Congress makes the following findings:

(1) Freedom of speech, freedom of the press, and freedom of association are fundamental characteristics of a free society. The first amendment to the Constitution of the United States guarantees that "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble." These constitutional provisions guarantee the rights of Americans to communicate and associate with one another without restriction, including unfettered communication and association via the Internet. Article 19 of the United Nation's Universal Declaration of Human Rights explicitly guarantees the freedom to "receive and impart information and ideas through any media and regardless of frontiers".

(2) All people have the right to communicate freely with others, and to have unrestricted access to news and information, on the Internet.

(3) With nearly 10 percent of the world's population now online, and more gaining access each day, the Internet stands to become the most powerful engine for democratization and the free exchange of ideas ever invented.

(4) The governments of Burma, Cuba, Laos, North Korea, the People's Republic of China, Saudi Arabia, Syria, and Vietnam, among others, are taking active measures to keep their citizens from freely accessing the Internet and obtaining international political, religious, and economic news and information.

(5) The Voice of America and Radio Free Asia, as well as hundreds of news sources with an Internet presence, are routinely being jammed by repressive governments.

(6) Since the 1940s, the United States has deployed anti-jamming technologies to make Voice of America and other United States Government sponsored broadcasting available to people in nations with governments that seek to block news and information.

(7) The United States Government has thus far commenced only modest steps to fund and deploy technologies to defeat Internet censorship.

(8) The success of United States policy in support of freedom of speech, press, and association requires continued efforts to defeat totalitarian and authoritarian controls on news and information over the Internet.

**SEC. 523. PURPOSES.**

The purposes of this subtitle are—

- (1) to adopt an effective and robust global Internet freedom policy;
- (2) to establish an office within the Broadcasting Board of Governors with the sole mission of countering Internet jamming and blocking by utilizing available anti-jamming technology;
- (3) to expedite the development and deployment of technology to protect Internet freedom around the world; and
- (4) to bring to bear the pressure of the free world on repressive governments guilty of Internet censorship and the intimidation and persecution of their citizens who use the Internet.

**SEC. 524. DEVELOPMENT AND DEPLOYMENT OF TECHNOLOGIES TO DEFEAT INTERNET JAMMING AND CENSORSHIP.**

(a) **ESTABLISHMENT OF OFFICE OF GLOBAL INTERNET FREEDOM.**—The Broadcasting Board of Governors shall establish an Office of Global Internet Freedom (hereinafter in this subtitle referred to as the “Office”). The Office shall develop and implement a comprehensive global strategy to combat state-sponsored and state-directed Internet jamming and persecution of those who use the Internet.

(b) **COOPERATION OF OTHER FEDERAL DEPARTMENTS AND AGENCIES.**—Each department and agency of the United States Government shall cooperate fully with, and assist in the implementation of, the strategy developed by the Office and shall make such resources and information available to the Office as is necessary to the achievement of the purposes of this subtitle.

(c) **COOPERATION WITH DEPARTMENT OF STATE.**—The Office shall assist the Secretary of State in preparing portions of the country reports on human rights practices that address Internet accessibility.

(d) **REPORT TO CONGRESS.**—Nine months after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the Congress a report on the status of foreign government interference with Internet use and of efforts by the United States to counter such interference. The report shall list the countries that pursue policies of Internet censorship, blocking, and other abuses; provide information concerning the government agencies or quasi-governmental organizations that implement Internet censorship; and describe with the greatest particularity practicable the technological means by which such blocking and other abuses are accomplished. In the discretion of the Broadcasting Board of Governors, such report may be submitted in both a classified and nonclassified version. One year after the date of submission of such report, the Office shall submit a second report.

(e) **LIMITATION ON AUTHORITY.**—Nothing in this subtitle shall be interpreted to authorize any action by the United States to interfere with foreign national censorship in furtherance of legitimate law enforcement aims consistent with the Universal Declaration of Human Rights.

## **Subtitle C—Reorganization of United States International Broadcasting**

**SEC. 531. ESTABLISHMENT OF UNITED STATES INTERNATIONAL BROADCASTING AGENCY.**

(a) **IN GENERAL.**—Section 304 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6203) is amended to read as follows:

**“SEC. 304. ESTABLISHMENT OF UNITED STATES INTERNATIONAL BROADCASTING AGENCY.**

“(a) **ESTABLISHMENT.**—There is established as an independent agency in the executive branch the United States International Broadcasting Agency (hereinafter in this Act referred to as the ‘Agency’).

“(b) **BOARD OF GOVERNORS OF THE AGENCY.**—

“(1) **HEAD OF AGENCY.**—The Agency shall be headed by the Board of Governors of the United States International Broadcasting Agency (hereinafter in this Act referred to as the ‘Board of Governors’).

“(2) **AUTHORITIES AND FUNCTIONS.**—The Board of Governors shall—

“(A) carry out the authorities and functions of the Agency under section 305; and

“(B) be responsible for the exercise of all authorities and powers and the discharge of all duties and functions of the Agency.

“(3) **COMPOSITION OF THE BOARD OF GOVERNORS.**—



“(A) The Board of Governors shall consist of 9 members, as follows:

“(i) Eight voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

“(ii) The Secretary of State who shall also be a voting member.

“(B) The President shall appoint one member (other than the Secretary of State) as Chair of the Board of Governors, subject to the advice and consent of the Senate.

“(C) Exclusive of the Secretary of State, not more than 4 of the members of the Board of Governors appointed by the President shall be of the same political party.

“(4) TERM OF OFFICE.—The term of office of each member of the Board of Governors shall be three years, except that the Secretary of State shall remain a member of the Board of Governors during the Secretary’s term of service. The President shall appoint, by and with the advice and consent of the Senate, board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until a successor has been appointed and qualified. When there is no Secretary of State, the Acting Secretary of State shall serve as a member of the board until a Secretary is appointed.

“(5) SELECTION OF BOARD OF GOVERNORS.—Members of the Board of Governors appointed by the President shall be citizens of the United States who are not regular full-time employees of the United States Government. Such members shall be selected by the President from among Americans distinguished in the fields of mass communications, print, broadcast media, or foreign affairs.

“(6) COMPENSATION.—Members of the Board of Governors, while attending meetings of the board or while engaged in duties relating to such meetings or in other activities of the board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. While away from their homes or regular places of business, members of the board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently. The Secretary of State shall not be entitled to any compensation under this title, but may be allowed travel expenses as provided under this subsection.

“(7) DECISIONS.—Decisions of the Board of Governors shall be made by majority vote, a quorum being present. A quorum shall consist of 5 members.

“(8) IMMUNITY FROM CIVIL LIABILITY.—Notwithstanding any other provision of law, any and all limitations on liability that apply to the members of the Board of Governors also shall apply to such members when acting in their capacities as members of the boards of directors of RFE/RL, Incorporated and Radio Free Asia.

“(c) DIRECTOR.—

“(1) APPOINTMENT.—The Board of Governors shall appoint a Director of the Agency. The Director shall receive basic pay at the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director may be removed through a majority vote of the Board.

“(2) FUNCTIONS AND DUTIES.—The Director shall have the following functions and duties:

“(A) To exercise the authorities delegated by the Board of Governors pursuant to section 305(b).

“(B) To carry out all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

“(C) To examine and make recommendations to the Board of Governors on long-term strategies for the future of international broadcasting, including the use of new technologies.

“(D) To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.

“(E) To procure supplies, services, and other personal property to carry out the functions of the Agency.

“(F) To obligate and expend, for official reception and representation expenses, such amounts as may be made available through appropriations.

“(G) To provide for the use of United States Government transmitter capacity for relay of broadcasting by grantees.

“(H) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions

classified above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code.

“(I) To procure for the Agency, pursuant to section 1535 of title 31, United States Code goods and services from other departments or agencies.

“(J) To the extent funds are available, to lease space and acquire personal property for the Agency.

“(d) INSPECTOR GENERAL AUTHORITIES.—

“(1) IN GENERAL.—The Inspector General of the Department of State shall exercise the same authorities with respect to the Agency as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

“(2) RESPECT FOR JOURNALISTIC INTEGRITY OF BROADCASTERS.—The Inspector General of the Department of State and the Foreign Service shall respect the journalistic integrity of all the broadcasters covered by this title and may not evaluate the philosophical or political perspectives reflected in the content of broadcasts.”

(b) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to section 304 of the United States International Broadcasting Act of 1994 on the day before the effective date of this title and holding office as of that date may serve the remainder of their terms of office as members of the Board of Governors established under section 304(b) of the United States International Broadcasting Act of 1994, as amended by subsection (a) of this section, without reappointment, or if their term has expired may serve until a successor is appointed and qualified.

**SEC. 532. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

Section 305 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204) is amended to read as follows:

**“SEC. 305. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

“(a) The Agency shall have the following authorities and functions:

“(1) To supervise all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act.

“(2) To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States and the guiding principles and doctrines of the United States, particularly freedom and democracy.

“(3) To develop strategic goals after reviewing human rights reporting and other reliable assessments to assist in determining programming and resource allocation.

“(4) To ensure that United States international broadcasting is conducted in accordance with the standards and principles contained in section 303.

“(5) To review, evaluate, and determine, at least annually, after consultation with the Secretary of State, the addition or deletion of language services.

“(6) To make and supervise grants for broadcasting and related activities in accordance with sections 308 and 309.

“(7) To allocate funds appropriated for international broadcasting activities among the various elements of the Agency and grantees, subject to the limitations in sections 308 and 309 and subject to reprogramming notification requirements in law for the reallocation of funds.

“(8) To undertake such studies as may be necessary to identify areas in which broadcasting activities under its authority could be made more efficient and economical.

“(9) To submit to the President and the Congress an annual report which summarizes and evaluates activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act, placing special emphasis on the assessment described in paragraph (2).

“(10) To make available in the annual report required by paragraph (9) information on funds expended on administrative and managerial services by the Agency and by grantees and the steps the Agency has taken to reduce unnecessary overhead costs for each of the broadcasting services.

“(11) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Director considers necessary in carrying out the provisions and purposes of this title.

“(12) To utilize the authorities of any other statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the Bureau, or the Board before the effective date of title XIII of the Foreign Affairs Consolidation Act of 1998 for carrying out the broadcasting activities covered by this title.

“(b) DELEGATION OF AUTHORITY.—The Board of Governors may delegate to the Director of the Agency, or any other officer or employee of the United States, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (4), (5), (6), (7), or (9) of subsection (a).

“(c) BROADCASTING BUDGETS.—The Director and the grantees identified in sections 308 and 309 shall submit proposed budgets to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the Office of Management and Budget.”.

**SEC. 533. ROLE OF THE SECRETARY OF STATE.**

Section 306 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6205) is amended to read as follows:

**“SEC. 306. ROLE OF THE SECRETARY OF STATE.**

“To assist the Agency in carrying out its functions, the Secretary of State shall provide such information and guidance on foreign policy and public diplomacy issues to the Agency as the Secretary considers appropriate.”.

**SEC. 534. ADMINISTRATIVE PROVISIONS.**

The United States International Broadcasting Act of 1994 is amended by striking section 307 and inserting the following new section:

**“SEC. 307. ADMINISTRATIVE PROVISIONS.**

“(a) OFFICERS AND EMPLOYEES.—The Board of Governors may appoint and fix the compensation of such officers and employees as may be necessary to carry out the functions of the Agency. Except as otherwise provided by law, such officers and employees shall be appointed in accordance with the civil service laws and their compensation shall be fixed in accordance with title 5, United States Code.

“(b) EXPERTS AND CONSULTANTS.—The Board of Governors, as may be provided in appropriation Acts, may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, and may compensate such experts and consultants at rates not to exceed the daily rate prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(c) ACCEPTANCE OF VOLUNTARY SERVICES.—

“(1) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Board of Governors may accept, subject to regulations issued by the Office of Personnel Management, voluntary services if such services—

“(A) are to be uncompensated; and

“(B) are not used to displace any employee.

“(2) TREATMENT.—Any individual who provides voluntary services under this section shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

“(d) DELEGATION.—Except as otherwise provided in this Act, the Board of Governors may delegate any function to the Director and such other officers and employees of the Agency as the Board of Governors may designate, and may authorize such successive redelegations of such functions within the Agency as may be necessary or appropriate.

“(e) CONTRACTS.—

“(1) IN GENERAL.—Subject to the Federal Property and Administrative Services Act of 1949 and other applicable Federal law, the Board of Governors may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and to make such payments, by way of advance or reimbursement, as the Board of Governors may determine necessary or appropriate to carry out functions of the Board of Governors or the Agency.

“(2) APPROPRIATION AUTHORITY REQUIRED.—No authority to enter into contracts or to make payments under this title shall be effective except to such extent or in such amounts as are provided in advance under appropriation Acts.

“(f) REGULATIONS.—The Director may prescribe such rules and regulations as the Board of Governors considers necessary or appropriate to administer and manage

the functions of the Agency, in accordance with chapter 5 of title 5, United States Code.

“(g) SEAL.—The Director shall cause a seal of office to be made for the Agency of such design as the Board of Governors shall approve. Judicial notice shall be taken of such seal.”

**SEC. 535. BROADCASTING BOARD OF GOVERNORS AND INTERNATIONAL BROADCASTING BUREAU.**

The Broadcasting Board of Governors and the International Broadcasting Bureau are abolished.

**SEC. 536. TRANSITION.**

(a) TRANSFER OF FUNCTIONS.—Except as otherwise provided in this subtitle or an amendment made by this subtitle, all functions that on the day before the effective date specified in section 540 are authorized to be performed by the Broadcasting Board of Governors and the International Broadcasting Bureau and any officer, employee, or component of such entities, under any statute, reorganization plan, Executive order, or other provision of law, are transferred to the Agency established under this title effective on that date.

(b) DETERMINATION OF CERTAIN FUNCTIONS.—If necessary, the Office of Management and Budget shall make any determination of the functions that are transferred under this title.

(c) TRANSITION PROVISIONS.—

(1) EXERCISE OF AUTHORITIES.—Except as otherwise provided by law, the Board of Governors may, for purposes of performing a function that is transferred to the Agency by this title, exercise all authorities under any other provision of law that were available with respect to the performance of that function to the official responsible for the performance of that function on the day before the effective date specified in section 540.

(2) AUTHORITIES TO WIND UP AFFAIRS.—

(A) The Director of the Office of Management and Budget may take such actions as the Director of the Office of Management and Budget considers necessary to wind up any outstanding affairs of the Broadcasting Board of Governors and the International Broadcasting Bureau associated with the functions that are transferred pursuant to subsection (a).

(B) The Director of the Office of Management and Budget may take such actions as the Director of the Office of Management and Budget considers necessary to wind up any outstanding affairs of the Broadcasting Board of Governors and the International Broadcasting Bureau associated with the functions that are transferred pursuant to subsection (a).

(3) TRANSFER OF ASSETS.—Any property, records, unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with a function transferred to the Agency by this Act are transferred on the effective date specified in section 540.

**SEC. 537. CONFORMING AMENDMENTS.**

(a) UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.—The United States International Broadcasting Act of 1994 is amended as follows:

(1) Section 308 (22 U.S.C. 6207) is amended—

(A) in subsection (a)—

(i) by striking “The Board” and inserting “The Agency”; and

(ii) in paragraph (1) by striking “Broadcasting Board of Governors” and inserting “Board Governors of the International Broadcasting Agency”;

(B) in subsection (b)—

(i) by striking paragraph (2);

(ii) by striking “(1)”; and

(iii) by striking “Board” both places it appears and inserting “Agency”;

(C) in subsections (c), (d), (g), (h), and (i) by striking “Board” each place it appears and inserting “Agency”;

(D) in subsection (g)(4) by striking “International Broadcasting Bureau” and inserting “Agency”; and

(E) in subsections (i) and (j) by striking “and the Foreign Service” each place it appears.

(2) Section 309 (22 U.S.C. 6208) is amended—

(A) in subsection (c)(1) by striking “Board” both places it appears and inserting “Agency”;

(B) by striking subsection (e);

- (C) in subsections (f) and (g) by striking “Board” each place it appears and inserting “Agency”; and
- (D) in subsection (g) by striking “Chairman of the Board” and inserting “Agency”.
- (3) By striking section 311 (22 U.S.C. 6210).
- (4) In section 313 (22 U.S.C. 6212) by striking “Board” and inserting “Agency”.
- (5) In section 314 (22 U.S.C. 6213) by striking paragraph (2).
- (6) By striking section 315.
- (b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1996.—Section 107 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6037) is amended in subsections (a) and (b) by striking “International Broadcasting Bureau” each place it appears and inserting “United States International Broadcasting Agency”.
- (c) RADIO BROADCASTING TO CUBA ACT.—The Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.) is amended as follows:
- (1) In section 3 (22 U.S.C. 1465a) as follows:
- (A) In the section heading by striking “BROADCASTING BOARD OF GOVERNORS” and inserting “UNITED STATES INTERNATIONAL BROADCASTING AGENCY”.
- (B) In subsection (a) by striking “the ‘Board’” and inserting “the ‘Agency’”.
- (C) In subsections (a), (d), and (f) by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”.
- (2) In section 4 (22 U.S.C. 1465b) as follows:
- (A) In the first sentence by striking “The” and all that follows through “Bureau” and inserting: “The Board of Governors of the United States International Broadcasting Agency shall establish within the Agency”.
- (B) In the third sentence by striking “Broadcasting Board of Governors” and inserting “Board of Governors of the United States International Broadcasting Agency”.
- (C) In the fourth sentence by striking “Board of the International Broadcasting Bureau” and inserting “Board of Governors of the United States International Broadcasting Agency”.
- (3) In section 5 (22 U.S.C. 1465c) as follows:
- (A) In subsection (b) by striking “Broadcasting Board of Governors” and inserting “Board of Governors of the United States International Broadcasting Agency”.
- (B) By striking “Board” each place it appears and inserting “Advisory Board”.
- (4) In section 6 (22 U.S.C. 1465d) as follows:
- (A) In subsection (a) by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency” and by striking “Board” and inserting “Board of Directors of the United States International Broadcasting Agency”.
- (B) In subsection (b) by striking “Board” and inserting “United States International Broadcasting Agency”.
- (5) In section 7 (22 U.S.C. 1465e) by striking “Board” in subsections (b) and (d) and inserting “United States International Broadcasting Agency”.
- (6) In section 8(a) (22 U.S.C. 1465f(a)), by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”.
- (d) TELEVISION BROADCASTING TO CUBA ACT.—The Television Broadcasting to Cuba Act (22 U.S.C. 1465aa note) is amended as follows:
- (1) Section 243(a) (22 U.S.C. 1465bb) is amended by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”.
- (2) Section 244 (22 U.S.C. 1465cc) is amended as follows:
- (A) In subsection (a) by amending the third sentence to read as follows: “The Board of Governors of the United States International Broadcasting Agency shall appoint a head of the Service who shall report directly to the Board of Governors.”.
- (B) In subsection (b) by striking “Board” and inserting “United States International Broadcasting Agency”.
- (C) In subsection (c) by striking “The Board” and inserting “The Agency” and by striking “Board determines” and inserting “Board of Governors of the United States International Broadcasting Agency determines”.
- (3) In section 246 (22 U.S.C. 1465dd) by striking “United States Information Agency” and inserting “United States International Broadcasting Agency” and

by striking “Board” and inserting “Board of Governors of the United States International Broadcasting Agency”.

(e) UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—The United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.) is amended—

(1) in section 505 (22 U.S.C. 1464a), by striking “Broadcasting Board of Governors” each place it appears and inserting “United States International Broadcasting Agency”; and

(2) in section 506(c) (22 U.S.C. 1464b(c))—

(A) by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”; and

(B) by striking “Board” and inserting “Agency”.

(f) FOREIGN SERVICE ACT OF 1980.—The Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) is amended—

(1) in section 202(a)(1) (22 U.S.C. 3922(a)(1)), by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”;

(2) in section 210 (22 U.S.C. 3930), by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”;

(3) in section 1003(a) (22 U.S.C. 4103(a)), by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”; and

(4) in section 1101(c) (22 U.S.C. 4131(c)), by striking “Broadcasting Board of Governors,” and inserting “the United States International Broadcasting Agency.”

(g) STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.—The State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended—

(1) in section 23(a) (22 U.S.C. 2695(a)), by striking “Broadcasting Board of Governors,” and inserting “United States International Broadcasting Agency”;

(2) in section 25(f) (22 U.S.C. 2697(f))—

(A) by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”; and

(B) by striking “the Board and the Agency” and inserting “their respective agencies”;

(3) in section 26(b) (22 U.S.C. 2698(b))—

(A) by striking “Broadcasting Board of Governors,” and inserting “United States International Broadcasting Agency”; and

(B) by striking “the Board and the Agency” and inserting “their respective agencies”; and

(4) in section 32 (22 U.S.C. 2704), by striking “Broadcasting Board of Governors” and inserting “United States International Broadcasting Agency”.

(h) TITLE 5, UNITED STATES CODE.—

(1) Section 5314 of title 5, United States Code, is amended by adding at the end the following: “Director, United States International Broadcasting Agency.”

(2) Section 5315 of title 5, United States Code, is amended by striking “Director of the International Broadcasting Bureau.”

#### SEC. 538. REFERENCES.

Except as otherwise provided in this subtitle or an amendment made by this subtitle, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the Broadcasting Board of Governors and the International Broadcasting Bureau or any other officer or employee of the Broadcasting Board of Governors or the International Broadcasting Bureau shall be deemed to refer to the United States International Broadcasting Agency or the Board of Governors of the United States International Broadcasting Agency established under this subtitle.

#### SEC. 539. BROADCASTING STANDARDS.

Section 303(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is amended—

(1) in paragraph (6) by striking “and”;

(2) in paragraph (8) by striking the period and inserting “, and”; and

(3) by adding after paragraph (8) the following new paragraph:

“(9) seek to ensure that resources are allocated to broadcasts directed at people whose governments deny freedom of expression or who are otherwise in special need of honest and professional broadcasting, commensurate with the need for such broadcasts.”.

**SEC. 540. EFFECTIVE DATE.**

Except as otherwise provided, this subtitle and the amendments made by this subtitle shall take effect on the last day of the 6-month period beginning on the date of the enactment of this Act.

## **TITLE VI—INTERNATIONAL FREE MEDIA ACT OF 2003**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “International Free Media Act of 2003”.

**SEC. 602. DEFINITIONS.**

In this title, the term “free media” means individuals or organizations engaged in the gathering and distribution of news and information free of direct or indirect governmental control.

**SEC. 603. FINDINGS.**

The Congress makes the following findings:

(1) Freedom of speech and freedom of the press are fundamental human rights enshrined in international law.

(2) The United States has a national interest in promoting these freedoms by supporting free media abroad, which is essential to the development of free and democratic societies consistent with our own.

(3) Free media is undermined, endangered, or nonexistent in many repressive and transitional societies around the world, including in Eurasia, Africa, and the Middle East.

(4) Free media is suppressed by foreign governments by a variety of means, including state censorship, legal restriction, financial pressure, and physical intimidation.

(5) Unprofessional and unethical media that violate widely accepted standards of professional journalism and editorial practice compromises the ability of a free media to contribute to open, fair, and constructive democratic debate.

(6) Unprofessional and unethical media includes media that violate the standards set in the International Covenant on Civil and Political Rights, which includes article 20, section 2 of the Covenant which states that “Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence shall be prohibited by law.”

(7) Individuals lacking access to a plurality of free media are vulnerable to misinformation and propaganda and are potentially more likely to adopt anti-American views.

(8) Foreign governments have a responsibility to actively and publicly discourage and rebut unprofessional and unethical media while respecting journalistic integrity and editorial independence.

(9) Past and continuing United States Government efforts to promote free media through training and technical support have advanced United States national interests by contributing to the promotion of human rights and democracy worldwide.

(10) Support for free media must be an integral part of United States foreign policy, including public diplomacy and United States international broadcasting, and should be coordinated across government agencies and with international, bilateral, and private donor organizations toward achieving the shared goal of developing professional, ethical, diversified, sustainable, independent, indigenous media worldwide.

**SEC. 604. STATEMENTS OF POLICY.**

It shall be the policy of the United States, acting through the Secretary of State, to—

(1) make the promotion of press freedoms and free media worldwide a priority of United States foreign policy and an integral component of United States public diplomacy;

(2) respect the journalistic integrity and editorial independence of free media worldwide;

(3) use widely accepted standards for professional and ethical journalistic and editorial practices in assessing international media; and

(4) discourage incitement to discrimination, hostility, or violence, based on nationality, race, or religion, as described in article 20, section 2, of the International Covenant on Civil and Political Rights, and develop a strategy to respond to it.

**SEC. 605. COORDINATOR FOR INTERNATIONAL FREE MEDIA.**

(a) **ESTABLISHMENT.**—There is established within the Department of State a Coordinator for International Free Media (in this section referred to as the “Coordinator”). At the discretion of the President another official at the Department of State may serve as the Coordinator.

(b) **APPOINTMENT OF COORDINATOR.**—The Coordinator shall be appointed by the President, by and with the advice and consent of the Senate.

(c) **DUTIES.**—The principal duties of the Coordinator shall be the promotion of international press freedoms and free media by—

(1) coordinating United States government policies, programs, and projects concerning international press freedoms and free media;

(2) in consultation with appropriate agencies of the United States Government and national and international organizations, monitoring and assessing the status of free media and government controlled sources of information, including for incitement of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence, as described in article 20 of the International Covenant on Civil and Political Rights;

(3) promoting widely accepted standards of professional and ethical journalism and editorial practices;

(4) discouraging media and government controlled sources of information from advocating national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence consistent with article 20, section 2 of the International Covenant on Civil and Political Rights;

(5) reporting foreign media that advocates national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence consistent with article 20, section 2, of the International Covenant on Civil and Political Rights and making available to the public and to the United States Agency for International Broadcasting translations of such media to the extent practicable;

(6) promoting the journalistic integrity and editorial independence of free media worldwide;

(7) advising the President and the Secretary of State regarding matters of international press freedoms and free media;

(8) representing the United States in matters and cases relevant to international press freedoms and free media;

(9) assisting the Secretary of State in preparing the portions of the Department of State country reports on human rights that relate to international press freedoms and free media and incitement to acts of discrimination;

(10) consulting with the Broadcasting Board of Governors and the United States Agency for International Development for the purpose of promoting free media through training of international journalists, producers, editors, and media managers; and

(11) administering the International Free Media Fund (established in section 607) in consultation with the United States Advisory Commission on Public Diplomacy and International Media.

(d) **ASSESSMENT FACTORS.**—In making an assessment of media within individual countries pursuant to subsection (c)(2), the Coordinator shall take into account—

(1) the number and diversity of media;

(2) access to and consumption of media by populations;

(3) the extent of direct or indirect government ownership, control, or censorship of media outlets;

(4) the financial viability and profitability of free media;

(5) the extent to which journalists, editors, and media managers adhere to widely accepted standards for professional and ethical journalism;

(6) domestic laws addressing press freedoms;

(7) instances in which the media and government-controlled sources of information have incited discrimination, hostility, or violence consistent with article 20, section 2 of the International Covenant on Civil and Political Rights;

(8) physical threats, intimidation or inappropriate pressure by government on free media;

(9) the number of journalists, editors, producers, and media managers receiving training from programs of the Department of State, the Broadcasting Board of Governors, grantees of the United States Agency for International Development, or other organizations qualified to provide such training; and

(10) the activity of local and international nongovernmental organizations promoting press freedoms and free media and obstacles to their activity.

(e) **CONSULTATION REQUIREMENT.**—The Coordinator shall consult with United States public affairs officers and other United States foreign mission personnel directly engaged in interacting with indigenous media in carrying out the duties specified in subsection (c).



(f) DETERMINATION.—The Coordinator shall determine, and annually report to the appropriate congressional committees, whether there is a pattern of government-controlled information that constitutes incitement (as described in article 20 of the International Covenant on Civil and Political Rights) and that endangers United States citizens or nationals, impairs relations between the United States and the foreign government, or constitutes incitement to national, racial, or religious discrimination, hostility, or violence. The Coordinator shall specify the governments engaged in such practices and examples of such incitement and propaganda.

(g) FUNDING.—The Secretary of State shall ensure that the Coordinator has adequate staff and funding for the conduct of investigations, the administration of the International Free Media Fund, necessary travel, and others activities necessary to carry out the provisions of this section.

**SEC. 606. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY AND INTERNATIONAL MEDIA.**

(a) ESTABLISHMENT.—Section 604(a)(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) is amended to read as follows:

“(1) There is established an advisory commission to be known as the United States Advisory Commission on Public Diplomacy and International Media.”.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of the United States Information and Exchange Act of 1948 (22 U.S.C. 1469) is amended by adding at the end the following:

“(5) The Commission shall—

“(A) advise the Coordinator for International Free Media on issues relating to the promotion of international press freedoms and free media;

“(B) assist the Coordinator for International Free Media in monitoring and assessing the status of free media worldwide;

“(C) consult with the Coordinator on the administration of the International Free Media Fund; and

“(D) make policy recommendations to the President, the Secretary of State, and Congress with respect to matters involving international press freedoms and free media.”.

(c) REFERENCES.—Except as otherwise provided in this section or an amendment made by this section, any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to the United States Advisory Commission on Public Diplomacy or any other officer or employee of the United States Advisory Commission on Public Diplomacy shall be deemed to refer to the United States Advisory Commission on Public Diplomacy and International Media established under this section.—

**SEC. 607. INTERNATIONAL FREE MEDIA FUND.**

(a) ESTABLISHMENT.—There is established an International Free Media Fund (in this section referred to as the “Fund”) at the Department of State.

(b) PURPOSES.—The purposes of the Fund shall be—

(1) to promote the development of free and independent media worldwide which adhere to widely accepted standards of professional and ethical journalism and editorial practice; and

(2) to complement current efforts by the Department of State, the United States Agency for International Development, the Broadcasting Board of Governors, and other agencies of the United States Government to support free and independent media worldwide.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated to carry out the purposes specified in subsection (b), there is authorized to be appropriated to the Fund \$15,000,000 for fiscal year 2004. Such amounts are authorized to remain available until expended.

(d) NONAPPLICABILITY OF OTHER LAWS.—Notwithstanding any other provision of law, funds appropriated pursuant to subsection (c) may be used for the purposes of this section.

(e) ADMINISTRATION.—

(1) The Fund shall be administered by the Coordinator in consultation with the Commission.

(2) Activities and assistance financed through the Fund may be carried out through grants, contracts, technical assistance, and material support.

(f) ELIGIBLE ORGANIZATIONS, PROGRAMS, AND PROJECTS.—Amounts in the Fund may be used to carry out activities and provide assistance only for organizations, programs, and projects consistent with the purposes set forth in subsection (b).

(g) PROHIBITIONS.—Amounts in the Fund shall not be used to carry out activities or provide assistance to organizations, programs, or projects which advocate national, racial, or religious hatred that incites discrimination, hostility, or violence

consistent with article 20, section 2 of the International Covenant on Civil and Political Rights.

(h) ASSISTANCE CRITERIA.—In administering the Fund, the Coordinator shall take into account—

(1) the importance of providing assistance to organizations, programs, and projects based on their proven or potential contribution to the development of a free media environment worldwide;

(2) the importance of enabling free media to become commercially viable and financially independent in the long term; and

(3) the importance of providing media personnel whose organizations, programs, or projects receive assistance under this section for training in professional and ethical journalism, editorial practices, and media management by the Department of State, the Broadcasting Board of Governors, United States Agency for International Development grantees, or other organizations qualified to provide such training.

(i) ANNUAL REPORTS.—Not later than January 31, of 2005 and in each subsequent year, the Coordinator shall publish an annual report on the activities of the Fund, which shall include a comprehensive and detailed description of the operations, activities, financial condition, and accomplishments under this section for the preceding fiscal year. The reports shall also include an assessment of whether the Fund should also provide loans and guarantees as an additional means to carry out the purposes of this title.

(j) CONSULTATION REQUIREMENTS.—

(1) The Coordinator shall consult with the State Department official primarily responsible for developing and implementing United States policy with respect to a country prior to carrying out activities or providing assistance for such country through the Fund.

(2) Amounts in the Fund shall be used to carry out activities or provide assistance on the basis of consultations among all relevant United States Government agencies operating in the country and with the approval of the chief of mission.

**SEC. 608. FREE MEDIA PROMOTION ACTIVITY OF THE BROADCASTING BOARD OF GOVERNORS.**

(a) IN GENERAL.—The Broadcasting Board of Governors shall make support for indigenous free media an integral part of its mission.

(b) AFFILIATES.—The Broadcasting Board of Governors shall submit a report to the appropriate congressional committees on the prospects and strategy for cultivating affiliate relationships with free media in countries targeted for United States international broadcasting.

(c) TRAINING.—The Broadcasting Board of Governors shall enhance foreign journalist training programs in coordination with existing training programs administered by the Department of State and the United States Agency for International Development.

(d) AUTHORIZATION FOR APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated, there is authorized to be appropriated \$2,500,000 for the fiscal year 2004 and \$2,500,000 for the fiscal year 2005 to support free media in countries in which the Broadcasting Board of Governors is decreasing or discontinuing United States international broadcasting activity.

## TITLE VII—MISCELLANEOUS PROVISIONS

### Subtitle A—Reporting Requirements

**SEC. 701. REPORTS ON BENCHMARKS FOR BOSNIA.**

(a) Section 7 of the 1998 Supplemental Appropriations and Rescissions Act (Public Law 105–174, 112 Stat. 64) is amended—

(1) at the end of paragraph (1) by striking “; and” and inserting a period;

(2) by striking “Congress” and all that follows through “not later” and inserting “Congress not later”; and

(3) by striking paragraph (2).

(b) Section 1203 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) is repealed.

**SEC. 702. REPORTS TO COMMITTEE ON INTERNATIONAL RELATIONS.**

Notwithstanding any other provision of law, for the fiscal years 2004 and 2005, any report required by law or otherwise requested to be submitted by the Secretary of State or the Department of State to any committee of the Congress shall be sub-

mitted also to the Committee on International Relations of the House of Representatives.

**SEC. 703. REPORTS CONCERNING THE CAPTURE AND PROSECUTION OF PARAMILITARY AND OTHER TERRORIST LEADERS IN COLOMBIA.**

(a) **FINDINGS.**—The Congress makes the following findings:

(1) As reported in the Department of State report *Patterns of Global Terrorism 2001*, the United Self-Defense Forces of Colombia (also referred to as “AUC” or “paramilitaries”) have been designated as a foreign terrorist organization by the United States primarily because of their increasing reliance on terrorist methods, such as the use of massacres, to purposefully displace segments of the population as retaliation for allegedly supporting the AUC’s rival organizations, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) of Colombia. According to the report, the paramilitaries also use terrorist tactics to compete for narcotics-trafficking corridors and prime coca-growing terrain.

(2) The Department of State concluded in the 2001 Country Report on Human Rights Practices that despite increased efforts by the Government of Colombia to combat and capture members of paramilitary groups, security forces sometimes illegally collaborate with paramilitaries forces and often fail to take action to prevent paramilitary attacks which lead to serious abuses of human rights.

(3) In September 2002, Amnesty International, Human Rights Watch, and the Washington Office on Latin America released a report which argued that the Colombian Government had not made substantial progress toward suspending officers implicated in human rights abuses, conducting effective judicial investigations of such abuses, or breaking the persistent links between some units of the Colombian military and paramilitary groups.

(4) In February 2003, the United Nations High Commissioner for Human Rights in Colombia reported that some units of the Colombian Security Forces continued to collude openly with illegal paramilitary groups in operations which resulted in violations of human rights.

(5) The Consolidated Appropriations Resolution, 2003 (Public Law 108–7) made available not less than \$5,000,000 to support a Colombian Armed Forces unit which is dedicated to apprehending leaders of Colombian paramilitary organizations.

(b) **REPORTS TO CONGRESS.**—Not later than 30 days after the date of enactment of this Act, and every 180 days thereafter, the Secretary of State, after consulting with internationally recognized human rights organizations pursuant to the procedures required in section 564(b) of the Consolidated Appropriations Resolution, 2003, shall submit a report, in unclassified form (with a classified annex if necessary), on the specific measures that the Colombian authorities are taking to apprehend effectively and prosecute aggressively leaders of paramilitary organizations, to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) **CONTENTS OF REPORTS.**—Each report submitted pursuant to subsection (b) shall—

(1) identify which Colombian Armed Forces units are receiving assistance to apprehend leaders of Colombian paramilitary organizations;

(2) describe the amount and purposes of such assistance;

(3) describe operations by Colombian security forces to apprehend and arrest leaders of Colombian paramilitary organizations;

(4) list the number of detentions, captures, and arrests of leaders of Colombian paramilitary organizations, disaggregating the number according to those detentions, captures, and arrests which were carried out by Colombian security forces identified under paragraph (1);

(5) briefly describe the status of investigations and prosecutions of cases by the Colombian Attorney General’s office involving the arrests of leaders of Colombian paramilitary organizations; and

(6) estimate the number of hours of use by the Colombian military of helicopters provided by the United States under Plan Colombia and successor programs to apprehend the leaders of Colombian paramilitary organizations, as well as leaders of the FARC and ELN, including those individuals who have United States indictments pending against them.

**SEC. 704. REPORTS RELATING TO MAGEN DAVID ADOM SOCIETY.**

(a) **FINDINGS.**—Section 690(a) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended by adding at the end the following:

“(5) Since the founding of the Magen David Adom in 1930, the American Red Cross has regarded it as a sister national society forging close working ties between the two societies and has consistently advocated recognition and member-

ship of the Magen David Adom in the International Red Cross and Red Crescent Movement.

“(6) The American Red Cross and Magen David Adom signed an important memorandum of understanding in November 2002, outlining areas for strategic collaboration, and the American Red Cross will encourage other societies to establish similar agreements with Magen David Adom.”.

(b) SENSE OF CONGRESS.—Section 690(b) of such Act is amended—

(1) in paragraph (3) after the semicolon by striking “and”;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph:

“(4) the High Contracting Parties to the Geneva Conventions of August 12, 1949, should adopt the October 12, 2000, draft additional protocol which would accord international recognition to an additional distinctive emblem; and”.

(c) REPORT.—Section 690 of such Act is further amended by adding at the end the following:

“(c) REPORT.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005 and annually thereafter, the Secretary of State shall submit a report, on a classified basis if necessary, to the appropriate congressional committees describing—

“(1) efforts by the United States to obtain full membership for the Magen David Adom in the International Red Cross Movement;

“(2) efforts by the International Committee of the Red Cross to obtain full membership for the Magen David Adom in the International Red Cross Movement;

“(3) efforts of the High Contracting Parties to the Geneva Convention of 1949 to adopt the October 12, 2000, draft additional protocol; and

“(4) the extent to which the Magen David Adom of Israel is participating in the activities of the International Red Cross and Red Crescent Movement.”.

**SEC. 705. REPORT CONCERNING THE RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO THE ARTIST DINA BABBITT.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen, has requested the return of watercolor portraits she painted while suffering a one and one-half year long internment at the Auschwitz death camp during World War II, where she was ordered to paint portraits by the infamous war criminal Dr. Josef Mengele.

(2) Congress has previously considered the issue, under the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), and urged the Administration to facilitate the return of the paintings to Dina Babbitt.

(3) The Administration has not yet reported any progress in furthering this goal, nor has the Secretary reported on the status of any negotiations held with the intent of furthering this goal.

(b) SENSE OF CONGRESS.—The Congress—

(1) continues to recognize the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz- Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President of the United States to make all necessary efforts to retrieve the 7 watercolor portraits painted by Dina Babbitt, during her internment at the Auschwitz death camp; and

(3) urges the Secretary of State to make immediate diplomatic efforts to facilitate the transfer of the 7 original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner.

(c) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees, describing all diplomatic efforts the United States has taken to facilitate the return of the paintings referred to in this section to Dina Babbitt.

**SEC. 706. REPORT TO CONGRESS ON USE OF VESTED ASSETS.**

Section 203(a) of the International Emergency Economic Powers Act (50 U.S.C. 1702(a)) is amended—

(1) in subparagraph (C), by inserting “, subject to paragraph (4),” after “such interest or property shall”; and

(2) by adding at the end the following:

“(4) The authority under paragraph (1)(C) to use property that has been vested or to use assets that have been liquidated may not be exercised until 15 days after the President has notified the Committee on International Relations of the House

of Representatives and the Committee on Foreign Relations of the Senate of the purpose for which such vested property or liquidated assets will be so used.”.

**SEC. 707. REPORT CONCERNING THE CONFLICT IN UGANDA.**

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should—

(1) exhaust all diplomatic means and pressures, including the creation of a United States role in negotiating humanitarian access to hitherto inaccessible populations which would offer an opportunity to bring the warring parties together to build confidence, to support an immediate peaceful resolution to the 16-year old conflict in Northern Uganda that has—

- (A) killed an estimated 23,000 people, including 12,000 civilians,
- (B) resulted in the forced abduction, sexual servitude, and armed recruitment of between 16,000 to 26,000 Ugandan children by the Lord’s Resistance Army, a renegade army that has in the past sought refuge in southern Sudan and raided villages in northern Uganda,
- (C) displaced over 800,000 Ugandan citizens and Sudanese refugees,
- (D) resulted in the death and abduction of humanitarian aid workers, and
- (E) gravely inhibited the delivery of emergency assistance and food aid to nearly 1 million northern Ugandan civilians dependent on such assistance for survival;

(2) urge rebel forces to stop the abduction of children, urge all forces to stop the use of child soldiers, and seek the release of all forcibly-held children;

(3) make available technical assistance resources to seek, track, and stop funding for the Lord’s Resistance Army (LRA) from all sources and condemn all governments and organizations who do assist the LRA;

(4) monitor and support negotiations conducted by an third-party institutions for an immediate cease-fire between the LRA and the Ugandan Government, and to explore the possibility of facilitating the creation of mechanisms for an international monitoring team to enforce this cease-fire as the first step in the process toward a permanent peace;

(5) continue supporting the Sudan Peace Process and Danforth Initiative, which includes peace talks, donor coordination, regional support, civilian protection and monitoring, and cease-fire verification and consider modeling aspects of this process in northern Uganda;

(6) make available sufficient resources to meet the immediate relief of the towns and cities supporting large displaced populations, including food, clean water, medicine, shelter, and clothing;

(7) make available increased resources for assistance to released and returned abducted children and child soldiers and ensure that amnesty is provided when appropriate;

(8) work with other donors and the Ugandan Government to increase resources and technical support to the Uganda Amnesty Commission for the increased demobilization of rebel combatants;

(9) examine ways in which development assistance can help those living in protective villages in northern Uganda return to and cultivate farmland; and

(10) condition military assistance to Uganda on its international compliance with sustained troop withdrawals from the Democratic Republic of Congo where the presence of Ugandan armies has contributed to the violence and instability in the region.

(b) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each subsequent year, the Secretary shall submit to the appropriate congressional committees a report on the comprehensive actions of the United States in seeking a peaceful and immediate solution to conflict in northern Uganda as well as humanitarian assistance efforts to the region, including efforts to advance each area addressed in subsection (a).

**SEC. 708. REQUIREMENT FOR REPORT ON UNITED STATES POLICY TOWARD HAITI.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has a political and economic interest and a humanitarian and moral responsibility in assisting the Government and people of Haiti in resolving the country’s problems and challenges.

(2) The situation in Haiti is increasingly cause for alarm and concern, and a sustained, coherent, and active approach by the United States Government is needed to make progress toward resolving Haiti’s political and economic crises.

(b) REQUIREMENT FOR REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of the Treasury, shall submit to the appropriate congressional committees a report that describes United States policy toward Haiti. The report shall include the following:

(1) A description of the activities carried out by the United States Government to resolve Haiti's political crisis and to promote the holding of free and fair elections in Haiti at the earliest possible date.

(2) A description of the activities that the United States Government anticipates initiating to resolve the political crisis and promote free and fair elections in Haiti.

(3) An assessment of whether Resolution 822 issued by the Permanent Council of the Organization of American States on September 4, 2002, is an appropriate framework for a multilateral approach to resolving the political and economic crises in Haiti.

(4) A description of the status of efforts to release the approximately \$146,000,000 in loan funds that have been approved by the Inter-American Development Bank to Haiti for the purposes of rehabilitating rural roads, reorganizing the health sector, improving potable water supply and sanitation, and providing basic education, a description of any obstacles that are delaying the release of the loan funds, and recommendations for overcoming such obstacles, including whether any of the following would facilitate the release of such funds:

(A) Establishing an International Monetary Fund staff monitoring program in Haiti.

(B) Obtaining bridge loans or other sources of funding to pay the cost of any arrears owed by the Government of Haiti to the Inter-American Development Bank.

(C) Providing technical assistance to the Government of Haiti to permit the Government to meet international financial transparency and other requirements.

**SEC. 709. REPORT ON THE EFFECTS OF PLAN COLOMBIA ON ECUADOR.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Section 695 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) required the Secretary of State to submit a report to Congress on the impact of Plan Colombia on Ecuador and the other adjacent countries to Colombia within 150 days after the date of the enactment of that Act.

(2) The 150 day time period for the submission of such report has lapsed without a report being submitted to the Congress.

(3) There continues to be growing alarm concerning the spillover effect of Plan Colombia on Ecuador, a frontline state, especially in the northern region of Ecuador which includes the Sucumbios province.

(b) REPORT TO CONGRESS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees which sets forth—

(A) a statement of policy and comprehensive strategy for United States activities in Colombia related to the impact of Plan Colombia on Ecuador and the other adjacent countries to Colombia; and

(B) the reasons for the failure of the Department of State to submit the report required by section 695 of Public Law 107–228 within the time period mandated by law.

**SEC. 710. REPORT ON ACTIONS TAKEN BY PAKISTAN.**

For each of fiscal years 2004 and 2005, the President shall prepare and transmit to the appropriate congressional committees a report that contains a description of the extent to which the Government of Pakistan—

(1) has closed all known terrorist training camps operating in Pakistan and Pakistani-held Kashmir;

(2) has established serious and identifiable measures to prohibit the infiltration of Islamic extremists across the “Line of Control” (LoC) into India; and

(3) has ceased the transfer of weapons of mass destruction, including any associated technologies, to any third country or terrorist organization.

**SEC. 711. REPORT ON DEMOCRACY IN THE WESTERN HEMISPHERE.**

(a) FINDINGS.—Congress finds the following:

(1) Although 34 out of 35 countries in the Western Hemisphere have held elections for civilian leaders of national, regional, and local governments, many of these countries have failed to successfully develop independent democratic institutions, transparent and accountable governance, and effective means of guaranteeing the rule of law, which are key components of a fully functioning democracy.

(2) The rule of law, independent democratic institutions, and transparent, accountable governance are essential for guaranteeing human rights, especially civil, political, and labor rights.

(3) The rule of law, independent democratic institutions, and transparent accountable governance are also necessary for promoting successful economic development and reliable trading and investment mechanisms.

(4) In part because of the lack of these three factors, progress on human rights and economic development has lagged or been uneven in much of the Western Hemisphere, leading some to question the benefits of democracy itself as a path for improving the lives of individuals in the hemisphere.

(5) For democracy to continue in many of these countries, for human rights to improve, and for regional economic integration to be successful, the rule of law, independent democratic institutions, and transparent accountable governance must be strengthened.

(6) As a strong supporter of democracy and human rights and as an advocate of regional economic integration, it is in the interests of the United States to enhance its efforts to promote a deepening of democracy in the Western Hemisphere, particularly through strengthening the rule of law, independent democratic institutions, and transparent accountable governance.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the heads of other Federal departments and agencies as necessary, shall prepare and submit to the appropriate congressional committees a report on the state of democracy in each country in the Western Hemisphere (other than the United States and Canada). For each such country, the report shall provide the following:

(1) A description of its system of government, including schedule of elections, manner of judicial appointments, and responsibilities of each branch of government.

(2) An assessment of—

(A) the state of the rule of law;

(B) the power and independence of each branch of government and institutions;

(C) the transparency and accountability in governance; and

(D) the effect on human rights, particularly civil and political rights, caused by the presence (or lack thereof) of any of the factors in subparagraphs (A) through (C); and

(E) the effect on economic development caused by the presence (or lack thereof) of any of the factors in subparagraphs (A) through (C).

(3) A description of efforts to strengthen the rule of law, independent institutions, or transparent governance in the country, whether through local efforts or through efforts funded or implemented by the United States, the Organization of American States (OAS), or others.

**SEC. 712. REPORT CONCERNING INTERNAL AND INTRA-REGIONAL CONFLICTS IN THE GREAT LAKES REGION OF AFRICA.**

(a) FINDINGS.—The Congress makes the following findings:

(1) The Great Lakes region of Central Africa has a history of colonial based ethnic divisions, political violence, and civil wars which have perpetuated conditions conducive to chronic poverty and turmoil over the past decade. The countries of the Great Lakes region are heavily embroiled in the conflicts within their neighbors borders. At different times, the war in the Democratic Republic of Congo (DRC) has involved more outside countries than any other contemporary war in Africa's history, (including Angola, Rwanda, Uganda, Zimbabwe, Burundi, Sudan, Chad, Namibia, and Central African Republic).

(2) The region is hallmarked by genocide, the recruitment of child soldiers, war crimes, systematic rape of women and violence directed against children, corruption, and the illegal exploitation of natural resources on a global scale. Civil wars, conflicts over natural resources, and structural violence in the Great Lakes have resulted in—

(A) the death of approximately three million people through direct and indirect causes of the war in the DRC since 1998;

(B) the deaths of at least 800,000 people during the 1994 genocide in Rwanda;

(C) the deaths of an estimated 300,000 people through direct and indirect causes of the war in Burundi since 1993;

(D) the deaths of thousands in Uganda;

(E) the forced abduction, sexual servitude, and armed recruitment of thousands of children;

(F) the displacement of millions of Ugandan, Burundian, Congolese, Rwandan, and Sudanese refugees;

(G) the death and abduction of humanitarian aid workers throughout the region; and

(H) grave disruptions in the delivery of emergency assistance and food aid to millions of civilians in northern Uganda, eastern Congo, and Burundi dependent on such assistance for survival.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should—

(1) exhaust all diplomatic means and utilize all foreign policy instruments to help peacefully resolve conflicts in the Great Lakes region by supporting both national and regional political, economic, and social initiatives conducive to fostering African-led peace, reconstruction, and political and economic institutional and structural transformation processes in Uganda, Rwanda, Burundi, and the Democratic Republic of Congo;

(2) urge all rebel forces to stop the abduction of children, urge all armed forces to stop the use of child soldiers, and seek the release of all forcibly-held children;

(3) make available technical assistance resources to seek, track, and stop funding for all armed extremist paramilitary and militarist rebel organizations from all sources and condemn all governments and organizations who do assist such groups;

(4) monitor and support negotiations conducted by third-party institutions for an immediate end of armed actions between: The LRA and the Ugandan Government; the RCD factions and MLC and the government of Democratic Republic of the Congo under the terms of the Lusaka Accords; the FDD and the Burundian Government under the terms of the Arusha Accords;

(5) explore the possibility of facilitating the creation of mechanisms for an international monitoring team to enforce cease-fires as the first step in the process toward a permanent peace in the region;

(6) continue supporting the Sudan Peace Process, the Danforth Initiative, the Lusaka Accords, and the Arusha Accords which includes peace talks, donor coordination, regional support, civilian protection and monitoring, and cease-fire verification;

(7) make available sufficient resources to meet the immediate relief needs of the towns and cities in the Great Lakes region supporting large displaced populations, including food, clean water, medicine, shelter, and clothing;

(8) make available increased resources for assistance to released and returned abducted children and child soldiers in the Great Lakes Region and ensure that amnesty is provided when appropriate;

(9) work with other donors and the Governments of Uganda, Burundi, Rwanda, and the Democratic Republic of Congo to increase resources and technical support to both regional and national combatant demobilization entities such as the Uganda Amnesty Commission in Uganda and equivalent entities in Burundi, Rwanda, and the Democratic Republic of Congo for the increased demobilization of rebel combatants;

(10) examine ways in which development assistance (DA) can help those living in protective villages in northern Uganda, eastern Congo, and other demilitarized areas in Rwanda and Burundi to return to and cultivate farmland;

(11) condition military assistance to any nation which acts to destabilize the DRC by violating international agreements regarding sustained troop withdrawals and respect for the territorial integrity of the DRC; and

(12) direct the Secretary of State to appoint a special envoy to the Great Lakes region to oversee cross-cutting security and economic policies in the region.

(c) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each subsequent year, the Secretary should submit to the appropriate congressional committees a report on the comprehensive actions taken by the United States in promoting peaceful and immediate solutions to the internal and intra-regional conflicts in the Great Lakes region, including taking steps to bring an end to the illegal exploitation and international trade of natural resources from the Democratic Republic of Congo; supporting bilateral and multilateral peace keeping initiatives; the promotion of regional economic integration; the promotion of broad based democratic political processes based on the rule of law; the promotion of women and other previously disadvantaged communities as equal political and economic stakeholders in societies; and humanitarian assistance efforts in the region, including efforts to advance each area addressed in subsection (a).



## Subtitle B—Other Matters

### SEC. 721. SENSE OF CONGRESS RELATING TO EAST TIMOR, JUSTICE, AND REHABILITATION.

The Congress—

(1) recalls that the United Nations International Commission of Inquiry concluded in January 2000 that “the Indonesian Army was responsible for the intimidation, terror, killings and other acts of violence” during East Timor’s vote for independence in 1999;

(2) reiterates that justice for crimes against humanity and war crimes committed in East Timor during the vote for independence in 1999 is crucial for peace, reconciliation, and the ongoing nation-building process in East Timor and Indonesia;

(3) finds that the ad hoc Human Rights Court on East Timor established by the Indonesian Government in 2001 has inadequately brought to justice the perpetrators of these crimes as eleven of fourteen defendants have been acquitted as a result of poor indictments and the absence of an adequate witness protection program, and four of the five sentences imposed have been less than the minimum allowed under the Indonesian Human Rights Law;

(4) supports the work of the Joint United Nations-East Timor Serious Crimes Unit (SCU), which filed indictments against high-ranking Indonesian officers who were allegedly involved in the crimes, including Gen. Wiranto, Maj. Gen. Kiki Syahnakri, Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Adam Damiri, Col. Suratman, Col. Noer Muis, Col. Yayat Sudrajat and former Governor Abilio Soares, and expresses its strong disappointment that the Indonesian Government has stated its intention to ignore the indictments;

(5) calls on the State Department and the United States Mission to the United Nations to push for a comprehensive United Nations review of the Indonesian ad hoc Human Rights Court on East Timor, including a review of the conduct of trials, the indictment strategy by the prosecutors and its adherence to the international standards, and urges the State Department to consider alternative mechanisms of justice for East Timor, including the establishment of an ad hoc international tribunal; and

(6) urges the Indonesian Government to fully cooperate with the joint United Nations-East Timor Serious Crimes Unit (SCU) and encourages the United States to urge the Indonesian Government to fully cooperate with the SCU.

### SEC. 722. SENSE OF CONGRESS CONCERNING HUMAN RIGHTS AND JUSTICE IN INDONESIA.

The Congress—

(1) notes with grave concern that members of the Indonesian security forces, particularly the Army Special Forces (Kopassus) and the Police Mobile Brigade (Brimob), continue to commit many serious human rights violations, including extrajudicial killings, torture, rape, and arbitrary detention, particularly in areas of conflict such as Aceh, Papua, the Moluccas, and Central Sulawesi;

(2) notes with grave concern that the Government of Indonesia largely fails to hold soldiers and police accountable for extrajudicial killings and other serious human rights abuses, both past and present;

(3) condemns the intimidation and harassment of human rights and civil society organizations and activists by members of Indonesian security forces and by military-backed militia groups, particularly in Aceh and Papua;

(4) notes with concern the Indonesian military’s resistance to civilian control and oversight, its lack of budgetary transparency, and its continuing emphasis on internal security within Indonesia;

(5) urges the Indonesian government and military to provide full, active, and unfettered cooperation with the investigation of the Federal Bureau of Investigation of the United States Department of Justice into the August 31, 2002 attack near Timika, Papua, which killed three people (including two Americans, Rick Spier and Ted Burgon), and injured 12 others, and which appears likely to have been perpetrated at least in part by members of the Indonesian military;

(6) commends the December 2002 signing of the Framework Agreement on Cessation of Hostilities in Aceh, but condemns the recent outbreaks of violence and militia activity that appear calculated to subvert that cease-fire agreement;

(7) notes with grave concern the continued detention of Muhammad Nazar, and the fact that those responsible for the murders of other prominent members of civil society in Aceh, such as Jafar Siddiq Hamzah, Sukardi, Sulaiman Ahmad, Tengku Safwan Idris, Nashiruddin Daud, and Zaini Sulaiman, still have not been apprehended, prosecuted, or punished;

(8) commends the “Zone of Peace” initiative in Papua, which has brought together civic, religious, governmental, and police representatives to discuss productive means of avoiding conflict, but expresses concern at the refusal of the Indonesian military to participate in that effort; and

(9) encourages the Government of Indonesia to expedite the reunification of separated East Timorese children with their families, and to hold legally accountable those individuals and organizations responsible for taking those children and for obstructing reunification efforts.

**SEC. 723. AMENDMENT TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.**

Section 207(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6435(a)) is amended by inserting “and for each subsequent fiscal year” after “2003”.

**SEC. 724. SENSE OF CONGRESS WITH RESPECT TO HUMAN RIGHTS IN CENTRAL ASIA.**

(a) FINDINGS.—The Congress makes the following findings:

(1) The Central Asian nations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are providing the United States with assistance in the war in Afghanistan, from military basing and overflight rights to the facilitation of humanitarian relief.

(2) In turn, the United States victory over the Taliban in Afghanistan provides important benefits to the Central Asian nations by removing a regime that threatened their security and by significantly weakening the Islamic Movement of Uzbekistan, a terrorist organization that had previously staged armed raids from Afghanistan into the region.

(3) The United States has consistently urged the nations of Central Asia to open their political systems and economies and to respect human rights, both before and since the attacks of September 11, 2001.

(4) Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan are members of the United Nations and the Organization for Security and Cooperation in Europe (OSCE), both of which confer a range of obligations with respect to human rights on their members.

(5) While the United States recognizes marked differences among the social structures and commitments to democratic and economic reform of the Central Asian nations, the United States notes nevertheless, according to the State Department Country Reports on Human Rights Practices, that all five governments of such nations, to differing degrees, restrict freedom of speech and association, restrict or ban the activities of human rights organizations and other nongovernmental organizations, harass or prohibit independent media, imprison political opponents, practice arbitrary detention and arrest, and engage in torture and extrajudicial executions.

(6) By continuing to suppress human rights and to deny citizens peaceful, democratic means of expressing their convictions, the nations of Central Asia risk fueling popular support for violent and extremist movements, thus undermining the goals of the war on terrorism.

(7) President George W. Bush has made the defense of human dignity, the rule of law, limits on the power of the state, respect for women and private property, free speech, equal justice, religious tolerance strategic goals of United States foreign policy in the Islamic world, arguing that “a truly strong nation will permit legal avenues of dissent for all groups that pursue their aspirations without violence”.

(8) Congress has expressed its desire to see deeper reform in Central Asia in past resolutions and other legislation, most recently conditioning assistance to Uzbekistan and Kazakhstan on their progress in meeting commitments to the United States on human rights and democracy.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the governments of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan should accelerate democratic reforms and fulfill their human rights obligations, including, where appropriate, by—

(A) releasing from prison anyone jailed for peaceful political activism or the nonviolent expression of their political or religious beliefs;

(B) fully investigating any credible allegations of torture and prosecuting those responsible;

(C) permitting the free and unfettered functioning of independent media outlets, independent political parties, and nongovernmental organizations, including by easing registration processes;

(D) permitting the free exercise of religious beliefs and ceasing the persecution of members of religious groups and denominations that do not engage in violence or political change through violence;

(E) holding free, competitive, and fair elections; and

(F) making publicly available documentation of their revenues and punishing those engaged in official corruption;  
 (2) the President, the Secretary of State, and the Secretary of Defense should—

(A) continue to raise at the highest levels with the governments of the nations of Central Asia specific cases of political and religious persecution, and to urge greater respect for human rights and democratic freedoms at every diplomatic opportunity;

(B) take progress in meeting the goals specified in paragraph (1) into account when determining the scope and nature of United States diplomatic and military relations and assistance with each of such governments;

(C) ensure that the provisions of foreign operations appropriations Acts are fully implemented to ensure that no United States assistance benefits security forces in Central Asia that are implicated in violations of human rights;

(D) press the Government of Turkmenistan to implement the helpful recommendations contained in the 2003 resolution on Turkmenistan of the United Nations Commission on Human Rights and the so-called “Moscow Mechanism” Report of the Organization for Security and Cooperation in Europe (OSCE), respect the right of all prisoners to due process and a fair trial and release democratic activists and their family members from prison;

(E) urge the Government of Russia not to extradite to Turkmenistan members of the political opposition of Turkmenistan;

(F) work with the Government of Kazakhstan to create a political climate free of intimidation and harassment, including releasing political prisoners and permitting the return of political exiles, and to reduce official corruption, including by urging the Government of Kazakhstan to cooperate with the ongoing United States Department of Justice investigation;

(G) support through United States assistance programs individuals, non-governmental organizations, and media outlets in Central Asia working to build more open societies, to support the victims of human rights abuses, and to expose official corruption; and

(H) press the Government of Uzbekistan to implement fully the recommendations made to the Government of Uzbekistan by the United Nations’ Special Rapporteur on Torture; and

(3) increased levels of United States assistance to the governments of the nations of Central Asia made possible by their cooperation in the war in Afghanistan can be sustained only if there is substantial and continuing progress toward meeting the goals specified in paragraph (1).

**SEC. 725. TECHNICAL CORRECTION TO AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2003 FOR CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.**

Section 112(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (116 Stat. 1358; Public Law 107–228) is amended by striking “\$15,000,000” and inserting “\$18,000,000”.

**SEC. 726. UNDER SECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY.**

(a) **UNDER SECRETARY.**—There shall be in the Department of Commerce an Under Secretary of Commerce for Industry and Security who shall serve as the head of the Bureau of Industry and Security and perform such duties as the Secretary of Commerce shall prescribe. The Under Secretary of Commerce for Industry and Security shall be appointed by the President by and with the advice and consent of the Senate.

(b) **INCUMBENT.**—The individual serving on the date of the enactment of this Act as the Under Secretary of Commerce for Export Administration shall serve as the Under Secretary of Commerce for Industry and Security until such time as a successor is appointed under subsection (a).

(c) **COMPENSATION.**—Section 5314 of title 5, United States Code, is amended by striking “Under Secretary of Commerce for Export Administration” and inserting “Under Secretary of Commerce for Industry and Security”.

(d) **CONFORMING AMENDMENTS.**—Section 15(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2414(a)) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking “in carrying out such functions” and inserting “of Commerce for Industry and Security in carrying out the functions of the Under Secretary”.

**SEC. 727. CONCERNING THE SPREAD OF WEAPONS OF MASS DESTRUCTION.**

- (a) **FINDINGS.**—The Congress makes the following findings:
- (1) The proliferation of weapons of mass destruction presents a direct threat to the stability, security, and safety of nations around the globe.
  - (2) Combatting the spread of such weapons is a responsibility borne by all nations.
  - (3) United States efforts to stop the further spread of these weapons can be further enhanced by cooperative efforts between the United States and the European Union.
  - (4) There are many different components in this effort that require a comprehensive approach, immediate attention, and vigorous action, including the “10+10 over 10 Initiative” agreed to by the United States and many members of the European Union.
  - (5) Stopping the spread of weapons of mass destruction is made more difficult when states willingly participate in, or contribute to, their development or their sale or transfer to other nations.
  - (6) Stopping the spread of weapons of mass destruction is made more difficult when private companies willingly participate in, or contribute to, their development or their sale or transfer to other nations.
  - (7) United States security and safety is undermined when companies engage in such commerce.
- (b) **SENSE OF CONGRESS.**—The Congress call on the European Union to—
- (1) develop an aggressive and robust regulatory system designed to—
    - (A) investigate allegations of companies contributing to the development of weapons of mass destruction or their sale or transfer to other nations;
    - (B) isolate and condemn companies found to participate in, or contribute to, the development of such weapons or their sale or transfer to other nations; and
    - (C) develop a punitive response designed to punish such companies, thereby preventing further actions on their part and discouraging other companies from engaging in such actions;
  - (2) condemn, by name, states known to be contributing to the development or spread of weapons of mass destruction; and
  - (3) develop appropriate punitive measures designed to discourage further actions.

**SEC. 728. INTERNATIONAL AGRICULTURAL BIOTECHNOLOGY INFORMATION PROGRAM.**

- (a) **IN GENERAL.**—The Department of State shall provide to other countries, as appropriate, the scientific evidence on the benefits, safety, and potential uses of agricultural biotechnology.
- (b) **SPECIFIC OBJECTIVES.**—The Secretary of State shall—
- (1) chair an interagency task force comprised of representatives of the Department of Commerce, the Department of Agriculture, and the United States Agency for International Development to develop and disseminate accurate written scientific information on the potential benefits of agricultural biotechnology for human and animal nutrition, the environment, food and feed production, agricultural sustainability, and bioenergy development;
  - (2) coordinate the development and dissemination of scientifically-based facts regarding, the safety and regulation of biotechnology-derived food and feed products;
  - (3) instruct the United States Agency for International Development (USAID) to develop a program to demonstrate the potential benefits of agricultural biotechnology to develop products that can be grown under local soil and climate conditions and better meet the health and nutritional needs of local populations in the developing world; and
  - (4) ensure that personnel undertaking these activities are knowledgeable of, and disseminate information on, the United States regulatory safeguards that assure food and environmental safety.

**SEC. 729. REFUGEE RESETTLEMENT BURDENSARING.**

- It is the sense of the Congress that—
- (1) the Secretary of State should actively encourage the international community to accept refugees for resettlement on a more equitable basis;
  - (2) the Secretary of State should raise the issue of refugee resettlement burdensharing at the United Nations and other multilateral and bilateral meetings;
  - (3) developed countries should be encouraged to increase the percentage of the world’s refugees accepted for resettlement; and

(4) the Secretary of State should encourage developing stable countries in regions with refugee flows to accept for resettlement as many of their neighbors as possible.

**SEC. 730. SENSE OF CONGRESS ON CLIMATE CHANGE.**

(a) FINDINGS.—The Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of manmade greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (in this section referred to as the “IPCC”) has concluded that “there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities” and that the Earth’s average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that “the IPCC’s conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue” and that “there is general agreement that the observed warming is real and particularly strong within the past twenty years”. The National Academy of Sciences also noted that “because there is considerable uncertainty in current understanding of how the climate system varies naturally and reacts to emissions of greenhouse gases and aerosols, current estimates of the magnitude of future warming should be regarded as tentative and subject to future adjustments upward or downward”.

(4) The IPCC has stated that in the last 40 years, the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) In October 2000, a report of the United States interagency Global Change Research Program found that global climate change may harm the United States by altering crop yields, accelerating sea-level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention on Climate Change (in this section referred to as the “UNFCCC”), the ultimate objective of which is the “stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner”.

(7) The UNFCCC stated in part that the Parties to the UNFCCC are to implement policies “with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases” under the principle that “policies and measures . . . should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change”.

(8) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases and developing nations’ emissions will significantly increase in the future.

(9) The UNFCCC further stated that “developed country Parties should take the lead in combating climate change and the adverse effects thereof”, as these nations are the largest historic and current emitters of greenhouse gases. The UNFCCC also stated that “steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas”.

(10) Any future, binding treaty on climate change must not result in serious harm to the United States economy, and should not cause the United States to abandon its shared responsibility to help reduce the risks of climate change and its impacts. Future international efforts in this regard should focus on recognizing the equitable responsibilities for addressing climate change by all nations, including commitments by the largest developing country emitters in a future, binding climate change treaty.

(11) While the United States has elected against becoming a party to the Kyoto Protocol to the UNFCCC at this time, it is the position of the United States that it will not interfere with the plans of any nation that chooses to ratify and implement the Kyoto Protocol.

(12) United States businesses need to know how governments worldwide will address the risks of climate change. By committing themselves to reducing their greenhouse gas emissions, leading companies in the United States and worldwide are doing more than addressing the problem of climate change—they are also improving their competitive positioning. More than 30 major corporations, most with operations in the United States, have specifically committed themselves to reducing their greenhouse gas emissions.

(13) The United States benefits from investments in the research, development, and deployment of a range of clean energy and efficiency technologies that can reduce the risks of climate change and its impacts and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States should demonstrate international leadership and responsibility in reducing the health, environmental, and economic risks posed by climate change by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, tradable credits for emissions reductions, and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions;

(3) participating in international negotiations, including putting forth a proposal to the Conference of the Parties to the UNFCCC, with the objective of securing United States participation in a future binding treaty on climate change in a manner that protects the economic interests of the United States, is consistent with the environmental objectives of the UNFCCC, and recognizes the shared international responsibility for addressing climate change, including developing country participation; and

(4) establishing a bipartisan observer group of Members of the House of Representatives, designated by the chairman and ranking member of the Committee on International Relations of the House of Representatives, to monitor any international negotiations on climate change.

**SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION ISSUES BETWEEN THE UNITED STATES AND MEXICO.**

(a) FINDINGS.—The Congress finds as follows:

(1) During President Bush's first meeting with President Fox in Guanajuato, Mexico, the Presidents stated in the Joint Communique of February 16, 2001 that "we are instructing our Governments to engage, at the earliest opportunity, in formal high level negotiations aimed at achieving short and long-term agreements that will allow us to constructively address migration and labor issues between our two countries."

(2) During President Fox's official visit to Washington, D.C., the Joint Statement of September 6, 2001, summarized the meeting as follows: "The Presidents reviewed the progress made by our joint working group on migration chaired by Secretaries Powell, CastaZeda, and Creel and Attorney General Ashcroft and noted this represented the most fruitful and frank dialogue we have ever had on a subject so important to both nations. They praised implementation of the border safety initiative, and recognized that migration-related issues are deeply felt by our publics and vital to our prosperity, well-being, and the kind of societies we want to build. They renewed their commitment to forging new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified, and agreed on the framework within which this ongoing effort is based. This includes: matching willing workers with willing employers; serving the social and economic needs of both countries; respecting the human dignity of all migrants, regardless of their status; recognizing the contribution migrants make to enriching both societies; shared responsibility for ensuring migration takes place through safe and legal channels. Both stressed their commitment to continue our discussions, instructing the high-level working group to reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States. They requested that the working group provide them proposals with respect to these issues as soon as possible. The Presidents recognized that this is an extraordinarily challenging area of public policy, and that it is critical to address the issue in a timely manner and with appropriate thoroughness and depth."

(3) On September 7, 2001, during President Fox's historic State Visit to Washington, the United States and Mexico issued a joint statement instructing our cabinet-level working group to provide us with specific proposals to forge a new and realistic framework that will ensure a safe, legal, orderly, and dignified migration flow between our countries. We have today agreed that our

Cabinet level migration group should continue the work we charged it with in Guanajuato and Washington.

(4) When the Presidents met in Monterrey, Mexico, the Presidents stated in a Joint Statement on March 22, 2002, as follows: "Slightly more than one year ago, in Guanajuato, we talked about migration as one of the major ties that join our societies. We launched then the frankest and most productive dialogue our countries have ever had on this important and challenging subject. Those talks have continued over the past year, and have yielded a clearer assessment of the scope and nature of this issue. This bond between our nations can render countless benefits to our respective economies and families.

(5) Over the past year, important progress has been made to enhance migrant safety and particularly in saving lives by discouraging and reducing illegal crossings in dangerous terrain.

(6) At the conclusion of the Mexico-United States Binational Commission (BNC) meeting in Mexico City in November 2002, Secretary of State Powell's press conference was summarized by the State Department as follows: The BNC's migration working group "affirmed our strong commitment to advancing our bilateral migration agenda," he stressed, adding that "there should be no doubt in anyone's mind that this is a priority for President Bush, just as it is a priority for [Mexican] President [Vicente] Fox."

(7) Secretary Powell said no schedule had been established for a migration accord, but he confirmed that the United States and Mexico want to come up with a series of migration initiatives over the course of the next six months to a year.

(8) Mexico's state-run oil monopoly, Petróleos Mexicanos (PEMEX), is inefficient, plagued by corruption, and in need of substantial reform and private investment in order to provide sufficient petroleum products to Mexico and the United States to fuel future economic growth which can help curb illegal migration into the United States.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) that the United States and Mexico should as soon as is practicable commence negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations;

(2) that any accord on migration issues between the United States and Mexico should also include an accord to open Petróleos Mexicanos (PEMEX) to investment by U.S. oil companies and specific steps to reform PEMEX's operations to make them more transparent and efficient; and

(3) that as part of any migration agreement between the United States and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

**SEC. 732. SENSE OF CONGRESS CONCERNING UNITED STATES ASSISTANCE TO PALESTINIAN REFUGEES.**

The Congress—

(1) recognizes the importance of United States humanitarian assistance to Palestinian refugees as an essential component to the peace process in the Middle East;

(2) acknowledges the hardships endured by many innocent Palestinian refugees in the West Bank and Gaza Strip and in other neighboring countries;

(3) notes that the United Nations High Commission for Refugees (UNHCR) is the international body that seeks to find "lasting solutions" to the plight of refugees throughout the world, with the sole exception of the Palestinians, for whose exclusive benefit a special agency, the United Nations Relief and Works Agency (UNRWA), was established in 1950 and which makes no effort to permanently resettle Palestinian refugees, even those who reside under the jurisdiction of the Palestinian Authority, in order to ensure the perpetuation of the problem of Palestinian refugees;

(4) recognizes that the United States has been the world's leading donor to UNRWA, having provided over \$2,500,000,000 to UNRWA since 1950, including the provision of \$110,000,000, in fiscal year 2002, and that such organization has provided important humanitarian assistance to the Palestinian people;

(5) notes that the United States contribution to UNRWA is nearly 10 times that of the entire Arab world, and calls on Arab states to assume a greater share of the burden for financing UNRWA;

(6) expresses its outrage over credible reports that UNRWA facilities have been used for terrorist training and bases for terrorist operations, with little attempt by the UNRWA to stop or oppose such attacks or alert relevant law enforcement authorities about such terrorist activities;

(7) expresses deep concern over the textbooks and educational materials used in the UNRWA educational system that promote anti-Semitism, denial of the

existence and the right to exist of the state of Israel, and exacerbate stereotypes and tensions between the Palestinians and Israelis;

(8) strongly urges the Secretary General of the United Nations to immediately take steps to comprehensively reform the UNRWA so that it actively works to oppose terrorist attacks and actively works to promote reconciliation and understanding between the Israelis and Palestinians;

(9) strongly urges UNRWA to meet the requirements, in letter and spirit, of section 301(c) of the Foreign Assistance Act of 1961, including by comprehensively ensuring that no UNRWA assistance is rendered to anyone who has been involved with terrorism at any time and that all UNRWA beneficiaries be informed at the earliest possible time, and at regular intervals thereafter, that anyone involved with terrorism thereafter will be ineligible for UNRWA benefits;

(10) strongly urges the Secretary of State to make UNRWA reforms a priority at the United Nations by actively campaigning within the United Nations to support such reforms, including comprehensive and independently verifiable audits of UNRWA activities and educational reform that would remove from the curriculum all textbooks and educational materials that promote hatred of Jews and Israel and denial of Israel's right to exist and replace them with teaching materials that promote Israeli-Palestinian reconciliation and mutual understanding; and

(11) notes the General Accounting Office (GAO) audit required by section 580 of the FY 2003 Foreign Operations Appropriations Act (Public Law 108-7), and strongly encourages the GAO to conduct, as part of this audit, an investigation and inspection of all recent United States assistance to UNRWA to ensure that taxpayer funds are being spent effectively and are not directly or indirectly supporting terrorism, anti-Semitic or anti-Jewish teachings, or the glorification or incitement of violence.

**SEC. 733. UNITED STATES POLICY ON WORLD BANK GROUP LOANS TO IRAN.**

(a) UNITED STATES POLICY.—The Secretary of State (or a designee), in consultation with the Secretary of the Treasury, shall communicate directly with the governments of countries represented on the decision-making boards and councils of the international financial institutions of the World Bank Group and consistently convey the strong opposition of the United States Government to any further activity in Iran by the international financial institutions of the World Bank Group.

(b) REPORTS.—Not later than 90 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit a report on the efforts of the Secretary to carry out subsection (a) to the chairman and ranking minority member of the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(c) WORLD BANK GROUP DEFINED.—As used in this section, the term “World Bank Group” means the International Bank for Reconstruction and Development, the International Development Association, the International Financial Corporation, and the Multilateral Investment Guaranty Agency.

**SEC. 734. SENSE OF CONGRESS RELATING TO SOVIET NUCLEAR TESTS IN KAZAKHSTAN.**

(a) FINDINGS.—Congress finds the following:

(1) In 1991, immediately after achieving independence, Kazakhstan closed and sealed the world's second largest nuclear test site in Semipalatinsk which had been inherited from the former Soviet Union and at which more than 500 nuclear tests had been conducted from 1949 to 1991.

(2) The cumulative power of explosions from those tests, conducted above ground, on the ground, and underground is believed to be equal to the power of 20,000 explosions of the type of bomb dropped on Hiroshima, Japan, in 1945.

(3) More than 1,500,000 people in Kazakhstan suffered because of decades of Soviet nuclear weapons testing in the region.

(4) A horrifying array of disease will continue to destroy the lives of hundreds of thousands and their descendants for many generations to come as a result of these tests.

(5) Since its independence, Kazakhstan has constructed a stable and peaceful state, voluntarily disarmed the world's fourth largest nuclear arsenal, joined the Strategic Arms Reduction Treaty (START), and became an example of responsible nonproliferation of such weapons.

(6) Kazakhstan is also doing its best to help those who were exposed to the horrific nuclear experiments of the 20th century but it faces daunting challenges.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should work to establish a joint working group with the Government of Kazakhstan



to assist in assessing the environmental damage and health effects caused by Soviet nuclear testing in Semipalatinsk.

**SEC. 735. SENSE OF CONGRESS RELATING TO VIOLENCE AGAINST WOMEN.**

The Congress—

(1) recalls that Article 4 of the United Nations Declaration on the Elimination of Violence Against Women (20 December 1993) outlines that states should condemn violence against women and should not invoke any custom, tradition, or religious consideration to avoid their obligations with respect to its elimination;

(2) recalls that Chapter 4, Section 125, of the Beijing Declaration and Platform for Action, Fourth World Conference on Women (15 September 1995) states that governments condemn violence against women and refrain from invoking any custom, tradition, or religious consideration to avoid their obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women;

(3) recalls that the United States has supported both the United Nations Declaration on the Elimination of Violence and the Beijing Declaration and Platform for Action; and

(4) reinforces the position of the United States that the United States condemns violence against women and refrains from invoking any custom, tradition, or religious consideration to avoid this nation's obligations with respect to its elimination as set out in the Declaration on the Elimination of Violence against Women.

## **DIVISION B—DEFENSE TRADE AND SECURITY ASSISTANCE REFORM ACT OF 2003**

### **TITLE X—GENERAL PROVISIONS**

**SEC. 1001. SHORT TITLE.**

This division may be cited as the “Defense Trade and Security Assistance Reform Act of 2003”.

**SEC. 1002. DEFINITIONS.**

Except as otherwise provided, in this division:

(1) **DEFENSE ARTICLES.**—The term “defense articles” has the meaning given the term in section 47(7)(A) of the Arms Export Control Act (as amended by section 1107(d) of this Act).

(2) **DEFENSE SERVICES.**—The term “defense services” has the meaning given the term in section 47(7)(B) of the Arms Export Control Act (as amended by section 1107(d) of this Act).

(3) **DUAL USE.**—The term “dual use” means, with respect to goods or technology, those goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military mode.

(4) **EXPORT ADMINISTRATION REGULATIONS.**—The term “Export Administration Regulations” means those regulations contained in sections 730–774 of title 15, Code of Federal Regulations (or successor regulations).

(5) **GOOD.**—The term “good” has the meaning given the term in section 16(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(3)).

(6) **INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.**—The term “International Traffic in Arms Regulations” means those regulations contained in sections 120–130 of title 22, Code of Federal Regulations (or successor regulations).

(7) **MISSILE TECHNOLOGY CONTROL REGIME; MTCR.**—The term “Missile Technology Control Regime” or “MTCR” has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(8) **MISSILE TECHNOLOGY CONTROL REGIME ANNEX; MTCR ANNEX.**—The term “Missile Technology Control Regime Annex” or “MTCR Annex” has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(9) **OPERATION IRAQI FREEDOM.**—The term “Operation Iraqi Freedom” means operations of United States Armed Forces, the armed forces of the United Kingdom, and the armed forces of other coalition member countries initiated on or about March 19, 2003—

(A) to disarm Iraq of its weapons of mass destruction;

(B) to enforce United Nations Security Council Resolution 1441 (November 8, 2002) and other relevant Security Council resolutions with respect to Iraq; and

(C) to liberate the people of Iraq from the regime of Saddam Hussein.

(10) TECHNOLOGY.—The term “technology” has the meaning given the term in section 16(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(4)).

**SEC. 1003. REFERENCES TO ARMS EXPORT CONTROL ACT.**

Except as otherwise specifically provided, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to that section or other provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.).

**TITLE XI—TERRORIST-RELATED PROHIBITIONS AND ENFORCEMENT MEASURES**

**SEC. 1101. ELIGIBILITY PROVISIONS.**

(a) INELIGIBILITY FOR TERRORIST RELATED TRANSACTIONS.—Section 3(c)(1) (22 U.S.C. 2753(c)(1)) is amended—

(1) in each of subparagraphs (A) and (B), by striking “or any predecessor Act,” and inserting “, any predecessor Act, or licensed or approved under section 38 of this Act, to carry out a transaction with a country, the government of which the Secretary of State has determined is a state sponsor of international terrorism for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such defense articles or defense services”; and

(2) by adding at the end the following:

“(C) In this section, the term ‘transaction’ means the taking of any action, directly or indirectly, by a foreign country that would be a transaction prohibited by section 40 of this Act with respect to the United States Government and United States persons.”

(b) REPORTING REQUIREMENT.—Section 3(e) (22 U.S.C. 2753(e)) is amended by inserting after “the Foreign Assistance Act of 1961,” the following: “regardless of whether the article or service has been sold or otherwise furnished by the United States Government or licensed under section 38 of this Act.”

**SEC. 1102. WEAPONS TRANSFERS TO FOREIGN PERSONS IN THE UNITED STATES.**

Section 38(a)(1) (22 U.S.C. 2778(a)(1)) is amended in the first sentence by inserting after “import and the export of defense articles and defense services” the following: “, or the transfer of such articles, other than firearms (or ammunition, components, parts, accessories, or attachments for firearms), and services within the United States to foreign persons.”

**SEC. 1103. COORDINATION OF LICENSE EXEMPTIONS WITH UNITED STATES LAW ENFORCEMENT AGENCIES.**

(a) SENSE OF CONGRESS.—In view of the historic difficulties in the enforcement of the Arms Export Control Act (22 U.S.C. 2751 et seq.) associated with violations involving exports of defense articles and defense services that have been exempted by regulation from the licensing requirements of section 38 of such Act, it is the sense of Congress that the establishment of new exemptions by regulation should only be undertaken after careful coordination with the appropriate United States law enforcement agencies.

(b) AMENDMENT.—Section 38(b)(2) (22 U.S.C. 2778(b)(2)) is amended by adding at the end the following new sentences: “In promulgating regulations under subsection (a)(1) in accordance with the preceding sentence, any provision in such regulations that permits the export of defense articles or defense services without a license shall include a determination by the Attorney General, in consultation with the Secretary of Homeland Security and the Director of the Federal Bureau of Investigation, that the compilation and maintenance of sufficient documentation relating to the export without a license of the articles or services is ensured, notwithstanding the absence of a license, to facilitate law enforcement efforts to detect, prevent, and prosecute criminal violations of any provision of this section, section 39, or section 40 of this Act, including the efforts on the part of countries and factions engaged in international terrorism to illicitly acquire defense articles and defense services. No defense article or defense service designated by the President under subsection (a)(1) may be exported without a license pursuant to a regulation under subsection (a)(1) that is promulgated on or after January 1, 2003, until 30 days after the date on which the President provides notice of the proposed regulation to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of

1961, including a description of the criteria that would be used to permit the export of the article or service and any measures to facilitate law enforcement efforts associated with the Attorney General's determination required by the preceding sentence."

**SEC. 1104. MECHANISMS TO IDENTIFY PERSONS IN VIOLATION OF CERTAIN PROVISIONS OF LAW.**

Section 38(g)(1)(A) (22 U.S.C. 2778(g)(1)(A)) is amended—

- (1) in clause (iii)—
  - (A) by striking "or section 2339A" and inserting ", section 2339A"; and
  - (B) by inserting at the end before the comma the following: ", or section 2339C of such title (relating to financing terrorism)";
- (2) in clause (x), by striking "or" at the end;
- (3) in clause (xi), by striking the semicolon at the end and inserting a comma; and
- (4) by adding at the end the following:
  - "(xii) subclause (I) or (II) of section 1956(c)(7)(B)(v) of title 18, United States Code;
  - "(xiii) section 329 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001;
  - "(xiv) section 5332 of title 31, United States Code;
  - "(xv) section 1960 of title 18, United States Code;
  - "(xvi) section 175(b), 175b, 1993, 2339 of title 18, United States Code;
  - "(xvii) section 2332a, 2332b, or 2332f of title 18, United States Code; or
  - "(xviii) section 175 of title 18, United States Code;".

**SEC. 1105. COMPREHENSIVE NATURE OF UNITED STATES ARMS EMBARGOES.**

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds that—

(A) governments to which the United States Government prohibits by law or policy the transfer of implements of war, including material, components, parts, and other defense articles and defense services (as defined in paragraphs (3) and (4) of section 47 of the Arms Export Control Act, respectively) continue to seek to evade these embargoes through increasingly sophisticated illegal acquisitions via the "international gray arms market" and by seeking to exploit weaknesses in the export control system of the United States and its friends and allies; and

(B) the strict and comprehensive application of arms embargoes referred to in subparagraph (A) including those embargoes established by the United Nations Security Council is of fundamental importance to the security and foreign policy interests of the United States.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should continue to provide a leadership role internationally in ensuring the effectiveness of arms embargoes referred to in paragraph (1).

(b) SCOPE OF EMBARGOES.—Section 38 (22 U.S.C. 2778) is amended by adding at the end the following:

"(k) Whenever the United States maintains an arms embargo pursuant to United States law, or through public notice by the President or Secretary of State pursuant to the authorities of this Act, no defense article or defense service subject to sections 120–130 of title 22, Code of Federal Regulations (commonly known as the 'International Traffic in Arms Regulations') and no dual use good or technology subject to sections 730–774 of title 15, Code of Federal Regulations (commonly known as the 'Export Administration Regulations') shall be sold or transferred to the military, police, or intelligence services of the embargoed government, including any associated governmental agency, subdivision, entity, or other person acting on their behalf, unless, at a minimum and without prejudice to any additional requirements established in United States law or regulation, the Secretary of State and the Secretary of Defense have concurred in the sale or transfer through issuance of a license."

(c) ESTABLISHMENT OF CONTROLS.—The Secretary shall consult with the Secretary of Commerce to ensure the establishment of appropriate foreign policy and national security controls and license requirements under the Export Administration Regulations in order to ensure the effective implementation of section 38(k) of the Arms Export Control Act, as added by subsection (b).

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that describes the actions taken to implement the requirements of subsection (c).

**SEC. 1106. TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.**

Section 40(l)(1) (22 U.S.C. 2780(l)(1)) is amended by striking “any item enumerated on the United States Munitions List” and inserting “a defense article or defense service (as defined in subparagraph (A) or (B) of section 47(7), respectively), an item enumerated on the United States Munitions List (as designated by the President pursuant to section 38(a)), or any other activity for which a license or other approval is required pursuant to the regulations promulgated under subsection (a)(1)”.

**SEC. 1107. AMENDMENTS TO CONTROL OF ARMS EXPORTS AND IMPORTS.**

(a) REVISION OF STANDARD FOR VIOLATION; AMOUNT OF PENALTIES.—Section 38(c) (22 U.S.C. 2778(c)) is amended—

(1) by striking “willfully” each place it appears and inserting “knowingly”;

(2) by striking “this section or section 39” and inserting “this section, section 39, or section 40”; and

(3) by striking “\$1,000,000” and inserting “\$1,000,000 (in the case of a violation of this section or section 39), \$2,000,000 (in the case of a violation involving any country covered by section 40), and \$1,500,000 (in the case of a violation involving any country other than a country covered by section 40 that is subject by United States law or policy to an arms embargo)”.

(b) CIVIL PENALTIES.—Section 38(e) (22 U.S.C. 2778(e)) is amended in the third sentence by striking “under this section may not exceed \$500,000” and inserting “or any other activities subject to control under this section, section 39, or section 40, may not exceed \$500,000 for each violation of section 38 or section 39, \$1,000,000 for each violation involving any country covered by section 40, and \$750,000 for each violation relating to an arms embargo (other than a violation covered by section 40)”.

(c) REVISION OF STANDARD FOR VIOLATION; CRIMINAL PENALTY; CIVIL PENALTIES; ENFORCEMENT.—Section 40 (22 U.S.C. 2780) is amended—

(1) in subsection (j)—

(A) by striking “willfully” and inserting “knowingly”; and

(B) by striking “\$1,000,000” and inserting “\$2,000,000”; and

(2) in subsection (k), by striking “\$500,000” and inserting “\$1,000,000”.

(d) DEFINITIONS.—Section 47(7) (22 U.S.C. 2794(7)) is amended to read as follows:

“(7)(A) ‘defense articles’, with respect to exports subject to sections 38, 39, and 40 of this Act, has the meaning given such term in sections 120–130 of title 22, Code of Federal Regulations (commonly known as the ‘International Traffic in Arms Regulations’), as such regulations were in effect on January 1, 2003, and includes such additional articles as may be designated by the President under section 38(a)(1); and

“(B) ‘defense services’, with respect to exports subject to sections 38, 39, and 40 of this Act, has the meaning given such term in sections 120–130 of title 22, Code of Federal Regulations (commonly known as the ‘International Traffic in Arms Regulations’), as such regulations were in effect on January 1, 2003, and includes—

“(i) the provision of assistance (including aiding, abetting, or training) to foreign persons; and

“(ii) such other activities as may be designated by the President pursuant to section 38(a)(1).”.

**SEC. 1108. HIGH RISK EXPORTS AND END USE VERIFICATION.**

Section 38(g)(7) (22 U.S.C. 2778) is amended by adding at the end the following new sentence: “Such standards shall be coordinated biennially with the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, and the heads of other Federal departments or agencies, as appropriate.”.

**SEC. 1109. CONCURRENT JURISDICTION OF THE FEDERAL BUREAU OF INVESTIGATION.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that, in view of the responsibilities of the Federal Bureau of Investigation for protecting the United States against terrorist attack, foreign intelligence operations, high technology crimes, and transnational criminal organizations and enterprises, the Federal Bureau of Investigation should be provided authority to investigate and enforce violations of the Arms Export Control Act without adversely affecting the existing authority of the Bureau of Customs and Border Protection of the Department of Homeland Security.

(b) COPY OF REGISTRATION.—Section 38(b)(1) (22 U.S.C. 2778(b)) is amended—

(1) by redesignating the second subparagraph (B) as subparagraph (C); and

(2) in subparagraph (B)—

(A) in the first sentence, by inserting “and the Director of the Federal Bureau of Investigation” after “Secretary of Treasury”; and

(B) in the second sentence, by inserting “and the Director” after “The Secretary”.

(c) JURISDICTION OF FBI AND BUREAU OF CUSTOMS.—Section 38(e) (22 U.S.C. 2778(e)) is amended in the first sentence by adding at the end before the period the following: “, and except further, that the Federal Bureau of Investigation and the Bureau of Customs and Border Protection of the Department of Homeland Security shall have concurrent jurisdiction for criminal violations and enforcement of this Act”.

(d) MECHANISMS TO IDENTIFY PERSONS IN VIOLATION OF CERTAIN PROVISIONS OF LAW.—Section 38(g) (22 U.S.C. 2778(g)) is amended in the second sentence of paragraph (3), in paragraph (4), and in paragraph (8) by inserting “and the Director of the Federal Bureau of Investigation” after “Secretary of Treasury”.

**SEC. 1110. REPORT ON FOREIGN-SUPPLIED DEFENSE ARTICLES, DEFENSE SERVICES, AND DUAL USE GOODS AND TECHNOLOGY DISCOVERED IN IRAQ.**

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and on annual basis thereafter as appropriate, the President shall prepare and transmit to the congressional committees specified in paragraph (2) a written report on foreign-supplied defense articles, defense services, and dual use goods and technology supplied to Iraq since the adoption of United Nations Security Council Resolution 687 (April 3, 1991) and discovered in Iraq since the inception of Operation Iraqi Freedom or identified as having been in Iraq at any time since April 3, 1991, and not destroyed or otherwise accounted for by the United Nations Special Commission (UNSCOM) or the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC).

(2) CONGRESSIONAL COMMITTEES SPECIFIED.—The congressional committees referred to in paragraph (1) are—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(b) CONTENTS.—The report required by subsection (a) shall include information on defense articles, defense services, and dual use goods and technology discovered in accordance with such subsection, including a description of such articles, services, and goods and technology by category or type, quantity, country of origin (if known), manufacturer (if known), date of acquisition (if known), and, in the case of dual use goods and technology, the use or intended use or deployment (if known) and whether the goods or technology are covered by any arms control agreement or non-proliferation arrangement to which the United States is a party.

(c) FORM.—The report required by subsection (a) shall be transmitted in unclassified form to the maximum extent practicable, but may contain a classified annex if necessary.

## **TITLE XII—STRENGTHENING MUNITIONS EXPORT CONTROLS**

**SEC. 1201. CONTROL OF ITEMS ON MISSILE TECHNOLOGY CONTROL REGIME ANNEX.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that all proposals to export or transfer to foreign persons by other means, whether in the United States or abroad, and any other activities subject to regulation under section 38, 39, or 40 of the Arms Export Control Act, relating to items on the Missile Technology Control Regime Annex, should be accorded stringent control and scrutiny consistent with the purposes of section 71 of the Arms Export Control Act (22 U.S.C. 2797).

(b) CONTROL OF ITEMS ON MTCR ANNEX.—The Secretary, in coordination with the Secretary of Commerce, the Attorney General, and the Secretary of Defense, shall ensure that all items on the MTCR Annex are subject to stringent control by the United States Government pursuant to the International Traffic in Arms Regulations and the Export Administration Regulations.

(c) CERTIFICATION.—Not later than March 1 of each year, the Secretary, in coordination with the Secretary of Commerce, the Attorney General and the Secretary of Defense, shall prepare and submit to the appropriate congressional committees a report that contains—

(1) a certification that the requirement of subsection (b) has been met for the prior year, or if the requirement has not been met, the reasons therefor; and

(2) a description of the updated coverage, if any, of the regulations referred to in subsection (b) with respect to all items on the MTCR Annex and an explanation of any areas of overlap or omissions, if any, among the regulations.

**SEC. 1202. CERTIFICATIONS RELATING TO EXPORT OF CERTAIN DEFENSE ARTICLES AND SERVICES.**

Section 36(c) (22 U.S.C. 2776(c)) is amended—

(1) in the first sentence of paragraph (1), by inserting after “\$1,000,000 or more” the following: “, or, notwithstanding section 27(g) of this Act, for any special comprehensive authorization under sections 120–130 of title 22, Code of Federal Regulations (commonly known as the ‘International Traffic in Arms Regulations’) for the export of defense articles or defense services in an aggregate amount of \$100,000,000 or more”;

(2) in paragraph (2)—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B); and

(3) in the matter preceding subparagraph (A) of paragraph (5), by inserting “or paragraph (2)” after “paragraph (1)”.

**SEC. 1203. NOTIFICATION REQUIREMENTS FOR TECHNICAL ASSISTANCE AND MANUFACTURING LICENSING AGREEMENTS WITH NATO MEMBER COUNTRIES, AUSTRALIA, NEW ZEALAND, AND JAPAN.**

Section 36(d) (22 U.S.C. 2776(d)) is amended by adding at the end the following:

“(6) In the case of a commercial technical assistance or manufacturing license agreement with a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the requirements contained in paragraphs (2) and (4) shall apply only if—

“(A) the agreement involves—

“(i) major defense equipment in the amount of \$7,000,000 or more; or

“(ii) significant military equipment in the amount of \$25,000,000 or more;

and

“(B) the amount referred to in clause (i) or (ii) of subparagraph (A), as the case may be, includes the estimated value of all defense articles and defense services to be manufactured or transferred throughout the duration of the approval period.”.

**SEC. 1204. STRENGTHENING DEFENSE COOPERATION WITH AUSTRALIA AND THE UNITED KINGDOM.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the expeditious consideration of munitions license applications that meet the policy and eligibility criteria established in section 38 of the Arms Export Control Act (22 U.S.C. 2778) for export or transfer of defense items (as such term is defined in subsection (j)(4)(A) of such section) to Australia and the United Kingdom is fully consistent with United States security and foreign policy interests and the objectives of world peace and security.

(b) **ESTABLISHMENT OF FAST TRACK MUNITIONS LICENSING FOR AUSTRALIA AND THE UNITED KINGDOM.**—Section 38(f) (22 U.S.C. 2778(f)) is amended by adding at the end the following:

“(4) In the absence of a binding bilateral agreement with the Government of Australia or the Government of the United Kingdom (as the case may be) that meets the requirements of paragraph (2) and subsection (j), the Secretary of State shall ensure that any application submitted under this section for the export of defense items to Australia or the United Kingdom (as the case may be) that meets all other requirements of this section (including requirements relating to eligibility of parties to the transaction, the absence of risk of diversion to unauthorized end use and end users, and preservation of United States intelligence and law enforcement interests), and which are also transactions involving defense items that would be exempt pursuant to sections 120–130 of title 22, Code of Federal Regulations (commonly known as the ‘International Traffic in Arms Regulations’) from export licensing or other written approvals if such items were items to be exported to Canada, are processed by the Department of State not later than ten days after the date of receipt of the application without referral to any other Federal department or agency, except on an extraordinary basis upon receipt of a written request from the Attorney General, the Secretary of Homeland Security, the Director of Central Intelligence, or the Secretary of Defense.”.

**SEC. 1205. TRAINING AND LIAISON FOR SMALL BUSINESSES.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that it is increasingly important that the Secretary, in administering the licensing, registration, compliance, and other authorities contained in section 38 of the Arms Export Control Act (22 U.S.C.

2778), should provide up-to-date training and other educational assistance to small businesses in the United States aerospace and defense industrial sector.

(b) **SMALL BUSINESS LIAISON.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall designate, within the Office of Defense Trade Controls of the Department of State, a coordinator for small business affairs. The coordinator shall serve as a liaison for small businesses in the United States aerospace and defense industrial sector with respect to licensing and registration requirements in order to facilitate the compliance and other forms of participation by such small businesses in the United States munitions control system, including by providing training, technical assistance, and through other efforts as may be appropriate.

**SEC. 1206. STUDY AND REPORT RELATING TO CO-LOCATING MUNITIONS CONTROL FUNCTIONS OF THE DEPARTMENTS OF STATE, DEFENSE, AND HOMELAND SECURITY.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the administrative, licensing, and compliance-related functions associated with the export of defense articles and defense services under section 38 of the Arms Export Control Act (22 U.S.C. 2778), which are generally administered by the Department of State in conjunction with the Department of Homeland Security and the Department of Defense, should be expedited consistent with United States security, law enforcement, and foreign policy requirements by a reduction in the those matters necessitating inter-agency referral outside of the Department of State, or by co-locating related functions of the Department of Homeland Security and the Department of Defense with those functions of the Department of State in order to minimize the time and administrative tasks to government and industry involved in inter-agency referrals, while also providing a convenient, central location for United States defense companies, especially small businesses.

(b) **STUDY AND REPORT.**—

(1) **STUDY.**—The Secretary, in consultation with the Secretary of Homeland Security and the Secretary of Defense, and through the Federal advisory committee structure with the public, shall conduct a study to examine the relative advantages and disadvantages to the United States Government, the United States defense industry, including United States small businesses, and to other public constituencies of co-locating relevant functions and personnel of the Department of State, the Department of Homeland Security, and the Department of Defense with the Office of Defense Trade Controls of the Department of State at a central location convenient to the public and United States defense industry, without prejudice to the responsibilities and prerogatives of the Secretary, the Secretary of Homeland Security, and the Secretary of Defense under existing law.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prepare and submit to the appropriate congressional committees a report that contains the results of study conducted under paragraph (1).

## **TITLE XIII—SECURITY ASSISTANCE AND RELATED PROVISIONS**

### **Subtitle A—Foreign Military Sales and Financing Authorities**

**SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section \$4,414,000,000 for fiscal year 2004.

**SEC. 1302. PROVISION OF CATALOGING DATA AND SERVICES.**

Section 21(h)(2) (22 U.S.C. 2761(h)(2)) is amended by striking “or to any member government of that Organization if that Organization or member government” and inserting “, to any member of that Organization, or to the Governments of Australia, New Zealand, or Japan if that Organization, member government, or the Governments of Australia, New Zealand, or Japan”.

**SEC. 1303. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.**

Section 25(a)(1) (22 U.S.C. 2765(a)(1)) is amended by inserting after “\$7,000,000 or more” the following “(or, in the case of a member country of the North Atlantic

Treaty Organization (NATO), Australia, New Zealand, or Japan, \$25,000,000 or more”.

**SEC. 1304. ADJUSTMENT TO ADVANCE NOTIFICATION REQUIREMENT FOR TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.**

Section 516(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321i) is amended by striking “significant military equipment (as defined in section 47(9) of the Arms Export Control Act)” and inserting “major defense equipment (as defined in section 47(6) of the Arms Export Control Act)”.

## **Subtitle B—International Military Education and Training**

**SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the President \$91,700,000 for fiscal year 2004 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

**SEC. 1312. ANNUAL FOREIGN MILITARY TRAINING REPORTING.**

Section 656(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416(a)(1)) is amended—

- (1) by striking “January 31” and inserting “March 1”; and
- (2) by striking “and all such training proposed for the current fiscal year”.

## **Subtitle C—Assistance for Select Countries**

**SEC. 1321. ASSISTANCE FOR ISRAEL.**

Section 513 of the Security Assistance Act of 2000 (Public Law 106–280) is amended—

- (1) in subsection (b)(1), by striking “2002 and 2003” and inserting “2003 through 2005”;
- (2) in subsection (c)(1), by striking “2002 and 2003” and inserting “2003 through 2005”;
- (3) in subsection (c)(3)—
  - (A) by striking “fiscal years 2002 and 2003” and inserting “fiscal years 2004 and 2005”;
  - (B) by striking “fiscal year 2002” and inserting “fiscal year 2004”; and
  - (C) by striking “fiscal year 2003, or” and inserting “fiscal year 2005, or”;
 and
- (4) in subsection (c)(4)—
  - (A) by striking “2002 and 2003” and inserting “2003 through 2005”; and
  - (B) by striking “\$535,000,000 for fiscal year 2002” and all that follows through “fiscal year 2003” and inserting “\$550,000,000 for fiscal year 2003, not less than \$565,000,000 for fiscal year 2004, and not less than \$580,000,000 for fiscal year 2005”.

**SEC. 1322. ASSISTANCE FOR EGYPT.**

Section 514 of the Security Assistance Act of 2000 (Public Law 106–280) is amended—

- (1) by striking “2002 and 2003” each place it appears and inserting “2003 through 2005”; and
- (2) in subsection (e)—
  - (A) by striking “fiscal years 2002 and 2003” and inserting “fiscal years 2004 and 2005”;
  - (B) by striking “fiscal year 2002” and inserting “fiscal year 2004”; and
  - (C) by striking “fiscal year 2003, or” and inserting “fiscal year 2005, or”.

## **Subtitle D—Miscellaneous Provisions**

**SEC. 1331. UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.**

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

- (1) in subparagraph (A), by striking “for fiscal year 2003” and inserting “for each of fiscal years 2003 and 2004”; and



(2) in subparagraph (B), by striking “for fiscal year 2003” and inserting “for each of fiscal years 2003 and 2004”.

**SEC. 1332. TRANSFER TO ISRAEL OF CERTAIN DEFENSE ARTICLES IN THE UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.**

(a) **AUTHORIZATION.**—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to Israel, in return for concessions to be negotiated by the Secretary of Defense, with the concurrence of the Secretary, defense articles, including armor, artillery, ammunition for automatic weapons, missiles, and other munitions that are—

- (1) obsolete or surplus items;
- (2) in the inventory of the Department of Defense;
- (3) intended for use as reserve stocks in Israel; and
- (4) are located in a stockpile in Israel as of the date of enactment of this Act.

(b) **CONCESSIONS.**—The value of concessions negotiated pursuant to subsection (a) shall be at least equal to the fair market value of the items transferred. The concessions may include cash compensation, services, waiver of charges otherwise payable by the United States, and other items of value.

(c) **ADVANCE NOTIFICATION OF TRANSFER.**—

(1) **IN GENERAL.**—Not less than 30 days before making a transfer under the authority of this section, the President shall transmit a notification describing the items to be transferred to Israel and the concessions to be received by the United States to the congressional committees specified in paragraph (2).

(2) **CONGRESSIONAL COMMITTEES SPECIFIED.**—The congressional committees referred to in paragraph (1) are—

- (A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and
- (B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(d) **EXPIRATION OF AUTHORITY.**—No transfer may be made under the authority of this section following the expiration of the five-year period beginning on the date of enactment of this Act.

**SEC. 1333. EXPANSION OF AUTHORITIES FOR LOAN OF MATERIAL, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.**

Section 65 (22 U.S.C. 2796d) is amended—

- (1) in subsection (a)(1), by inserting “or a friendly foreign country” after “ally” each place such term appears; and
- (2) in subsection (d) to read as follows:

“(d) For purposes of this section—

“(1) the term ‘NATO ally’ means a member country of the North Atlantic Treaty Organization (other than the United States); and

“(2) the term ‘friendly foreign country’ means any non-NATO member country determined by the President to be eligible for a cooperative project agreement with the United States pursuant to section 27(j) of this Act.”.

**SEC. 1334. ASSISTANCE FOR DEMINING AND RELATED ACTIVITIES.**

(a) **ASSISTANCE.**—The Secretary is authorized to provide grants to, or enter into contracts or cooperative agreements with, public-private partnerships for the purpose of establishing and carrying out demining, clearance of unexploded ordnance, and related activities in foreign countries.

(b) **LIMITATION.**—Except as otherwise provided, the total amount provided on a grant basis to public-private partnerships under subsection (a) for a fiscal year may not exceed \$450,000.

(c) **FUNDING.**—Amounts made available to carry out “Nonproliferation, Anti-Terrorism, Demining, and Related Programs” for fiscal year 2004 are authorized to be made available to carry out this section.

**SEC. 1335. REPORTS RELATING TO TREATY BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUCTIONS.**

The President shall submit to the Committee on International Relations of the House of Representatives all reports submitted to the Committee on Foreign Relations pursuant to section 2 of the Senate Resolution of Ratification to Accompany Treaty Document 107–8, Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions.

**SEC. 1336. STATEMENT OF HOUSE OF REPRESENTATIVES REGARDING THE TREATY BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUCTIONS.**

The House of Representatives—

- (1) concurs with the declarations of the Senate in section 3 of the Resolution of Ratification to Accompany Treaty Document 107–8, Treaty Between

the United States of America and the Russian Federation on Strategic Offensive Reductions;

(2) encourages the President to continue strategic offensive reductions to the lowest possible levels consistent with national security requirements and alliance obligations of the United States;

(3) urges the President to engage the Russian Federation with the objectives of establishing cooperative measures to give each party to the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions improved confidence regarding the accurate accounting and security of nonstrategic nuclear weapons maintained by the other party; and

(4) encourages the President to accelerate United States strategic force reductions, to the extent feasible and consistent with the treaty, in order that the reductions required by Article I of the Treaty Between the United States of America and the Russian Federation on Strategic Offensive Reductions may be achieved prior to December 31, 2012.

**SEC. 1337. NONPROLIFERATION AND DISARMAMENT FUND.**

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854; relating to the “Nonproliferation and Disarmament Fund”) \$60,000,000 for each of the fiscal years 2004 and 2005.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) NONPROLIFERATION OF HIGHLY ENRICHED URANIUM.—

(1) FINDINGS.—Congress finds the following:

(A) Highly enriched uranium is the most likely source material for terrorist or other outlaw organizations that seek to acquire a nuclear weapon.

(B) Such organizations are not likely to produce this source material on their own, but will instead look to divert highly enriched uranium from some of the many vulnerable stockpiles in numerous facilities around the world.

(C) There is a need for a coordinated United States Government initiative to secure and dispose of highly enriched uranium stockpiles in these vulnerable facilities around the world.

(D) The Nonproliferation and Disarmament Fund (NDF) is a unique and flexible entity that is well-suited to carry out the initiative described in subparagraph (C), in cooperation with other Federal departments and agencies, including the Department of Energy.

(2) INITIATIVE.—The Secretary of State is authorized to establish and carry out an initiative to secure and dispose of highly enriched uranium stockpiles in foreign countries, including the provision of such assistance as may be required to secure host country cooperation under the initiative.

(3) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to carry out section 504 of the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5854) for fiscal years 2004 and 2005, there are authorized to be appropriated to the Secretary to carry out paragraph (2) \$25,000,000 for each such fiscal year.

**SEC. 1338. MARITIME INTERDICTION PATROL BOATS FOR MOZAMBIQUE.**

(a) IN GENERAL.—Of the amounts made available to carry out section 23 of the Arms Export Control Act for fiscal year 2004, there is authorized to be appropriated \$1,000,000 for refurbishment, delivery, operational training, and related costs associated with the provision of not more than four excess coastal patrol boats to the Government of Mozambique for maritime patrol and interdiction activities.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until September 30, 2006.

**SEC. 1339. REPORT ON MISSILE DEFENSE COOPERATION.**

Not later than December 31, 2003, and December 31, 2004, the Secretary of State shall submit to the appropriate congressional committees a report on cooperative efforts that have been undertaken by the United States with foreign governments to foster the development and deployment of defenses against missile attack. Such report shall include a detailed description of such efforts on a country-by-country basis, and may be submitted in classified and unclassified form, as appropriate.

**SEC. 1340. IRAN'S PROGRAM TO DEVELOP A NUCLEAR EXPLOSIVE DEVICE.****(a) FINDINGS.—Congress finds the following:**

(1) Iran, as a party to the Treaty on the Non-Proliferation of Nuclear Weapons, has legally forsworn developing or acquiring nuclear weapons.

(2) Iran has for more than a decade pursued a program aimed at the development of a nuclear explosive device.

(3) Director of Central Intelligence George Tenet has repeatedly warned of Iran's clandestine efforts to acquire weapons of mass destruction, stating as recently as February 11, 2003, in testimony before Congress that "Iran is continuing to pursue development of a nuclear fuel cycle for civilian and nuclear weapons purposes . . . [and further that] Tehran may be able to indigenously produce enough fissile material for a nuclear weapon" within this decade.

(4) On March 17, 2003, Dr. el Baradei, Director General of the International Atomic Energy Agency (IAEA), called on Iran to agree to a more intrusive monitoring regime at its nuclear sites and demanded that Iran, which is a signatory to the Nuclear Non-Proliferation Treaty, agree to an "additional protocol" under the IAEA's nuclear inspection rights, which would enable more intrusive monitoring.

(5) In early 2003 Iran announced plans to mine its own natural uranium and admitted constructing two nuclear facilities, one a gas centrifuge uranium enrichment facility and the other a heavy water production plant.

(6) A uranium enrichment facility would give Iran the capability to indigenously produce nuclear-weapons grade uranium. Further, heavy water is used in reactors that not only produce weapons-grade plutonium, but also tritium, a key ingredient in boosted-fission weapons.

(7) At the same time, Iran has been developing long-range missiles that could deliver nuclear explosive devices. Director of Central Intelligence Tenet has warned that Iran could flight test an intercontinental ballistic missile later this decade.

(8) Iran has received considerable assistance in its nuclear program and in its missile development program from the Russian Federation, the People's Republic of China, and North Korea.

(9) Congress has long been seized with finding ways to deter or delay Iran's acquisition or development of such deadly weapons, including through the enactment of the Iran-Iraq Arms Non-Proliferation Act of 1992, the Iran Libya Sanctions Act of 1996, the Iran Non-Proliferation Act of 2000, and the Iran Nuclear Proliferation Prevention Act of 2002.

(10) Successive Administrations have similarly sought to deter or delay Iran's acquisition or development of such weapons by such measures as elevating Iran's proliferation behavior in bilateral relations with the Russian Federation and the People's Republic of China, sanctioning entities of the Russian Federation providing technology or expertise to Iran's nuclear and missile programs, and urging multilateral export control regimes to deny sensitive technology to proliferators like Iran.

(11) President Bush included Iran as one of the countries that comprise the "axis of evil" in his January 2002 State of the Union Address because of its efforts to develop weapons of mass destruction and its support of international terrorism. Iran has been the principle supporter and supplier of Hizballah in southern Lebanon, Hamas, and Islamic Jihad. Further, the leaders of Iran have publicly called for the destruction of the State of Israel.

(12) A nuclear-armed Iran would pose a grave threat to the national security of the United States and to our allies in the region.

**(b) STATEMENT OF POLICY.—Congress—**

(1) finds that Iran's support of terrorism and its efforts to develop nuclear weapons are a grave threat to the national security of the United States and its allies and to the United States Armed Forces;

(2) declares that the United States and our friends and allies must make maximum efforts to prevent Iran from developing or acquiring nuclear weapons and the missiles to deliver them;

(3) urges the President to use all appropriate means to prevent Iran from gaining such capabilities;

(4) urges the International Atomic Energy Agency (IAEA) to employ the full range of its inspection authorities to ensure that Iran's nuclear program is used for peaceful purposes only;

(5) encourages Iran to sign and ratify the new nuclear safeguards protocol, the "Model Additional Protocol (INFCIRC/540-Corr)" to the Treaty on the Non-Proliferation of Nuclear Weapons, which would demonstrate Iran's commitment to sharing information about its nuclear program with the IAEA and the inter-

national community and to full disclosure and transparency about its nuclear program; and

(6) urges the United States resident representative to the IAEA to work with the Board of Governors of the IAEA on guidelines for early identification of non-compliance with the Nuclear Non-Proliferation Treaty.

## **TITLE XIV—MISSILE THREAT REDUCTION ACT OF 2003**

### **SEC. 1401. SHORT TITLE.**

This title may be cited as the “Missile Threat Reduction Act of 2003”.

### **Subtitle A—Strengthening International Missile Nonproliferation Law**

### **SEC. 1411. FINDINGS.**

Congress makes the following findings:

(1) The spread of offensive ballistic missiles suitable for launching nuclear, chemical, and biological warheads is accelerating across the globe.

(2) According to the Carnegie Endowment for International Peace, more than 25 countries possess missiles with ranges in excess of 300 kilometers and capable of delivering a nuclear warhead.

(3)(A) Many of the countries now possessing such missiles, and engaging in the sale and transfer of such missiles and their production technology to other countries, are directly hostile to the United States, its interests, and its allies.

(B) Of particular concern in this regard is North Korea, which regularly sells ballistic missiles and technology to countries in regions of instability and concern to the United States.

(4) The Central Intelligence Agency has stated in its most recent report on the foreign ballistic missile threat the following:

“Emerging ballistic missile states continue to increase the range, reliability, and accuracy of the missile systems in their inventories—posing ever greater risks to U.S. forces, interests, and allies throughout the world. A decade ago, U.S. and allied forces abroad faced threats from SRBM’s [Short Range Ballistic Missiles]—primarily the Scud and its variants. Today, countries have deployed or are on the verge of deploying MRBM’s [Medium Range Ballistic Missiles], placing greater numbers of targets at risk.

“Proliferation of ballistic missile-related technologies, materials, and expertise—especially by Russian, Chinese, and North Korean entities—has enabled emerging missile states to accelerate the development timelines for their existing programs, acquire turnkey systems to gain previously non-existent capabilities—in the case of the Chinese sale of the M-11 SRBM to Pakistan—and lay the groundwork for the expansion of domestic infrastructures to potentially accommodate even more capable and longer range future systems.”

(5) The same CIA report also noted the following: “North Korea has assumed the role as the missile and manufacturing technology source for many programs. North Korean willingness to sell complete systems and components has enabled other states to acquire longer range capabilities earlier than otherwise would have been possible—notably the sale of the No Dong MRBM to Pakistan. The North also has helped countries to acquire technologies to serve as the basis for domestic development efforts—as with Iran’s reverse-engineering of the No Dong in the Shahab-3 program. Meanwhile, Iran is expanding its efforts to sell missile technology.”

(6) Since 1987, 33 countries have committed to abide by a voluntary set of guidelines known as the Missile Technology Control Regime (MTCR), whereby adherents agreed to refrain from the transfer to nonadherents of certain categories of whole missiles, their constituent parts, and the facilities to manufacture them, especially “Category I” missiles, which at a range of 300 kilometers or more and a payload capacity of 500 kilograms or more are especially suited for delivering nuclear weapons.

(7) In October 2002, 93 countries committed to observe a nonbinding code of conduct derived from, but less restrictive than, the nonbinding MTCR. While

this is a welcome achievement, it does not provide a legal obligation on its adherents to refrain from the trade in missiles or missile technology.

(8) On December 10, 2002, the White House released its “National Strategy to Combat Weapons of Mass Destruction”, wherein it is stated that strengthening international nonproliferation controls on weapons of mass destruction (WMD) and upon the missiles that can deliver them is the second of three principal pillars of the National Strategy. The National Strategy also states that “effective interdiction is a critical part of the U.S. strategy to combat WMD and their delivery means”.

(9) On December 11, 2002, the United States took control of an unflagged freighter that was attempting clandestinely to ship, from North Korea to Yemen, SCUD missiles of a type that would be generally prohibited from transfer as Category I missiles.

(10) Neither North Korea nor Yemen is an adherent to the MTCR guidelines, which in any case are not legally binding, and there is no binding international legal instrument that would prohibit shipments of the missiles referred to in paragraph (9).

(11) At Yemen’s request, the United States released the shipment of North Korean Scud missiles to Yemen.

(12) Also on December 11, 2002, the White House press spokesman stated that existing international law regarding halting the spread of missile proliferation could be strengthened. The new National Strategy to Combat Weapons of Mass Destruction also commits the United States to support those regimes that are currently in force, and to work to improve the effectiveness of, and compliance with, those regimes, and identifies the MTCR as a regime that the United States will seek to strengthen.

(13) Secretary of Defense Donald Rumsfeld, testifying on February 12, 2003, before the Committee on Armed Services of the Senate, stated the following: “. . . [I]t’s pretty clear that the proliferation regimes that exist in the world worked pretty well before, [but] they’re not working very well right now. . . . [U]nless the world wakes up and says this is a dangerous thing and creates a set of regimes that will in fact get cooperation to stop those weapons, we’re going to be facing a very serious situation in the next five years.”.

(14) The MTCR has made an invaluable contribution to restraint in the international trade of offensive ballistic missiles. Strengthening international controls on ballistic missiles, however, will require a dramatic expansion of adherents that rigorously abide by the MTCR’s guidelines, and a binding legal basis for the United Nations and countries devoted to nonproliferation to prevent, and when necessary act to prevent, further proliferation of offensive ballistic missiles around the world.

(15) Therefore, it should be the policy of the United States to promote the creation of new international mechanisms that would, in all future circumstances, allow the peace-loving and law-abiding nations of the world the authority to interdict and prevent the transfer of such missiles.

**SEC. 1412. POLICY OF THE UNITED STATES.**

It shall be the policy of the United States to seek a binding international instrument or instruments to restrict the trade in offensive ballistic missiles with ranges of 300 kilometers or more that have a payload capacity of 500 kilograms or more. Such a binding international instrument may take the form of a multilateral treaty, a United Nations Security Council resolution, or other instrument of international law, and should provide for enforcement measures including interdiction, seizure, and impoundment of illicit shipments of offensive ballistic missiles and related technology, equipment, and components.

**SEC. 1413. SENSE OF CONGRESS.**

It is the sense of the Congress that the United States should immediately introduce a resolution in the United Nations Security Council to prohibit all members of the United Nations from purchasing, receiving, assisting or allowing the transfer of, and to authorize the subsequent interdiction, seizure, and impoundment of, any missile, missile-related equipment, means of producing missiles, or missile-related technology from North Korea.

## Subtitle B—Strengthening United States Missile Nonproliferation Law

### SEC. 1421. PROBATIONARY PERIOD FOR FOREIGN PERSONS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, upon the expiration, or the granting of a waiver, on or after January 1, 2003, of sanctions against a foreign person imposed under section 73(a) of the Arms Export Control Act (22 U.S.C. 2797b(a)) or under section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as continued in effect under the International Emergency Economic Powers Act, a license shall be required, for a period of not less than 3 years, for the export to that foreign person of all items controlled for export under section 5 or 6 of the Export Administration Act of 1979 (50 U.S.C. App. 2404, 2405), as continued in effect under the International Emergency Economic Powers Act, in accordance with the Export Administration Regulations.

(b) **TERMINATION.**—Subsection (a) shall not apply to a foreign person 30 days after the President notifies the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate that he has determined that—

(1) the foreign person has—

(A) ceased all activity related to the original imposition of sanctions under section 73(a) of the Arms Export Control Act or section 11B(b)(A) of the Export Administration Act of 1979, as the case may be; and

(B) has instituted a program of transparency measures whereby the United States will be able to verify for at least a period of 3 years that the foreign person is not engaging in prohibited activities under those provisions of law referred to in paragraph (1); and

(2) there has been an appropriate resolution of the original violation or violations, such as financial penalties, incarceration, destruction of prohibited items, or other appropriate measures taken to prevent a recurrence of the violation or violations.

### SEC. 1422. STRENGTHENING UNITED STATES MISSILE PROLIFERATION SANCTIONS ON FOREIGN PERSONS.

(a) **ARMS EXPORT CONTROL ACT.**—Section 73(a)(2) (22 U.S.C. 2797b(a)(2)) is amended by striking “2 years” each place it appears and inserting “4 years”.

(b) **PUBLIC INFORMATION.**—Section 73(e)(2) (22 U.S.C. 2797b(e)(2)) is amended by adding at the end the following new sentence: “Such report may be classified only to the extent necessary to protect intelligence sources and methods. If the report is so classified, the President shall make every effort to acquire sufficient alternative information that would allow a subsequent unclassified version of the report to be issued.”

(c) **EXPORT ADMINISTRATION ACT OF 1979.**—Any sanction imposed on a foreign person under section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as continued in effect under the International Emergency Economic Powers Act, shall be in effect for a period of 4 years beginning on the date on which the sanction was imposed.

(d) **APPLICABILITY.**—The amendments made by subsections (a) and (b) and the provisions of subsection (c) shall apply to all sanctions imposed under section 73(a) of the Arms Export Control Act or section 11B(b)(1) of the Export Administration Act of 1979, as continued in effect under the International Emergency Economic Powers Act, by reason of acts giving rise to such sanctions that were committed by foreign persons on or after January 1, 2003.

### SEC. 1423. COMPREHENSIVE UNITED STATES MISSILE PROLIFERATION SANCTIONS ON ALL RESPONSIBLE PERSONS.

(a) **ARMS EXPORT CONTROL ACT.**—Section 73(a) (22 U.S.C. 2797b(a)) is amended by adding at the end the following new paragraph:

“(3)(A) Sanctions imposed upon a foreign person under paragraph (2) shall also be imposed on any governmental entity that the President determines exercises effective control over, benefits from, or directly or indirectly facilitates the activities of that foreign person.

“(B) When a sanction is imposed on a foreign person under paragraph (2), the President may also impose that sanction on any other person or entity that the President has reason to believe has or may acquire items that may not be exported to that foreign person on account of the sanction imposed on that foreign person, with the intent to transfer to that foreign person, or provide to that foreign person access to, such items.

“(C) The President may also prohibit, for such period of time as he may determine, any transaction or dealing, by a United States person or within the United States, with any foreign person on whom sanctions have been imposed under this subsection.

“(D) The President shall report on an annual basis to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate the identity of any foreign person that engages in any transaction or activity with a foreign person on whom sanctions have been imposed under this subsection that either—

“(i) would be the basis for imposing sanctions under subparagraph (B) but for which sanctions have not been imposed; or

“(ii) would be the basis for imposing sanctions under subparagraph (C) if the transaction or activity had been carried out by a United States person or by a person in the United States.

Such report shall be unclassified to the maximum extent feasible, but may include a classified annex.”.

(b) DEFINITION OF PERSON.—Section 74(a)(8)(A) (22 U.S.C. 2797c(a)(8)(A)) is amended to read as follows:

“(8)(A) the term ‘person’ means—

“(i) a natural person;

“(ii) a corporation, business association, partnership, society, trust, transnational corporation, or transnational joint venture, any other nongovernmental entity, organization, or group, and any governmental entity;

“(iii) any subsidiary, subunit, or parent entity of any business enterprise or other organization or entity listed in clause (ii); and

“(iv) any successor of any business enterprise or other organization or entity listed in clause (ii) or (iii); and”.

(c) EXPORT ADMINISTRATION ACT OF 1979.—

(1) SANCTIONS IMPOSED ON GOVERNMENT ENTITIES.—Any sanction imposed on a foreign person under section 11B(b)(1)(B) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)(B)), as continued in effect under the International Emergency Economic Powers Act (in this subsection referred to as a “dual use sanction”), shall also be imposed on any governmental entity that the President determines exercises effective control over, benefits from, or directly or indirectly facilitates the activities of that foreign person.

(2) OTHER ENTITIES.—When a dual use sanction is imposed on a foreign person, the President may also impose that sanction on any other person or entity that the President has reason to believe has or may acquire items that may not be exported to that foreign person on account of the dual use sanction imposed on that foreign person, with the intent to transfer to that foreign person, or provide to that foreign person access to, such items.

(3) TRANSACTIONS BY THIRD PARTIES.—The President may also prohibit, for such period of time as he may determine, any transaction or dealing, by a United States person or within the United States, with any foreign person on whom dual use sanctions have been imposed.

(4) REPORT.—The President shall submit on an annual basis to the appropriate congressional committees a report that contains the identity of any foreign person that engages in any transaction or activity with a foreign person on whom dual use sanctions have been imposed that either—

(A) would be the basis for imposing dual use sanctions under paragraph (2) but for which such sanctions have not been imposed; or

(B) would be the basis for imposing dual use sanctions under paragraph (3) if the transaction or activity had been carried out by a United States person or by a person in the United States.

Such report shall be unclassified to the maximum extent feasible, but may include a classified annex.

(5) DEFINITIONS.—In this subsection:

(A) PERSON.—The term “person” means—

(i) a natural person;

(ii) a corporation, business association, partnership, society, trust, transnational corporation, or transnational joint venture, any other nongovernmental entity, organization, or group, and any governmental entity;

(iii) any subsidiary, subunit, or parent entity of any business enterprise or other organization or entity listed in clause (ii); and

(iv) any successor of any business enterprise or other organization or entity listed in clause (ii) or (iii).

(B) In the case of countries where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), the term “person” means—

- (i) all activities of that government relating to the development or production of any missile equipment or technology; and
- (ii) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(C) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(2)).

(D) MISSILE EQUIPMENT OR TECHNOLOGY.—The term “missile equipment or technology” has the meaning given that term in section 11B(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(c)).

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to sanctions imposed on or after January 1, 2003, on foreign persons under section 73(a)(2) of the Arms Export Control Act, and the provisions of subsection (c) shall apply with respect to sanctions imposed on or after January 1, 2003, on foreign persons under section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)), as continued in effect under the International Emergency Economic Powers Act.

## **Subtitle C—Incentives for Missile Threat Reduction**

### **SEC. 1431. FOREIGN ASSISTANCE.**

(a) TYPES OF ASSISTANCE.—The President is authorized to provide, on such terms as the President deems appropriate, the following assistance to countries that agree to destroy their ballistic missiles, and their facilities for producing ballistic missiles, that have a payload capacity of 500 kilograms or more over a distance of 300 kilometers or more:

(1) Assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) Assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.), notwithstanding section 531(e) or 660(a) of that Act (22 U.S.C. 2346(e) or 2420(a)).

(3) Drawdown of defense articles, defense services, and military education and training under section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318).

(b) CONGRESSIONAL NOTIFICATION.—Assistance authorized under subsection (a) may not be provided until 30 days after the date on which the President has provided notice thereof to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)).

(c) LIMITATION.—Any assistance provided to a country under subsection (a) may not be provided in more than 3 fiscal years.

### **SEC. 1432. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—There is authorized to be appropriated to the President to carry out section 1431 the sum of \$250,000,000.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

### **SEC. 1433. AUTHORIZATION OF TECHNICAL ASSISTANCE IN MISSILE DISARMAMENT.**

The President is authorized to provide technical assistance in the destruction of any missile or facility for producing ballistic missiles, in any country that requests such assistance.

## **TITLE XV—EXPORTS OF SATELLITES**

### **SEC. 1501. EXPORT CONTROLS ON SATELLITES AND RELATED ITEMS.**

Notwithstanding any other provision of law, in the case of the export of commercial communications satellites and related items to a country that is a member of the North Atlantic Treaty Organization or that is a major non-NATO ally of the United States, the President may determine to what extent, and under which provisions of law, such export may be controlled.



**SEC. 1502. MANDATORY REVIEW BY DEPARTMENT OF STATE.**

(a) **CERTAIN DEFENSE SERVICES.**—The provision of defense services by United States persons, including services or assistance provided during technical interchange meetings, in connection with the launch of a satellite from, or by nationals of, the People's Republic of China, are subject to section 38 of the Arms Export Control Act.

(b) **NOTIFICATION TO CONGRESS.**—At least 30 days before any export license or any technical assistance agreement is approved under subsection (a), the President shall transmit a certification with respect to such export license or technical assistance agreement in the manner provided in section 36(d) of the Arms Export Control Act, to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate. The export license or technical assistance agreement shall not be approved if the Congress, within that 30-day period, enacts a joint resolution prohibiting such approval. The provisions of section 36(d)(5) of that Act shall apply with respect to any such joint resolution, and the provisions of section 36(f) of that Act shall apply with respect to any certification submitted under this subsection.

**SEC. 1503. EXPORT RESTRICTIONS NOT AFFECTED.**

Nothing in this title shall be construed to—

(1) modify any restriction on exports imposed under any other provision of law, including—

(A) restrictions on exports to—

(i) any country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism;

(ii) any country that does not adhere to the Missile Technology Control Regime; or

(iii) any other country of proliferation concern; and

(B) restrictions imposed under title IX of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; or

(2) affect any provision of section 1514 or 1515 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note), or of title XIV of the National Defense Authorization Act for Fiscal Year 2000 (22 U.S.C. 2778 note).

**SEC. 1504. DEFINITIONS.**

In this title:

(1) **DEFENSE SERVICE.**—The term “defense service” means—

(A) the furnishing of assistance (including training) to foreign persons, whether in the United States or abroad, in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, destruction, processing, or use of a satellite or related items; and

(B) the furnishing to foreign persons, whether in the United States or abroad, of any technical data in connection with a satellite or related items.

(2) **RELATED ITEMS.**—The term “related items” means the satellite fuel, ground support equipment, test equipment, payload adapter or interface hardware, replacement parts, and nonembedded solid propellant orbit transfer engines described in the report submitted to Congress by the Department of State on February 6, 1998, pursuant to section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), as well as systems, components, parts, accessories, and associated equipment for satellites, including ground control equipment.

(3) **UNITED STATES PERSON.**—The term “United States person” has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. 1415(2)).

## **TITLE XVI—PROMOTION OF DEMOCRACY, HUMAN RIGHTS, AND RULE OF LAW IN BELARUS**

**SEC. 1601. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.**

(a) **PURPOSES OF ASSISTANCE.**—The assistance under this section shall be available for the following purposes:

(1) To assist the people of the Republic of Belarus in regaining their freedom and to enable them to join the European community of democracies.

(2) To encourage free and fair presidential, parliamentary, and local elections in Belarus, conducted in a manner consistent with internationally accepted standards and under the supervision of internationally recognized observers.

(3) To assist in restoring and strengthening institutions of democratic governance in Belarus.

(b) **AUTHORIZATION FOR ASSISTANCE.**—To carry out the purposes of subsection (a), the President is authorized to furnish assistance and other support for the activities described in subsection (c), to be provided primarily for indigenous Belarusian groups that are committed to the support of democratic processes.

(c) **ACTIVITIES SUPPORTED.**—Activities that may be supported by assistance under subsection (b) include—

(1) the observation of elections and the promotion of free and fair electoral processes;

(2) development of democratic political parties;

(3) radio and television broadcasting to and within Belarus;

(4) the development of nongovernmental organizations promoting democracy and supporting human rights;

(5) the development of independent media working within Belarus and from locations outside the country and supported by nonstate-controlled printing facilities;

(6) international exchanges and advanced professional training programs for leaders and members of the democratic forces in skill areas central to the development of civil society; and

(7) other activities consistent with the purposes of this title.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the President to carry out this section such sums as may be necessary for fiscal years 2004 and 2005.

(2) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

**SEC. 1602. RADIO BROADCASTING TO BELARUS.**

(a) **PURPOSE.**—It is the purpose of this section to authorize increased support for United States Government and surrogate radio broadcasting to the Republic of Belarus that will facilitate the unhindered dissemination of information.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to such sums as are otherwise authorized to be appropriated, there is authorized to be appropriated such sums as may be necessary for each fiscal year for Voice of America and RFE/RL, Incorporated for radio broadcasting to the people of Belarus in languages spoken in Belarus.

**SEC. 1603. SENSE OF CONGRESS RELATING TO SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the sanctions described in subsections (c) and (d) should apply with respect to the Republic of Belarus until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b).

(b) **CONDITIONS.**—The conditions referred to in subsection (a) are the following:

(1) The release of individuals in Belarus who have been jailed based on political or religious beliefs.

(2) The withdrawal of politically motivated legal charges against all opposition figures and independent journalists in Belarus.

(3) A full accounting of the disappearances of opposition leaders and journalists in Belarus, including Victor Gonchar, Anatoly Krasovsky, Yuri Zakharenka, and Dmitry Zavadsky, and the prosecution of those individuals who are responsible for their disappearances.

(4) The cessation of all forms of harassment and repression against the independent media, independent trade unions, nongovernmental organizations, religious organizations (including their leadership and members), and the political opposition in Belarus.

(5) The implementation of free and fair presidential and parliamentary elections in Belarus consistent with OSCE standards on democratic elections and in cooperation with relevant OSCE institutions.

(c) **DENIAL OF ENTRY INTO THE UNITED STATES OF BELARUSIAN OFFICIALS.**—The President should use his authority under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)) to deny the entry into the United States of any alien who—

- (1) holds a position in the senior leadership of the Government of Belarus; or  
 (2) is a spouse, minor child, or agent of a person inadmissible under paragraph (1).

**(d) PROHIBITION ON LOANS AND INVESTMENT.—**

(1) UNITED STATES GOVERNMENT FINANCING.—No loan, credit guarantee, insurance, financing, or other similar financial assistance should be extended by any agency of the United States Government (including the Export-Import Bank and the Overseas Private Investment Corporation) to the Government of Belarus, except with respect to the provision of humanitarian goods and agricultural or medical products.

(2) TRADE AND DEVELOPMENT AGENCY.—No funds available to the Trade and Development Agency should be available for activities of the Agency in or for Belarus.

(e) MULTILATERAL FINANCIAL ASSISTANCE.—It is further the sense of Congress that, in addition to the application of the sanctions described in subsections (c) and (d) to the Republic of Belarus (until the President determines and certifies to the appropriate congressional committees that the Government of Belarus has made significant progress in meeting the conditions described in subsection (b)), the Secretary of the Treasury should instruct the United States Executive Director of each international financial institution to which the United States is a member to use the voice and vote of the United States to oppose any extension by those institutions of any financial assistance (including any technical assistance or grant) of any kind to the Government of Belarus, except for loans and assistance that serve humanitarian needs.

**SEC. 1604. MULTILATERAL COOPERATION.**

It is the sense of Congress that the President should continue to seek to coordinate with other countries, particularly European countries, a comprehensive, multilateral strategy to further the purposes of this title, including, as appropriate, encouraging other countries to take measures with respect to the Republic of Belarus that are similar to measures described in this title.

**SEC. 1605. REPORT.**

(a) REPORT.—Not later than 90 days after the date of enactment of this Act, and every year thereafter, the President shall transmit to the appropriate congressional committees a report that describes, with respect to the preceding 12-month period, the following:

(1) The sale or delivery of weapons or weapons-related technologies from the Republic of Belarus to any country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), has repeatedly provided support for acts of international terrorism.

(2) An identification of each country described in paragraph (1) and a detailed description of the weapons or weapons-related technologies involved in the sale.

(3) An identification of the goods, services, credits, or other consideration received by Belarus in exchange for the weapons or weapons-related technologies.

(4) The personal assets and wealth of Aleksandr Lukashenka and other senior leadership of the Government of Belarus.

(b) FORM.—A report transmitted pursuant to subsection (a) shall be in unclassified form but may contain a classified annex.

**SEC. 1606. DEFINITIONS.**

In this title:

(1) OSCE.—The term “OSCE” means the Organization for Security and Cooperation in Europe.

(2) SENIOR LEADERSHIP OF THE GOVERNMENT OF BELARUS.—The term “senior leadership of the Government of Belarus” includes—

(A) the President, Prime Minister, Deputy Prime Ministers, government ministers, Chairmen of State Committees, and members of the Presidential Administration of Belarus;

(B) any official of the Government of Belarus who is personally and substantially involved in the suppression of freedom in Belarus, including judges and prosecutors; and

(C) any other individual determined by the Secretary of State (or the Secretary’s designee) to be personally and substantially involved in the formulation or execution of the policies of the Lukashenka regime that are in contradiction of internationally recognized human rights standards.

## **TITLE XVII—ISRAELI-PALESTINIAN PEACE ENHANCEMENT ACT OF 2003**

### **SEC. 1701. SHORT TITLE.**

This title may be cited as the “Israeli-Palestinian Peace Enhancement Act of 2003”.

### **SEC. 1702. FINDINGS.**

Congress makes the following findings:

(1) The security of the State of Israel is a major and enduring national security interest of the United States.

(2) A lasting peace in the Middle East region can only take root in an atmosphere free of violence and terrorism.

(3) The Palestinian people have been ill-served by leaders who, by resorting to violence and terrorism to pursue their political objectives, have brought economic and personal hardship to their people and brought a halt to efforts seeking a negotiated settlement of the conflict.

(4) The United States has an interest in a Middle East in which two states, Israel and Palestine, will live side by side in peace and security.

(5) In his speech of June 24, 2002, and in other statements, President George W. Bush outlined a comprehensive vision of the possibilities of peace in the Middle East region following a change in Palestinian leadership.

(6) A stable and peaceful Palestinian state is necessary to achieve the security that Israel longs for, and Israel should take concrete steps to support the emergence of a viable, credible Palestinian state.

(7) The Palestinian state must be a reformed, peaceful, and democratic state that abandons forever the use of terror.

(8) On April 29, 2003, the Palestinian Legislative Council confirmed in office, by a vote of 51 yeas, 18 nays, and 3 abstentions, the Palestinian Authority’s first prime minister, Mahmoud Abbas (Abu Mazen), and his cabinet.

(9) In his remarks prior to the vote of the Palestinian Legislative Council, Mr. Abbas declared: “The government will concentrate on the question of security . . . The unauthorized possession of weapons, with its direct threat to the security of the population, is a major concern that will be relentlessly addressed . . . There will be no other decision-making authority except for the Palestinian Authority.”

(10) In those remarks, Mr. Abbas further stated: “We denounce terrorism by any party and in all its forms both because of our religious and moral traditions and because we are convinced that such methods do not lend support to a just cause like ours but rather destroy it.”

(11) Israel has repeatedly indicated its willingness to make painful concessions to achieve peace once there is a partner for peace on the Palestinian side.

### **SEC. 1703. PURPOSES.**

The purposes of this title are—

(1) to express the sense of Congress with respect to United States recognition of a Palestinian state; and

(2) to demonstrate United States willingness to provide substantial economic and humanitarian assistance, and to support large-scale multilateral assistance, after the Palestinians have achieved the reforms outlined by President Bush and have achieved peace with the State of Israel.

### **SEC. 1704. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) peace between Israel and the Palestinians cannot be negotiated until the Palestinian system of government has been transformed along the lines outlined in President Bush’s June 24, 2002, speech;

(2) substantial United States and international economic assistance will be needed after the Palestinians have achieved the reforms described in section 620K(c)(2) of the Foreign Assistance Act of 1961 (as added by section 1706 of this Act) and have made a lasting and secure peace with Israel;

(3) the Palestinian people merit commendation on the confirmation of the Palestinian Authority’s first prime minister, Mahmoud Abbas (Abu Mazen), and his cabinet;

(4) the new Palestinian administration urgently should take the necessary security-related steps to allow for implementation of a performance-based road map to resolve the Israeli-Palestinian conflict;

(5) the United States Administration should work vigorously toward the goal of two states living side-by-side in peace within secure and internationally-recognized boundaries free from threats or acts of force; and

(6) the United States has a vital national security interest in a permanent, comprehensive, and just resolution of the Arab-Israeli conflict, and particularly the Palestinian-Israeli conflict, based on the terms of United Nations Security Council Resolutions 242 and 338.

**SEC. 1705. RECOGNITION OF A PALESTINIAN STATE.**

It is the sense of Congress that a Palestinian state should not be recognized by the United States until the President determines that—

(1) a new leadership of a Palestinian governing entity, not compromised by terrorism, has been elected and taken office; and

(2) the newly-elected Palestinian governing entity—

(A) has demonstrated a firm and tangible commitment to peaceful coexistence with the State of Israel and to ending anti-Israel incitement, including the cessation of all officially sanctioned or funded anti-Israel incitement;

(B) has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures and the confiscation of unlawful weaponry;

(C) has established a new Palestinian security entity that is fully cooperating with the appropriate Israeli security organizations;

(D) has achieved exclusive authority and responsibility for governing the national affairs of a Palestinian state, has taken effective steps to ensure democracy, the rule of law, and an independent judiciary, and has adopted other reforms ensuring transparent and accountable governance; and

(E) has taken effective steps to ensure that its education system promotes the acceptance of Israel's existence and of peace with Israel and actively discourages anti-Israel incitement.

**SEC. 1706. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.**

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

**“SEC. 620K. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.**

**“(a) LIMITATION.—**

**“(1) IN GENERAL.—**Notwithstanding any other provision of law, assistance may be provided under this Act or any other provision of law to the government of a Palestinian state only during a period for which a certification described in subsection (c) is in effect. The limitation contained in the preceding sentence shall not apply (A) to humanitarian or development assistance that is provided through nongovernmental organizations for the benefit of the Palestinian people in the West Bank and Gaza, or (B) to assistance that is intended to reform the Palestinian Authority and affiliated institutions, or a newly elected Palestinian governing entity, in order to help meet the requirements contained in subparagraphs (A) through (H) of subsection (c)(2) or to address the matters described in subparagraphs (A) through (E) of section 1705(2) of the Israeli-Palestinian Peace Enhancement Act of 2003.

**“(2) WAIVER.—**The President may waive the limitation of the first sentence of paragraph (1) if the President determines and certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that it is vital to the national interest of the United States to do so.

**“(b) CONGRESSIONAL NOTIFICATION.—**

**“(1) IN GENERAL.—**Assistance made available under this Act or any other provision of law to a Palestinian state may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

**“(2) SUNSET.—**Paragraph (1) shall cease to be effective beginning ten years after the date on which notice is first provided under such paragraph.

**“(c) CERTIFICATION.—**A certification described in this subsection is a certification transmitted by the President to Congress that—

**“(1) a binding international peace agreement exists between Israel and the Palestinians that—**

- “(A) was freely signed by both parties;
  - “(B) guarantees both parties’ commitment to a border between two states that constitutes a secure and internationally recognized boundary for both states, with no remaining territorial claims;
  - “(C) provides a permanent resolution for both Palestinian refugees and Jewish refugees from Arab countries; and
  - “(D) includes a renunciation of all remaining Palestinian claims against Israel through provisions that commit both sides to the “end of the conflict”; and
- “(2) the new Palestinian government—
- “(A) has been democratically elected through free and fair elections, has exclusive authority and responsibility for governing the national affairs of the Palestinian state, and has achieved the reforms outlined by President Bush in his June 24, 2002, speech;
  - “(B) has completely renounced the use of violence against the State of Israel and its citizens, is vigorously attempting to prevent any acts of terrorism against Israel and its citizens, and punishes the perpetrators of such acts in a manner commensurate with their actions;
  - “(C) has dismantled, and terminated the funding of, any group within its territory that conducts terrorism against Israel;
  - “(D) is engaging in ongoing and extensive security cooperation with the State of Israel;
  - “(E) refrains from any officially sanctioned or funded statement or act designed to incite Palestinians or others against the State of Israel and its citizens;
  - “(F) has an elected leadership not compromised by terror;
  - “(G) is demilitarized; and
  - “(H) has no alliances or agreements that pose a threat to the security of the State of Israel.

“(d) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (c), and every 6 months thereafter for the 10-year period beginning on the date of transmittal of such certification—

“(1) the President shall transmit to Congress a recertification that the requirements contained in subsection (c) are continuing to be met; or

“(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

“(e) RULE OF CONSTRUCTION.—A certification under subsection (c) shall be deemed to be in effect beginning on the day after the last day of the 10-year period described in subsection (d) unless the President subsequently determines that the requirements contained in subsection (c) are no longer being met and the President transmits to Congress a report that contains the reasons therefor.”.

**SEC. 1707. AUTHORIZATION OF ASSISTANCE TO A PALESTINIAN STATE.**

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 1706, is further amended by adding at the end the following new section:

**“SEC. 620L. AUTHORIZATION OF ASSISTANCE TO A PALESTINIAN STATE.**

“(a) ASSISTANCE.—The President is authorized to provide assistance to a Palestinian state in accordance with the requirements of this section.

“(b) ACTIVITIES TO BE SUPPORTED.—Assistance provided under subsection (a) shall be used to support activities within a Palestinian state to substantially improve the economy and living conditions of the Palestinians by, among other things, providing for economic development in the West Bank and Gaza, continuing to promote democracy and the rule of law, developing water resources, assisting in security cooperation between Israelis and Palestinians, and helping with the compensation and rehabilitation of Palestinian refugees.

“(c) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts made available to carry out chapter 4 of part II of this Act for a fiscal year, there are authorized to be appropriated to the President to carry out subsections (a) and (b) such sums as may be necessary for each such fiscal year.

“(d) COORDINATION OF INTERNATIONAL ASSISTANCE.—

“(1) IN GENERAL.—Beginning on the date on which the President transmits to Congress an initial certification under section 620K(c) of this Act, the Secretary of State shall seek to convene one or more donors conferences to gain commitments from other countries, multilateral institutions, and nongovernmental organizations to provide economic assistance to Palestinians to ensure that such commitments to provide assistance are honored in a timely manner, to ensure that there is coordination of assistance among the United States and

such other countries, multilateral institutions, and nongovernmental organizations, to ensure that the assistance provided to Palestinians is used for the purposes for which it was provided, and to ensure that other countries, multilateral institutions, and nongovernmental organizations do not provide assistance to Palestinians through entities that are designated as terrorist organizations under United States law.

“(2) REPORT.—Not later than 180 days after the date of the enactment of this section, and on an annual basis thereafter, the Secretary of State shall prepare and submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report that describes the activities undertaken to meet the requirements of paragraph (1), including a description of amounts committed, and the amounts provided, to a Palestinian state or Palestinians during the reporting period by each country and organization.”.

## **TITLE XVIII—MISCELLANEOUS FOREIGN ASSISTANCE PROVISIONS**

### **SEC. 1801. ADDITIONAL AUTHORITIES RELATING TO INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.**

Notwithstanding any other provision of law, assistance provided by the United States Government to support international efforts to combat aerial trafficking of illicit narcotics under chapter 8 of part I of the Foreign Assistance Act of 1961 or under any other provision of law shall include the authority to interdict illicit arms in connection with the trafficking of illicit narcotics.

### **SEC. 1802. UNITED STATES OPIUM ERADICATION PROGRAM IN COLOMBIA.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, acting through the Department of State’s Narcotics Affairs Section (NAS) in Bogota, Colombia, shall ensure that all pilots participating in the United States opium eradication program in Colombia are Colombians and are fully trained, qualified, and experienced pilots, with preference provided to individuals who are members of the Colombian National Police.

### **SEC. 1803. COOPERATIVE DEVELOPMENT PROGRAM.**

Of the amounts made available for development assistance under the Foreign Assistance Act of 1961, not less than \$2,000,000 for each of the fiscal years 2004 and 2005 are authorized to be made available to finance projects among the United States, Israel, and developing countries in Africa under the Cooperative Development Program.

### **SEC. 1804. WEST BANK AND GAZA PROGRAM.**

(a) OVERSIGHT.—For fiscal year 2004, the Secretary of State shall certify to the appropriate committees of Congress not later than 30 days prior to the initial obligation of funds for the West Bank and Gaza that procedures have been established to assure the Comptroller General will have access to appropriate United States financial information in order to review the use of United States assistance for the West Bank and Gaza funded under chapter 4 of part II of the Foreign Assistance Act of 1961 (“Economic Support Fund”).

(b) VETTING.—Prior to any obligation of funds authorized to be appropriated to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection.

#### **(c) AUDITS.—**

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that independent audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the funds authorized to be appropriated by this Act to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 that are made available for assistance for the West Bank and Gaza, up to \$1,000,000 may be used by the Office of the Inspector General of

the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of paragraph (1). Such funds are in addition to funds otherwise available for such purposes.

**SEC. 1805. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON INCITEMENT TO ACTS OF DISCRIMINATION.**

(a) COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) in paragraph (9), by striking “and” at the end;

(2) in paragraph (10), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(11)(A) wherever applicable, in a separate section with a separate heading, a description of the nature and extent of—

“(i) propaganda in government and government-controlled media and other sources, including government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race or people; and

“(ii) complicity or involvement in the creation of such propaganda or incitement of acts of violence against any race; and

“(B) a description of the actions, if any, taken by the government of the country to eliminate such propaganda or incitement.”.

(b) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the eighth sentence the following: “Each report under this section shall also include wherever applicable, in a separate section with a separate heading, a description of (i) the nature and extent of (I) propaganda in government and government-controlled media and other sources, including government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race, and (II) complicity or involvement in the creation of such propaganda or incitement of acts of violence against any race or people, and (ii) a description of the actions, if any, taken by the government of the country to eliminate such propaganda or incitement.”.

**SEC. 1806. ASSISTANCE TO EAST TIMOR.**

Section 632(b)(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended by striking “the fiscal year 2003” and inserting “each of the fiscal years 2003, 2004, and 2005”.

**SEC. 1807. SUPPORT FOR DEMOCRACY-BUILDING EFFORTS FOR CUBA.**

(a) STATEMENT OF POLICY.—It is the policy of the United States to support those individuals and groups who struggle for freedom and democracy in Cuba, including human rights dissidents, independent journalists, independent labor leaders, and other opposition groups.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President to carry out section 109(a) of Public Law 104–114 (22 U.S.C. 6039(a)) \$15,000,000 for each of the fiscal years 2004 and 2005.

(2) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(A) are authorized to remain available until expended; and

(B) are in addition to amounts otherwise available for such purposes.

**SEC. 1808. AMENDMENT TO THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.**

The Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) is amended—

(1) in section 103(a) by striking “section 512 of Public Law 107–115 or any similar” and inserting “any other”; and

(1) in section 207(b) by striking “section 512 of Public Law 107–115 or any similar” and inserting “any other”.

**SEC. 1809. CONGO BASIN FOREST PARTNERSHIP.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out the Congo Basin Forest Partnership (CBFP) program \$18,600,000 for each of the fiscal years 2004 and 2005. Of the amounts appropriated pursuant to the authorization of appropriations under the preceding sentence for a fiscal year, \$16,000,000 is authorized to be made available to the Central Africa Regional Program for the Environment (CARPE) of the United States Agency for International Development.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.



**SEC. 1810. COMBATTING THE PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to such amounts as may otherwise be authorized to be appropriated for such purpose, there are authorized to be appropriated for the Department of State, \$10,000,000 to carry out the following activities in countries that are not members of the Organization for Economic Cooperation and Development (OECD):

(1) Provision of equipment and training for foreign law enforcement, including in the interpretation of intellectual property laws.

(2) Training for judges and prosecutors, including in the interpretation of intellectual property laws.

(3) Assistance in complying with obligations under appropriate international copyright and intellectual property treaties and agreements.

(b) **CONSULTATION WITH WORLD INTELLECTUAL PROPERTY ORGANIZATION.**—In carrying out subsection (a), the Department of State should make every effort to consult with, and provide appropriate assistance to, the World Intellectual Property Organization to promote the integration of non-OECD countries into the global intellectual property system.

**SEC. 1811. ASSISTANCE FOR LAW ENFORCEMENT FORCES IN CERTAIN FOREIGN COUNTRIES.**

Notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), the Administrator of the United States Agency for International Development is authorized to provide assistance for fiscal years 2004 and 2005 to—

(1) law enforcement agencies of the Government of India for the purposes of enhancing their capacity for medical-first-response and search-and-rescue operations after a natural disaster, improving the access of women to justice, and combating the trafficking of persons; and

(2) the new police force of Northern Ireland for the purpose of providing computer-based, human-rights and other professional training, and the law enforcement agencies of the Republic of Ireland (ROI) for the purposes of fostering greater cooperation and communication between the police force of the Republic of Ireland and the new police force of Northern Ireland, as recommended by the Patten Commission.

**SEC. 1812. HUMAN RIGHTS AND DEMOCRACY FUND.**

Section 664(c)(1) of the Freedom Investment Act of 2002 (subtitle E of title VI of division A of Public Law 107–228; 22 U.S.C. 2151n–2(c)(1)) is amended—

(1) by striking “for fiscal year 2003” and inserting “for each of the fiscal years 2003 through 2005”; and

(2) by striking “\$21,500,000 is” and inserting “\$21,500,000 for fiscal year 2003, \$24,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal year 2005 are”.

**SEC. 1813. ENHANCED POLICE TRAINING.**

Section 660(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(b)) is amended—

(1) in paragraph (7), by striking the period at the end and inserting “; or”; and

(2) by adding at the end the following new paragraph:

“(8) with respect to assistance provided to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and counter-narcotics, and through the promotion of civilian police roles that support democratic governance, including programs to combat corruption and the trafficking of persons, particularly by organized crime, prevent conflict, and foster improved police relations with the communities in which they serve.”.

**SEC. 1814. PROMOTING A SECURE AND DEMOCRATIC AFGHANISTAN.**

(a) **FINDINGS.**—The Congress finds that—

(1) the United States has a vital interest in promoting Afghanistan’s transition from chaos, civil war, and disorder to an increasingly prosperous democratic state, safe and secure with its neighbors, respecting human rights, particularly the rights of women and girls, dedicated to the liberty, literacy, and enrichment of its citizens, and serving as a model for other countries;

(2) basic security in the major cities and along key transportation routes is critical to the reconstruction and development of Afghanistan, including fostering implementation of the Bonn Agreement, achieving progress towards a democratic and tolerant government, and encouraging international private investment;

(3) Afghanistan and its people remain under serious threat from terrorism, insurgency, widespread crime, banditry, intimidation, rape, and suppression of minorities and women, and other grave violations of human rights continue to

occur, especially in areas that do not have a routine presence of international security personnel;

(4) lethal clashes continue between the private armies of warlords, attacks against Afghan civilians and officials and United States and international organization personnel are on the rise, and threats against civilians and whole villages not to cooperate with Americans or the central government are now routine;

(5) the growth, production, and trafficking of Afghan opium and its derivatives pose a serious threat to international peace and security and efforts toward reconstruction in Afghanistan;

(6) recruitment and training of the Afghan National Army and the Afghan National Police are seriously behind schedule and will not be at full strength for several years, leaving the central government and Afghan citizens vulnerable to the depredations of terrorists, insurgents, and the private armies of warlords;

(7) although the 4,500 soldiers of the International Security Assistance Force (ISAF) have provided much-needed security for the citizens of Kabul, it is not within their mandate or power to promote security to other areas, and human rights abuses are continuing in areas in and around Kabul where ISAF is not present;

(8) vastly disproportionate numbers of refugees returning from neighboring countries have gone to Kabul because of the security provided by ISAF and the insecurity of their home areas, overwhelming Kabul and far exceeding its capacity for shelter, food, and employment;

(9) NATO has recently decided to take over responsibility for a limited ISAF, a welcome development that will not, unfortunately, provide any additional security in Kabul or elsewhere;

(10) the United States has stated on numerous occasions that it does not oppose the expansion of ISAF, but that heretofore other countries have not expressed a willingness to participate in an expanded force;

(11) the United States has not itself demonstrated a commitment to expansion of ISAF or a similar international security or peacekeeping force, a commitment to leadership that other nations may more likely follow;

(12) the Secretary of Defense has announced that the combat phase of the war in Afghanistan has ended, and that the United States will be focusing its efforts on a reconstruction phase utilizing lightly-armed, platoon-sized Provincial Reconstruction Teams to provide security for reconstruction efforts, rather than an expanded international peacekeeping or patrolling security force;

(13) the Provincial Reconstruction Teams may prove inadequate to provide a significant level of security to their regions, and are not tasked to secure the major transportation routes which are critical to the economic revival of Afghanistan;

(14) United States and foreign nongovernmental aid workers and Afghan civilian aid workers are at great risk of being robbed, beaten, and killed in areas of Afghanistan that are not being patrolled by United States forces or Afghan central government forces;

(15) such acts of theft, intimidation, and murder against foreign aid and Afghan civilian workers are occurring with increasing frequency, and are often deliberately committed by Taliban and other insurgent and rebel forces with the intention of creating sufficient terror to undermine and arrest any efforts to rebuild Afghanistan into a peaceful, democratic, and prosperous nation that prohibits terrorism and tyranny;

(16) the report of the Inspector General of the United States Agency for International Development (USAID) confirms that USAID workers are virtual captives in their compounds, able to venture out into the countryside for brief periods and only under heavy armed escort, conditions which are counterproductive to their mission of assisting the people of Afghanistan;

(17) the Taliban and al-Qaeda may believe they only have to create enough terror and uncertainty in the country to undermine the creation of strong representative institutions, and wait until the United States leaves to again create chaos, exploit tribal rivalries, and plunge Afghanistan back into chaos;

(18) failure to secure a peaceful and democratic Afghanistan will diminish the credibility of efforts by the United States and the international community to promote peace and democracy elsewhere in the Muslim world; and

(19) unless general security can be provided in the major population areas, strategic highways, and border crossings and chokepoints, the goals for which the war in Afghanistan was fought may be lost and the efforts and lives spent in the attempt to liberate and rebuild Afghanistan may be wasted.

(b) SECURITY POLICY.—

(1) SECURITY ALONG HIGHWAYS.—The President shall take immediate steps to ensure that there is adequate security along the length of highways connecting major Afghan urban centers in order to terminate and deter acts of banditry, illegal checkpoints, human rights abuses, terrorism, and intimidation against Afghan and foreign civilians and military personnel.

(2) DISARMAMENT, ETC. OF AFGHAN MILITIAS.—The President shall take immediate steps to support directly the disarmament, demobilization, and reintegration of Afghan militias and irregulars that are not formally part of the Afghan National Army or under the direct control of the central government in Afghanistan.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President should take steps to implement section 206(d) of the Afghanistan Freedom Support Act of 2002 (Public Law 107–327) to expand significantly the International Security Assistance Force, or take such other steps as may be necessary, such as increasing the number and force levels of United States Provincial Reconstruction Teams, so as to—

(1) increase the area in which security is provided and undertake vital tasks related to promoting security, such as disarming warlords militias and irregulars;

(2) deter criminal activity, including rape, robbery, and intimidation of civilians; and

(3) safeguard highways in order to allow governmental and nongovernmental assistance and reconstruction personnel to move more freely in the countryside to provide humanitarian relief and rebuild Afghanistan.

**SEC. 1815. GRANTS TO THE AFRICA SOCIETY.**

(a) GRANTS TO THE AFRICA SOCIETY.—For any fiscal year, the Secretary of State is authorized to make grants to the Africa Society to carry out programs and activities that advance United States interests and values in Africa through public and private partnerships that facilitate the continent's political transition to more open democratic societies, support equitable economic growth through trade and investment, support efforts to promote transparency and openness through the public and private sectors, encourage civil society growth and development, and promote awareness of all Americans about Africa, consistent with a grant agreement under such terms as the Secretary of State considers necessary and appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$1,000,000 for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005.

**PURPOSE AND SUMMARY**

The Foreign Relations Authorization Act for Fiscal Years 2004 and 2005 authorizes funding for the Department of State and the United States international broadcasting activities for fiscal years 2004 and 2005, security assistance, and other foreign affairs programs. H.R. 1950 authorizes the requested funding for the Department's Diplomatic Readiness Initiative to improve the ability of the United States to represent U.S. interests around the globe, authorizes funding for U.S. embassy security, which is critical to the protection of the U.S. presence in countless countries where the threat of terrorism continues, enhances the State Department's public diplomacy programs, focuses the U.S. Government on anti-U.S. propaganda and incitement in order to better communicate with the world, revises the refugee resettlement process, and reorganizes U.S. international broadcasting. The legislation also increases our capacity at international organizations, where rogue regimes and human rights violators are increasingly trying to assert their influence and provides needed reforms to U.S. defense export and missile non-proliferation policies. The bill also addresses important regional and functional foreign policy issues.

## BACKGROUND AND NEED FOR THE LEGISLATION

The United States continues to face key challenges around the globe and is exerting its influence during a time of particular instability. The need to forge coalitions to combat international terrorism, the compelling U.S. interest in fostering better understanding of this country and its policies, the increasing use by rogue states and human rights violators of international organizations to advance their interests, and the continuing dangers of the proliferation of lethal military equipment, weapons of mass destruction and the means to deliver them requires a robust and sustained response by the United States government. H.R. 1950, the Foreign Relations Authorization Act, represents a bipartisan response to address these objectives.

Division A of the legislation authorizes appropriations for fiscal years 2004 and 2005 for the Department of State, the Broadcasting Board of Governors, which is responsible for non-military U.S. international broadcasting, and authorizes other activities key to U.S. foreign policy objectives. Division A contains a number of critical reforms necessary for the enhancement of our foreign policy. First, it enhances in scope and substance U.S. public diplomacy. Second, it contains a reorganization of U.S. international broadcasting building on the progress to form a consensus during the 107th Congress. Third, it establishes a new Special Coordinator to focus on promoting independent media around the world in order to enhance press freedoms and provide the possibility for better informed publics around the world. Fourth, it reforms the way the United States does business at international organizations to better advance U.S. interests in critical fora, including using our influence to prevent terrorist states from gaining leadership positions and preventing their membership in key institutions. Finally, in light of the suicide bomb attacks on the U.S. consulate in Karachi, Pakistan and on the residential compounds in Riyadh, Saudi Arabia, H.R. 1950 continues Congressional commitment to the security of U.S. personnel serving this nation abroad by authorizing significant funding for embassy security upgrades and construction, as well as for additional investments in security personnel around the world.

Division B of H.R. 1950 contains amendments to the Arms Export Control Act that will strengthen that Act's terrorist-related prohibitions and the U.S. Government's ability to enforce violations, enhances our missile non-proliferation policies, and improves the Department of State's administration of defense trade and security assistance. It also contains a number of foreign assistance measures and reforms that will advance U.S. interests around the globe.

The bill authorizes in Division A \$9.3 billion for fiscal year 2004 and \$10.7 billion for fiscal year 2005 for the operations of the State Department and related agencies, and \$657 million for fiscal year 2004 and \$651 million for fiscal year 2005 for the Broadcasting Board of Governors. The President has requested and the Committee is recommending increases in the Department's operating accounts particularly with respect to embassy security and personnel. Current world events and testimony underscore the neces-

sity of a strong, well trained diplomatic core and civil service to carry out the ever-increasing international demands.

The bill authorizes in Division B \$4.4 billion for fiscal year 2004 for Foreign Military and Financing (which matches the Administration request), \$91.7 million for fiscal year 2004 for International Military Education & Training, (which matches the Administration request), and \$250 million without fiscal year limit for programs to reduce the threat of missile proliferation, and lesser amounts for various programs and activities. The bill authorizes security assistance for Israel and Egypt in 2004 and 2005. Finally, Title XVII, The Israeli-Palestinian Peace Enhancement Act authorizes such sums to promote peace in the Middle East with a promise of substantial economic and humanitarian to a Palestinian state once a true and verifiable peace agreement has been achieved.

#### HEARINGS

The Committee and its Subcommittees held several oversight hearings prior to the markup of H.R. 1950. The Subcommittee on the Western Hemisphere held a hearing on February 27, 2003, entitled, "Overview of U.S. Policy Toward the Western Hemisphere." Testimony was received from: The Honorable John P. Walters, Director, Office of National Drug Control Policy; The Honorable Adolfo Franco, Assistant Administrator, Bureau for Latin America and the Caribbean, U.S. Agency for International Development; and J. Curtis Struble, Acting Assistant Secretary, Bureau of Western Hemisphere Affairs, U.S. Department of State. The Subcommittee on Europe held a hearing, entitled, "U.S. Assistance Programs in Europe: An Assessment" on March 27, 2003. Testimony was received from: Thomas Adams, Acting Coordinator for U.S. Assistance to Europe and Eurasia, Bureau of European and Eurasia Affairs, U.S. Department of State; and the Honorable Kent R. Hill, Ph.D., Assistant Administrator, Bureau for Europe and Eurasia, U.S. Agency for International Development. On April 30, 2003, the Subcommittee on International Terrorism, Nonproliferation and Human Rights held a hearing entitled, "A Review of the State Department Country Reports on Human Rights Practices." Testimony was received from: The Honorable Lorne W. Craner, Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State; Alexandra Arriaga, Director of Government Relations, Amnesty International; and Jennifer L. Windsor, Executive Director, Freedom House.

The Committee on International Relations held a hearing on the President's fiscal year 2004 International Affairs budget request entitled, "The President's International Affairs Budget Request for FY 2004" was held on February 12, 2003, with Secretary of State Colin L. Powell testifying.

#### COMMITTEE CONSIDERATION

H.R. 1950 was introduced by Chairman Hyde on May 5, 2003 and was referred to the Committee on International Relations. On May 7, 2003, and May 8, 2003, the Committee met in open session, pursuant to notice, to consider the bill. A motion offered by Chairman Hyde to favorably report H.R. 1950 to the House of Representatives, as amended, was agreed to by a record vote of 42 ayes to 3 noes, a quorum being present.

The Committee adopted several amendments. Summary of Amendments:

*Wednesday, May 7*

1. Hyde—en bloc—which contained the following 21 amendments:

—Crowley: George Mitchell Scholarship Program.

—Faleomavaega: Technical fix to indigenous persons exchange program.

—Lantos: Change the FY05 voluntary peacekeeping number for Africa from \$40 million to “such sums”.

—Berman: Technical change to adjust funds in the broadcasting accounts.

—Hyde: Technical change to the East Timorese scholarship program to allow undergraduates to participate.

—Hyde: Amendment regarding meritorious step increases for the Foreign Service.

—Berkley: Pilot program for the promotion of travel and tourism in the U.S. through U.S. international broadcasting.

—Engel: The use of the voice and vote against a state sponsor of terrorism being appointed to the UN Security Council.

—Engel: Requires a report by the State Department when efforts fail to keep a state sponsor of terrorism off the UN Security Council.

—Hyde: Technical change of a position title from Executive Director to Director.

—Lee: Report on U.S. policy toward Haiti.

—Crowley: Report on the effects of Plan Colombia on Ecuador.

—Hyde: Technical change to the title of the Under Secretary of Commerce for Industry and Security.

—McCotter: Sense of Congress regarding weapons of mass destruction.

—Smith (MI): Make efforts to communicate and disseminate accurate scientific information on the benefits of agriculture biotechnology.

—Bereuter: Sense of Congress regarding a more equitable resettlement of refugees.

—Watson: Strengthening the global intellectual property system.

—Crowley: Assistance for law enforcement forces in India and N. Ireland.

—Lantos: Extends the authorization of appropriations for the Human Rights and Democracy Fund.

—Hyde: Report on Missile Defense Cooperation.

—Smith (NJ): Promotion of democracy, human rights and rule of law in Belarus.

This amendment was agreed to by a voice vote.

2. Leach—Colin Powell Center for American Diplomacy. This amendment was agreed to by a voice vote.

3. Crowley—UNFPA. This amendment was agreed to by a vote of 23–22.

4. Rohrabacher—Exports of Satellites. This amendment was agreed to by voice vote.

5. Lantos—Israeli-Palestinian Peace Enhancement Act of 2003. This amendment was agreed to by voice vote.

6. Smith (MI)—International Agricultural Biotechnology Information Program. This amendment was agreed to by voice vote.

7. Menendez—climate change. This amendment was agreed to by a vote of 21–18.

8. Royce—Radio Free Asia broadcasts to North Korea. This amendment was agreed to by voice vote.

9. Smith (NJ) en bloc—Combined two amendments: an increase in the migration and refugee assistance account, and a change to refugee resettlement. This amendment was agreed to by voice vote.

10. Faleomavaega—Report on Pakistan. This amendment was agreed to by voice vote.

*May 8:*

11. Smith (NJ)—UNRWA. This amendment was agreed to by voice vote.

12. Smith (NJ)—East Timorese scholarships. This amendment was agreed to by voice vote.

13. Payne—Grants to the Africa society. This amendment was agreed to by voice vote.

14. Delahunt—Democracy in the Western Hemisphere. This amendment was agreed to, as amended.

15. Hyde—en bloc which contained the following 13 amendments:

—Engel: Reduction in funding level for NED for programs in primarily Muslim countries.

—Menendez: Makes a statement of policy expressing concern about Iran's buildup of its nuclear weapons program.

—Ros-Lehtinen: Incitement amendments to Free Media Provision.

—Lantos: Police training.

—Lantos: Sense of Congress relating to the need to enhance security in Afghanistan.

—Sherman: Iran World Bank sense of Congress.

—McCollum: Sense of Congress relating to violence against women.

—Meeks: Africa conflicts.

—Wexler: Training program on international safety issues for students.

—Faleomavaega: Sense of Congress expressing concern about the environmental impact of Soviet nuclear weapons testing in Kazakhstan.

—Ros-Lehtinen: Technical fix to the Secretary of State's reporting requirement on WEOG.

—Lantos: Prohibit elimination of broadcasting to E. Europe.

—Hyde: Streamlines a terrorism reporting requirement.

This amendment was agreed to by voice vote.

16. Menendez—migration issues between the U.S. and Mexico. This amendment was agreed to, as amended by the Ballenger substitute, which was amended by a Gallegly amendment regarding extradition from Mexico of violent criminals.

The bill, H.R. 1950, was reported favorably to the House, as amended, by a record vote of 42 ayes to 3 noes.

## VOTE(S) OF THE COMMITTEE

Clause (3)(b) of rule XIII of the Rules of the House of Representatives requires that the results of each record vote on an amendment or motion to report, together with the names of those voting for or against, be printed in the Committee Report.

Vote No. 1 (11:38 a.m., May 7): Crowley amendment regarding funds for UNFPA.

*Voting yes:* Houghton, Lantos, Berman, Ackerman, Faleomavaega, Payne, Menendez, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), McCollum, and Bell

*Voting no:* Bereuter, Smith (NJ), Burton, Ros-Lehtinen, Ballenger, Rohrabacher, Royce, King, McHugh, Tancredo, Paul, Smith (MI), Pitts, Flake, Davis, Green, Weller, Pence, McCotter, Janklow, Harris and Hyde.

Ayes 23. Noes 22.

Vote No. 2 (1:50 p.m., May 7): Menendez amendment regarding climate change.

*Voting yes:* Leach, Smith (NJ), Lantos, Berman, Ackerman, Faleomavaega, Payne, Menendez, Brown, Sherman, Engel, Delahunt, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Schiff, Smith (WA), McCollum, and Bell

*Voting no:* Bereuter, Burton, Ballenger, Rohrabacher, Royce, King, Chabot, McHugh, Tancredo, Paul, Pitts, Flake, Green, Weller, Pence, McCotter, Janklow, and Hyde.

Ayes 21. Noes 18.

Vote No. 3 (11:32 a.m., May 8): Tancredo amendment concerning the issuance of alien ID cards.

*Voting yes:* Burton, Gallegly, Ballenger, Royce, Chabot, Tancredo, Paul, Smith (MI), Pitts, Flake, Davis, Green, Pence, McCotter, Janklow, Harris and Hyde.

*Voting no:* Leach, Ros-Lehtinen, King, Lantos, Berman, Ackerman, Faleomavaega, Payne, Menendez, Brown, Wexler, Engel, Delahunt, Lee, Crowley, Hoeffel, Berkley, Napolitano, Schiff, Watson, Smith (WA), McCollum and Bell.

Ayes 17. Noes 23.

Vote No. 4 (1:10 p.m., May 8): Paul amendment regarding UNESCO.

*Voting yes:* Burton, Gallegly, Ballenger, Rohrabacher, Royce, Chabot, McHugh, Tancredo, Paul, Smith (MI), Flake, Davis, McCotter and Hyde.

*Voting no:* Leach, King, Houghton, Pitts, Green, Weller, Pence, Harris, Lantos, Berman, Ackerman, Payne, Menendez, Brown, Sherman, Wexler, Engel, Delahunt, Lee, Crowley, Hoeffel, Blumenauer, Napolitano, Smith (WA), McCollum and Bell.

Ayes 14. Noes 26.

Vote No. 5 (2:05 p.m., May 8): Ballenger substitute amendment to the Menendez amendment regarding migration issues between the U.S. and Mexico.

*Voting yes:* Leach, Bereuter, Smith (NJ), Gallegly, Ros-Lehtinen, Ballenger, Rohrabacher, Royce, Chabot, Houghton, McHugh, Tancredo, Paul, Smith (MI), Pitts, Flake, Davis, Green, Weller, Pence, McCotter, Janklow, Harris and Hyde.



*Voting no:* King, Lantos, Berman, Ackerman, Payne, Menendez, Brown, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Hoeffel, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), McCollum and Bell.

Ayes 24. Noes 22.

Vote No. 6 (2:10 p.m.): Report H.R. 1950, as amended, favorably to the House.

*Voting yes:* Leach, Bereuter, Smith (NJ), Gallegly, Ros-Lehtinen, Ballenger, Rohrabacher, Royce, King, Chabot, Houghton, McHugh, Tancredo, Pitts, Green, Weller, Pence, McCotter, Janklow, Lantos, Berman, Ackerman, Payne, Menendez, Brown, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Hoeffel, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), McCollum, Bell and Hyde.

*Voting no:* Paul, Flake and Davis.

Ayes 42. Noes 3.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

#### COMMITTEE COST ESTIMATE

A CBO estimate was not available at time of filing of this report. In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee estimates the bill will have a \$15 billion cost for fiscal year 2004. For fiscal year 2005, the estimate is \$15 billion.

In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee estimates that implementing the bill will have a \$15 billion cost for fiscal year 2004 and over \$30 billion through the next five years.

#### PERFORMANCE GOALS AND OBJECTIVES

The goals and objectives of this legislation are to provide authorization for the activities of the State Department and related agencies for fiscal years 2004 and 2005.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 8, clause 18 of the Constitution.

## NEW ADVISORY COMMITTEES

H.R. 1950 does not establish or authorize any new advisory committees.

## CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 1950 does not apply to the legislative branch.

## FEDERAL MANDATES

H.R. 1950 provides no Federal mandates.

## CHANGES IN EXISTING LAW

The changes to existing law will be filed in a supplemental report.

## SECTIONAL ANALYSES

## DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

## TITLE I—AUTHORIZATION OF APPROPRIATIONS

## Subtitle A—Department of State

**SEC. 111. ADMINISTRATION OF FOREIGN AFFAIRS.**

This section authorizes appropriations under the heading “Administration of Foreign Affairs” for fiscal years 2004 and 2005. This bill authorizes a total of \$4.2 billion in FY 04 and \$4.4 billion in FY 05 for State Department operations. The President’s request for FY 04 is \$4.2 billion. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, effective implementation of consular programs and their border security components, the acquisition and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and information resource management.

In particular, this section provides authorization of appropriations for the necessary expenses of the Department of State and the Foreign Service. These expenses include an authorization for worldwide security upgrades. This section also includes authorization of appropriations for the conduct of U.S. public diplomacy programs, capital investment, representation, protection of foreign missions and officials, emergencies in the diplomatic and consular service, repatriation loans, and payment to the American Institute in Taiwan.

Specific authorizations of interest are: construction security, \$1.6 billion for FY 04 and \$1.7 billion for FY 05; worldwide security upgrades, \$647 million for FY 04 and \$679 million in FY 05; \$321 million in FY 04 and \$330 million in FY 05 for certain public diplomacy programs; and \$2 million in FY 04 and \$2 million in FY 05 for minority recruitment.

Rightsizing the U.S. overseas presence is part of the President’s Management Agenda and a major objective of the Congress, and we expect to see progress within the Department on these issues. The State Department has asked for more money to

hire staff but it has not clearly shown a willingness to reallocate its existing staff from those posts that are relatively generously staffed to those that have the greatest shortfalls. We recognize that the Office of Management and Budget is taking the lead on the rightsizing initiative. However, because the State Department is the lead foreign affairs agency, and faces its own resource allocation issues, it should continue to advocate for government-wide direction on.

**SEC. 112. UNITED STATES EDUCATIONAL AND CULTURAL PROGRAMS.**

This section authorizes a total of \$393 million in FY 04 and \$405 million in FY 05 for education and cultural exchange programs. The President requested \$345 million. Increases in this account support enhancements in U.S. public diplomacy programs determined to be necessary in this time of global terrorism. This section also authorizes a variety of specific exchange programs. Several new initiatives in this area are included in this legislation:

Subsection (b)(3)(C) helps address declining opinions of the United States among young people in South Korea. This subsection increases to \$750,000 per year the funding for this successful Fulbright program, which places American college graduates at schools and colleges across South Korea, where they teach English and serve as assistants to explain U.S. culture and society. This program, which serves many rural schools, has a significant multiplier effect, as each participant interacts regularly with numerous Korean students.

Subsection (b)(3)(E) provides authority for the fiscal year 2004 and for the fiscal year 2005 to fund the George J. Mitchell Scholarship Program at its current fiscal year 2003 level of funding, \$500,000. This program provides one year of postgraduate study for American scholars at institutions of higher education in Ireland and Northern Ireland.

To help address declining opinions of the United States among young people in our longtime ally, South Korea, subsection (b)(4)(E) authorizes \$750,000 per year for the creation of summer academic study programs in the United States for Korean college and university students. The programs will focus on political systems, government institutions, society, and democratic culture in the United States. It is estimated that this modest funding will allow the establishment of three summer institutes, each of which can handle between 25 and 30 students, thus reaching between 75 and 90 Korean student leaders per year.

Subsection (b)(4)(H) provides an authorization of \$400,000 for the fiscal year 2004 and \$400,000 for the fiscal year 2005 for scholarships for postsecondary education in the United States for students from Mexico and the countries of Central and South America who are from the indigenous peoples of the region. Postsecondary means college level and above and the Committee expects that the Department will provide scholarships to graduate and undergraduate students under this new authority.

Subsection (c)(2) authorizes \$3 million to be made available in FY04 and \$3 million in FY05 for the National Endowment for Democracy to promote democracy, good governance, rule of law, independent media, religious tolerance, women's rights, and the strengthening of civil society in Muslim-majority countries within

the jurisdiction of the Bureau of Near Eastern Affairs of the Department of State.

The Committee notes that one such organization of demonstrated effectiveness is the Center for Civic Education headquartered in Calabasas, California and recommends that it be supported under this authorization.

**SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

This section authorizes \$1 billion for FY 04 and \$1 billion for FY 05. It authorizes the necessary funds for U.S. contributions of its assessed share of the expenses of the United Nations and other international organizations of which the United States is a member. In addition, it authorizes \$550 million for FY04 and such sums as may be necessary for FY05 for assessed contributions to international peacekeeping activities under United Nations auspices.

This section also authorizes such sums as may be necessary for each of the fiscal years 2004 and 2005 to offset adverse fluctuations in foreign currency exchange rates.

**SEC. 114. INTERNATIONAL COMMISSIONS.**

This section authorizes \$70 million for FY04 and \$70 million for FY05 for international commissions. This is the same as the President's request for FY 04. It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions, including those dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

**SEC. 115. MIGRATION AND REFUGEE ASSISTANCE.**

This section authorizes \$927 million for FY04 and \$957 million for FY05 for Migration and Refugee Assistance. This is the same as the President's request for FY 04. This program authorizes the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private volunteer agencies, governments, and bilateral assistance, as authorized by law.

The amount of funding authorized in this section would accommodate the admission of 90,000 refugees in fiscal year 2004 and 100,000 refugees in fiscal year 2005. It also would enable the Department to provide urgently needed increases in United States overseas refugee assistance.

Resettlement of refugees in the United States is widely regarded as an important tool of refugee protection, not only because it serves as a durable solution for individual refugees but also because it helps convince countries of "first asylum" to keep their doors open to persons fleeing persecution. All refugees admitted to the United States must meet the United States refugee definition, which requires a well-founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion. The United States refugee admissions program protects persons who share our values and have suffered because of their adherence to those values.

The Committee believes that increases in refugee assistance and protection funding are needed. The refugee account continues to be the only major State Department account which has not received

sufficient annual increases since fiscal year 1995 to compensate for the effects of inflation. Yet the number of refugees and other persons in need of protection, such as internally displaced persons and refugees who have repatriated but have not yet been fully reintegrated in their home countries, is at least as great as it was 7 years ago, and the per capita cost of providing such protection has increased substantially.

There currently are severe shortfalls in funding in the protection budgets of the United Nations High Commissioner for Refugees (UNHCR), which is the primary international relief agency that provides protection and assistance to refugees worldwide. These shortfalls, which by some estimates are as much as \$200 million annually, have stricken other international and nongovernmental organizations, as well, that are devoted to providing food, shelter, and other basic necessities to refugees. The shortfalls have contributed to increased instability, to involuntary and unsafe repatriation, and in some cases to dramatic increases in infant and child mortality.

Refugee protection is a responsibility of all nations. The Committee is discouraged that many countries throughout the world are not doing enough to assist refugees who subsist in first countries of asylum, often in desperate, life-threatening circumstances. Accordingly, the Committee urges the Department to work with other governments throughout the world to encourage them to increase the amount of assistance they provide to the United Nations High Commissioner for Refugees and other international relief agencies.

Following are several examples of the urgent needs that will go unmet unless the United States and the international community respond with additional assistance for refugee protection:

**AFGHANISTAN.** Funding levels have failed to keep pace with high levels of refugee repatriation, therefore nearly half of the 2 million refugees in the process of returning home will receive no non-food reintegration supplies from UNHCR. Fewer than one in five Afghan refugees repatriating to rural areas will receive housing reconstruction/rehabilitation assistance from UNHCR because of budget shortfalls. The agency initially had planned to assist nearly half of the 1 million Afghans returning to rural areas.

**ALGERIA.** Funding constraints forced cutbacks in food deliveries to 80,000 refugees from Western Sahara living in arid camps where farming was impossible. Projects to provide cleaner drinking water for 80,000 refugees from Western Sahara living in camps in Algeria's Sahara Desert were postponed because of inadequate funds.

**ANGOLA.** Because of funding shortfalls, reintegration programs and protection monitoring for some 40,000 returnees in rural areas have barely begun, and preparations to assist 170,000 Angolan refugees expected to repatriate in 2003 have been delayed. Budget problems have slowed pre-positioning of blankets, soap, and potable water sites for returnees, creating a potential for serious aid gaps when large numbers repatriate.

**ERITREA.** Plans to transfer nearly 3,000 Somali refugees to a location with improved living conditions have been cancelled because of budget problems. The refugee population will remain in a transit camp with inadequate latrines, poorly equipped schools, and other substandard services.

**ETHIOPIA.** Budget constraints impeded the hiring of nutritional experts to monitor potential malnutrition in camps housing 100,000 refugees from Sudan and Somalia.

**GUINEA.** Tens of thousands of Liberian refugees continue to live outside of camps without regular assistance in part because funding problems have slowed expansion of existing camps and much-needed construction of new sites. Some 14,000 Liberian and Sierra Leonean refugee children are expected to lose access to schools and 370 teachers will be dismissed because of budget problems. Forty projects to help Senegalese refugees support themselves have been canceled because of funding shortfalls.

**KENYA.** This country has multiple refugee assistance needs. Budget problems forced a 25 percent cut in food rations for up to 80,000 Sudanese refugees. The UNHCR reports that financial constraints may force them to stop supplying firewood to thousands of Sudanese refugee women, thereby potentially exposing them to rape and robbery while they leave refugee camps to collect firewood individually. UNHCR also reports that because of budget constraints, health workers are canceling a counseling program for Somali and Sudanese refugee women victimized by rape and other violence. Sexual violence against women and girls amid the nearly quarter-million refugees in Kenya has long been a problem.

**SIERRA LEONE.** This country has extensive refugee assistance needs, and recently relief agencies suspended the repatriation of up to 50,000 Sierra Leonean refugees in order to shift limited funds to emergency programs for 30,000 new Liberian refugees flooding into the country. Thousands of Sierra Leonean refugees repatriated to regions of the country that lack adequate UNHCR staff and reintegration assistance because of budget constraints. Aid workers estimated at mid-year that 90 percent of essential reintegration needs, such as potable water and education, were being ignored in some areas of the country because of funding and staffing shortfalls. UNHCR only fielded three protection officers to monitor the safety of 150,000 returned Sierra Leonean refugees and 30,000 Liberian refugees, many of them living in potentially insecure border areas.

**SEC. 116. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

This section authorizes \$317 million in FY 04 and \$320 million in FY 05 for voluntary contributions to international organizations.

Subsection (b) authorizes \$6,000,000 in FY 2004 and \$7,000,000 in FY 2005 of the total account for the United Nations Voluntary Fund for Victims of Torture.

Subsection (c) establishes an Organization of the American States (OAS) model port program in the Latin American and Caribbean region.

Numerous United States Government (USG) agencies, including the State Department, Customs, and the Maritime Administration, among others, operate programs in Latin America and the Caribbean to improve port security. These programs, however, are not coordinated to maximize the efficiency, reduce the costs, and optimize the performance of the security practices and technologies that have been integrated so far.

In response to this problem, the Committee authorizes \$2,000,000 to the President only for a voluntary contribution to the

Organization of American States (OAS) for the purpose of improving port security in the Western Hemisphere through the development of a model port in a Latin American or Caribbean country. The OAS, in collaboration with appropriate United States agencies, should seek to develop best security practices in and provide appropriate technologies for the model port. The Committee expects that the model port will serve as a platform on which other port security officials from other countries in the region may learn and adopt practices and technologies which are best suited for their particular circumstances.

Subsection (d) requires the withholding from U.S. voluntary contributions to the UNDP of an amount equal to the amount UNDP intends to spend in Burma in FY 2004 and FY 2005, unless the President certifies to Congress that UNDP programs in Burma are meeting certain standards.

Subsection (e) requires that the United States make a \$50 million contribution to the United Nations Population Fund (UNFPA) in fiscal years 2004 and 2005. The section also makes changes to the existing statutory guidelines for voluntary contributions to UNFPA. This subsection states that funds appropriated to the President or the State Department for voluntary contributions to UNFPA may be obligated and expended beginning 30 days after such funds become available, and only if the President makes a certification to Congress that UNFPA does not directly support or participate in coercive abortion or involuntary sterilization. The certification authority of the President under this section may not be delegated.

The section also clarifies the use of the term “directly supports or participates in coercive abortion or involuntary sterilization.” This term means knowingly and intentionally working with a purpose to continue, advance, or expand the practice of coercive abortion or involuntary sterilization, or playing a primary and essential role in a coercive or involuntary aspect of a country’s family planning program.

**SEC. 117. VOLUNTARY CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.**

This section authorizes \$110 million for FY 04 and \$110 million for FY 05 for voluntary contributions to international peacekeeping. The provision also states that of the total, \$40 million for FY 04 and such sums for FY 05 is authorized for peacekeeping activities in Africa.

Subsection (b) authorizes \$40 million for the Africa Regional Peacekeeping Account (\$16 million over the Administration’s request) for the fiscal year 2004 and such sums as may be necessary for the fiscal year 2005 to bolster our peacekeeping training and development initiatives with Africa regional organizations. Africa faces major civil conflict in West Africa, the Great Lakes Region, and insurgencies and states near collapse in West, Central, and East Africa. U.S. bilateral peacekeeping assistance will help build Africa’s capacity to deal with regional and state conflicts, and strengthens African support for U.S. interests in the region. It is in keeping with our bilateral interests in Africa that we keep our commitment to help Africans build and keep peace by sustaining our peacekeeping operations.

**SEC. 118. GRANTS TO THE ASIA FOUNDATION.**

This section authorizes \$18,000,000 for Fiscal Year 2004 and \$18,000,000 for Fiscal Year 2005 for the activities of the Asia Foundation.

Subtitle B—United States International Broadcasting Activities

**SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.**

This section authorizes \$657 million in FY 04 and \$651 million in FY 05 for international broadcasting activities, including broadcasting to Cuba, the Middle East, and capital improvements.

Consistent with H.R. 3969 from the 107th Congress, this section authorizes \$130,240,000 above the Administration's request—\$76,850,000 in FY 04 and \$53,390,000 in FY 05—to expand television and radio broadcasting to countries with predominately Muslim populations and to support audience development. This will ensure full funding for the Middle East television network and support other important broadcasting enhancements in the Middle East, South Asia, and Southeast Asia. The increase will also add back funds to continue broadcasts to Eastern Europe and provide additional funds for the purpose of countering internet jamming. The purpose of these efforts is to increase knowledge of America and its policies and provide an accurate and objective source of news and information.

The Broadcasting Board of Governors has already created a Middle East Radio Network (“Radio Sawa”) to enhance the impact of U.S. international broadcasting in the Arab world. By targeting young audiences, using new radio formats, and transmitting on the AM, FM, and satellite frequencies used by listeners in the region, this powerful initiative has delivered unprecedented audiences for unbiased news and information. However, the committee also recognizes the huge untapped television market in the Middle East. Television is increasingly the communications medium of choice in the region, and the United States message must be present on this medium to counterbalance the anti-American coverage of local and regional stations.

This section authorizes \$36 million for the Middle East Television Network—\$6 million above the budget request—to ensure that the station has sufficient funds to meet all operational requirements as it begins the challenging mission to provide journalistically sound and attractive programming to the Arab-speaking world.

The authorization also includes an additional \$30.25 million to expand radio and television in the Farsi and Urdu languages. Approximately \$8 million of this amount would provide for new high-powered medium wave (AM) transmission for broadcasting in Urdu to Pakistan, a key partner in the war on terrorism. VOA currently broadcasts only 3 hours daily in Urdu to that country, all on short-wave. Audience levels have historically been low. This increase would fund 12 or more hours a day of broadcasting in Urdu using a mode of transmission that Pakistanis prefer.

Approximately \$1.5 million would fund an upgrade to the Kuwait medium wave transmitter for Farsi language radio broadcasting to Iran. In addition, the VOA's popular television programming to Iran would increase from two and a half hours a week to an hour or more daily. Daily television use and satellite dish ownership in



Iran are high. VOA's weekly satellite TV program, "Roundtable with You," attracts a high volume of audience phone calls, indicating a receptive market.

The authorization also includes \$38.5 million to increase radio and television programming in Bahasa Indonesian, Javanese, Malay, and Tagalog to enable VOA and Radio Free Asia to reach sizeable Muslim populations in Indonesia, Malaysia and the Philippines in relevant media. New funding for broadcasting to this region would secure badly needed high-powered medium wave transmitters, FM licenses, and satellite equipment and circuits. It allows VOA to expand current broadcasts of 3½ hours a day in Bahasa to up to twelve hours daily, and extend the 1½ weekly hours of television programming to up to six hours daily. It would further drive the development of new radio service in the appropriate vernacular languages for Malaysia and the Philippines.

Finally, the authorization includes \$2.1 million for audience development, which will allow the BBG to increase awareness of its programs and the channels and/or frequencies in which it broadcasts by advertising through a variety of media.

## TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

### Subtitle A—United States Public Diplomacy

#### **SEC. 201. FINDINGS AND PURPOSES.**

This section sets forth the importance of using public diplomacy as a means to reach out to the people of the world. It also recognizes that public diplomacy is a significant tool for United States foreign policy and requires a coordinated strategy for the use of public diplomacy resources.

#### **SEC. 202. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE DEPARTMENT OF STATE.**

This section amends the State Department Basic Authorities Act of 1956 to provide a description of the Secretary of State's public diplomacy responsibilities. It states that the Secretary of State shall develop a comprehensive strategy (in coordination with the U.S. International Broadcasting Agency) with measurable objectives for the use of public diplomacy resources, to assume a prominent role in coordinating the efforts of all Federal agencies involved in public diplomacy, and to ensure that the public diplomacy strategy of the United States is cohesive, and aggressively counters misinformation and propaganda about the United States. The Secretary is also required each year to analyze the impact of public diplomacy efforts and submit a report to Congress.

This section also requires the Secretary of State to establish a Public Diplomacy Reserve Corps that can be called upon in times of emergencies when additional personnel and expertise are required.

Finally, this section sets forth the duties of the Under Secretary for Public Diplomacy. The Under Secretary is given responsibility for formation, supervision, and implementation of United States public diplomacy policies, programs, and activities and provides guidance to public diplomacy personnel.

New subsection 57(d)(1) of the State Department Basic Authorities Act, as added by this section, provides that the Under Sec-

retary of State for Public Diplomacy shall provide the U.S. International Broadcasting Agency with statements of official United States policy for broadcast by the Agency at the Agency's discretion, and directs the Department of State to promptly review editorial material prepared for broadcast by the Agency when the Agency requests such a review. It is the intent of the Committee to ensure that the official policies of the United States Government are accurately and persuasively communicated through the Agency. The Committee in no way intends to compromise the editorial independence of the Agency, and therefore leaves all final editorial decisions to the Agency.

Subsection 202(b) requires the Secretary of State in cooperation with the United States Agency for International Development to ensure that information concerning foreign assistance and projects funded by the United States government is disseminated widely within countries and regions that receive such assistance. The Committee recognizes that there may be instances in which such dissemination is not practicable, such as in cases where identification of United States personnel or resources would present a security risk. The Department of State shall report to Congress 120 days after the end of each fiscal year on the efforts made to disseminate information regarding United States assistance during the preceding fiscal year, including specific information concerning all instances in which the United States Agency for International Development has not identified projects as United States assistance because such identification was not practicable.

Although this section is designed to ensure the highest level of attention by our foreign policy agencies to public diplomacy needs and objectives, it does not provide new authority to the Secretary of State over the programs or operations of the U.S. International Broadcasting Agency. The role of the Board as a firewall against political interference in the content of the broadcasts remains unchanged, as is the USIBA's independence as a discrete Federal agency with its own budget authority. The Secretary of State remains a member of the Board of Governors.

**SEC. 203. ANNUAL PLAN ON PUBLIC DIPLOMACY STRATEGY.**

This section requires the Secretary of State, in coordination with all appropriate Federal agencies, to prepare an annual review and analysis of the impact of public diplomacy efforts on target audiences. On the basis of this review, the Secretary, again in coordination with appropriate Federal agencies, shall develop a plan for the implementation of a public diplomacy strategy that specifies goals, agency responsibilities, and necessary resources for achieving such goals. As with section 202, it is not the intent of this provision to suggest an expansion of the Secretary of State's authority over the budgets, programs, or other authorities and responsibilities of other Federal agencies. These reports will provide a consolidated picture of the state of United States public diplomacy across the variety of agencies that conduct such programs. The Committee expects that any plans, reviews, and analyses included in these reports shall reflect the consensus views of all Federal agencies participating in public diplomacy activities.

**SEC. 204. PUBLIC DIPLOMACY TRAINING.**

The findings in this section emphasize that the Foreign Service should recruit individuals with expertise and professional experience in public diplomacy. This section also encourages the Secretary of State to seek to increase the number of Foreign Service Officers proficient in languages spoken in predominantly Muslim countries. It is expected that such training will increase the awareness and capacity of more Foreign Service Officers and Chiefs of Mission. Thus, the quality and scope of public diplomacy programs will be enhanced.

**SEC. 205. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

This section amends current law to require that at least four (4) members of the Advisory Commission on Public Diplomacy have substantial experience in the conduct of public diplomacy or comparable private sector experience, and requires one member to be an American living abroad. It also requires the Commission to report not less than every two years on public diplomacy programs, policies, and activities and the effectiveness of such activities. It is expected that the Commission will take an active and constructive role to assess public diplomacy objectives and provide guidance to increase the success of such programs and activities overseas.

**SEC. 206. LIBRARY PROGRAM.**

This section requires the Secretary of State to implement a demonstration program to establish or upgrade foreign libraries to improve literacy and support public education. The purpose of the program is to advance American values and the importance of freedom and democracy.

**SEC. 207. SENSE OF CONGRESS CONCERNING PUBLIC DIPLOMACY EFFORTS IN SUB-SAHARAN AFRICA.**

This section states that there are a significant number of sub-Saharan African countries that have predominantly Muslim populations, and it is the sense of Congress that the Secretary should include countries in sub-Saharan Africa with predominantly Muslim populations in public diplomacy activities authorized by this Act and the amendments made by this Act.

**SEC. 208. THE COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.**

This section authorizes the establishment of the Colin Powell Center for American diplomacy, housing a museum, conference center and auditorium to be located in the Department of State's headquarters at the Harry S. Truman Building. The purpose of the Center is to organize and sponsor educational and outreach programs explaining the role of U.S. diplomats and American foreign policy in advancing U.S. national interests throughout the history of our democracy. The Center is being developed in partnership with the non-profit Foreign Affairs Museum Council, a 501(c)3 organization. The Committee urges the Department to plan carefully and consult closely with Congress as it proceeds with this project, including on issues relating to security of the Main State building as well as administration and governance of the Center. The Committee understands that a strategic planning exercise is being conducted to, among other things, determine whether the necessary operating funds can be raised through voluntary contributions. The Com-

mittee looks forward to reviewing this study and assessing its impact on the Department's plans to establish the Center.

The Committee believes that the Department can make use of the expertise of the Smithsonian Institution in embarking on this endeavor, including this transfer of funds under the Economy Act. In addition, the Committee believes that any funds that are not necessary for the construction of a reasonably designed Center should be used to establish an endowment for the operations of the Center.

#### Subtitle B—Basic Authorities and Activities

##### **SEC. 221. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.**

Subsection(a) states that none of the funds authorized to be appropriated by this Act may be expended for the operation of a U.S. consulate in Jerusalem unless such a consulate is under the supervision of the U.S. Ambassador to Israel. This provision was carried in last year's Foreign Relations Authorization Act and is repeated so as to apply to spending authorized by this Act, as well.

Subsection(b) states that none of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless it identifies Jerusalem as the capital of Israel. This provision was carried in last year's Foreign Relations Authorization Act and is repeated so as to apply to spending authorized by this Act, as well.

Subsection (c) states that for the purposes of the registration of birth, certification of nationality or issuance of a passport of a U.S. citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen, record the place of birth as Jerusalem. A similar provision was carried in last year's Foreign Relations Act but would now be embedded in the provision of law that authorizes the Secretary of State to issue passports, and establishes the rules for their issuance ("An Act to regulate the issue and validity of passports, and for other purposes", approved July 3, 1926 (22 U.S.C. 211a; 44 Stat. 887)). The Committee believes that its position about language to be inserted in passports is both fully justified and is constitutional under the "necessary and proper" clause of Article I of the Constitution and that the President has a duty to see that this provision, if enacted, is enforced.

##### **SEC. 222. MODIFICATION OF REPORTING REQUIREMENTS.**

This section repeals an expiring, temporary reporting requirement relative to terrorist incidents in which Americans are killed and related matters and transfers certain of its requirements so that they will appear, through May 1, 2005, in the Department of State's widely circulated annual report on "Patterns of Global Terrorism."

##### **SEC. 223. REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.**

This section requires an annual report by the Secretary of State regarding actions taken by representatives of the U.S. to encourage other countries to establish full diplomatic relations with Israel.

**SEC. 224. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO THE DEPARTMENT OF STATE.**

The Department of Defense provides airlift support to the Secretary of State for official overseas travel on a reimbursable basis. The Department of Defense has a two-tiered rate structure for charging for such support. At present, the Department of State is paying the higher rate, which is nearly twice as much as the lower. This section would authorize the Department of State to pay the Department of Defense for airlift services at the Department of Defense rate.

**SEC. 225. SENSE OF CONGRESS REGARDING ADDITIONAL UNITED STATES CONSULAR POSTS.**

This section expresses a sense of Congress that the Secretary of State should make best efforts to establish consulates or a diplomatic presence in three cities: Pusan, South Korea; Medan, Indonesia; and Hat Yai, Thailand.

**SEC. 226. VALIDITY OF UNITED STATES PASSPORTS FOR TRAVEL TO COUNTRIES RECEIVING UNITED STATES FOREIGN ASSISTANCE.**

Current law permits the Secretary of State to order that United States passports may not be used for travel in, to, or through designated countries. (The only countries so designated are Libya and Iraq—including Northern Iraq.) Certain classes of persons are exempt pursuant to a decision of the Secretary.) Violations of the order are considered to be criminal offenses.

This section provides that the Secretary's power to limit the use of passports does not apply with respect to a country, such as Iraq, in which the United States is providing assistance authorized by the Foreign Assistance Act of 1961, as amended.

The Committee is concerned that the Department of State has been too slow to adjust its policies which now ban the use of passports to travel to Iraq. Foreign nationals may travel to Iraq, but Americans are currently barred from using their passports to do so. This has, among other things, prevented American businesses from establishing themselves there without dealing with bureaucratic hurdles and non-transparent procedures.

The fact that a country is receiving United States foreign assistance should mean that it is sufficiently safe to travel to. With respect to no country, other than Iraq and, formerly, Lebanon, has the United States continued to ban the use of the passport after United States foreign assistance was provided.

Modern technology allows the United States government to provide ample warning of safety issues; Americans should then be able to assess the risks for themselves and act accordingly. The Committee notes that passports have not been invalidated for travel to danger or war zones such as Afghanistan, Liberia, the Ivory Coast, and Kosovo, nor to countries where consular services could not be provided in the recent past (or at present), such as Afghanistan, Kosovo, Tajikistan, and North Korea.

Finally, the Committee notes that the President retains the power to effectively ban travel in an emergency by imposing economic restrictions enforced by the Office of Foreign Assets Control of the Treasury Department.

**SEC. 227. SECURITY CAPITAL COST SHARING.**

This section provides the Secretary of State with the authority to establish and implement a Security Capital Cost-Sharing Program which is designed to collect funds from each agency to assist in the cost of building new, secure facilities. Beginning in fiscal year 2005, the Secretary is authorized to determine on an annual basis fees to be collected from other government agencies that have personnel assigned overseas and to use such fees to construct safe and secure new embassy compounds. The assessment of such costs will be based on the number of personnel who will be assigned to each overseas facility. The funds expected to be generated by this new cost-sharing program are intended to expedite the construction schedule for this large number of facilities, shortening it from twenty six to twelve years. This provision will also encourage rightsizing at overseas posts because agencies will be assuming more of the actual costs of an overseas position.

The Committee notes that while under the current program, furnishings, generators, and certain other items were not purchased by the Department of State for the use of other agencies. Because all agencies would be continuing the appropriate share of the funding, such restrictions will no longer be necessary.

**SEC. 228. AUTHORITY TO ISSUE ADMINISTRATIVE SUBPOENAS.**

This section provides a narrow administrative subpoena authority for Diplomatic Security agents. Such a subpoena may be issued in cases of an "imminent threat" to persons missions or organizations protected by Diplomatic Security under the authority of Section 37(a)(3) of the State Department Basic Authorities Act. The authority is similar to one provided to the Secret Service and the procedural protections of that provision will apply here. The committee has provided that the power to issue such subpoena could be delegate by the Secretary only to the Deputy Secretary, thereby assuring close attention to this authority at the highest level of the Department. In addition to facilitate oversight of the exercise of this authority the Secretary must report annually to the Committee on its use.

**SEC. 229. ENHANCING REFUGEE RESETTLEMENT AND MAINTAINING THE UNITED STATES COMMITMENT TO REFUGEES.**

In addition to findings on the United States refugee admissions program, this section provides the Department's Bureau of Population, Refugees, and Migration (PRM) with additional enabling tools to more effectively and efficiently identify, refer, and process refugees seeking admission to the United States.

The Committee is concerned that in recent years the United States has failed to approach the refugee admission goals established by the President. Though the majority of previous delays in processing are attributed to necessary security upgrades instituted after the September 11th terrorist attacks in 2001, now that upgrades are in place, the Committee is concerned that refugee admissions numbers continue to remain low. The Committee is confident that the tools provided in this section will better enable the Administration to identify, refer, and process refugees for admission to the United States.

Subsection (a) makes a number of findings with respect to the United States' refugee admissions program, including those that applaud the United States' longstanding tradition of providing ref-

ugee assistance and relief to the world's refugees fleeing religious and other forms of persecution through the Department of State's migration and refugee assistance account; notes the importance of a strong refugee resettlement and assistance program as a component of the United States' commitment to freedom; notes the decline in recent years in the United States' admission of refugees; notes that refugees undergo rigorous security screenings; notes the relationship between the United States government, private voluntary agencies, and nongovernmental organizations in refugee processing and encourages the greater use of such entities in processing so that the Administration can focus to a greater extent on security; and finds that in order to meet the annual 70,000 person refugee goals set by the Administration, a broader cross-section of the world's 15 million refugees could be considered for resettlement if the Department of State were to expand existing refugee processing categories reserved for refugees of special interest to the United States as well as for family reunification.

Subsection (b) states that the purpose of section 229 is to provide the Department with tools to enable it to carry out its responsibilities with greater efficiency with respect to the identification and processing of refugee applicants.

Subsection (c) provides enhancement of refugee identification and processing through three means. This subsection states that in addition to the traditional agencies currently being used, where applicable, the Secretary shall: (1) develop and utilize partnerships with voluntary resettlement organizations that permit such organizations to assist in the identification and referral of refugees; (2) utilize private voluntary agencies with ties to domestic constituencies in the overseas processing of refugees for admission to the United States; and (3) establish and utilize Refugee Response Teams to augment the ability of the Department to identify and process refugees for admission to the United States by providing a mobile team of experts who could be deployed in developing refugee situations.

The Committee believes that the establishment of Refugee Response Teams, in particular, is expected to enhance the quality of refugee resettlement programs, will make the processing of refugees more efficient and effective in areas where traditional agencies are unable to meet program needs, and will augment the capacity of the United States government to identify, process, assist, and counsel individuals for eventual adjudication by the Department of Homeland Security.

Subsection (c)(3)(B) notes that the composition of the Refugee Response Teams shall be comprised of representatives of NGOs and private voluntary organizations that have experience in refugee law, policy and programs. Voluntary resettlement organizations and private voluntary organizations with ties to domestic constituencies are uniquely qualified to assist the Department in successfully identifying a wider-range of refugees for admission to the United States. Voluntary resettlement and private voluntary organizations with ties to domestic constituencies have the knowledge of and experience with United States law and policy required to effectively identify refugees for admission to the United States. The Committee expects that, wherever possible, these organizations will be used in lieu of or to augment existing capacity of traditional

agencies currently used in the processing of refugees for admission to the United States.

Subsection (c)(3)(C) outlines the responsibilities of the Refugee Response Teams, which include: monitoring refugee situations, with a view toward identifying refugees whose best durable solution is third country resettlement; preparing profiles and documentation for resettlement consideration; augmenting or establishing an overseas operation, particularly in response to urgent developments; assisting with training and technical assistance to existing international organizations and other processing entities; as well as other responsibilities to be determined by the Secretary.

The Committee intends that the Department make liberal use of these three tools and expects that in addition to the report required by subsection 229(f), the Department will periodically report to the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate its utilization of these tools and/or rationale for non-use.

The Committee believes through implementing the directives of subsection 229(c), processing will become more effective and efficient and that eventually the use of private voluntary organizations in refugee processing will reduce program costs.

Subsection (d) requires the Secretary of State to establish performance standards to ensure accountability and effectiveness of subsection (c) on refugee identification and processing. This section is designed to ensure this efficiency through accountability. It requires the Secretary, in consultation with private voluntary organizations and NGOs, to establish performance standards to ensure that voluntary agencies performing the identification, referral, and processing responsibilities identified in subsection (c) carry out those tasks in an accountable and effective manner.

Subsection (e) states that the Department work to ensure that there is adequate planning across fiscal years to fulfill the admission goals that the President establishes each year in his Presidential Determination on Refugee Admissions through expanded consideration of particularly vulnerable groups of refugees and by encouraging the Department to expand its processing of refugees to include a broader cross-section of the refugee population.

Among the steps included in subsection 229(e) are those requiring the Secretary to work to ensure that the United States refugee admissions program give special attention for resettlement processing to particularly vulnerable refugees, including those refugees who have been long-stayers in refugee camps or long-stayers in first countries of asylum, unaccompanied refugee minors, urban refugees, and refugees in women-headed households. It also notes the importance of the family reunification in the United States resettlement program by stating that the Department shall work to ensure that attempts are made to expand the processing of refugees of all nationalities who have close family ties to United States. Subsection 229(e) also requires the Department to make attempts to expand the number of refugees considered for admission who are of special concern to the United States. Finally, it addresses the need to expand access to broader categories of refugees, thereby reducing the incidences of relationship-based misrepresentation on the part of bona fide refugees who meet the definition of a refugee



but who are not granted interviews for refugee status because they do not have close family ties to the United States.

Subsection (f) requires the Secretary to submit a report to Congress within 180 days after the date of enactment of this Act on the Department's implementation of the provisions in this section—specifically subsections (c), (d), and (e). The report would concentrate, on the expanded utilization of voluntary organizations in refugee identification, refugee processing, and refugee response teams, along with an explanation of the Department's rationale for not using such organizations and agencies; efforts by the Secretary to implement performance standards for voluntary organizations involved in refugee identification, processing, and response teams and the success of NGOs and private voluntary organizations in meeting such standards; efforts to expand consideration of various groups for refugee processing; and efforts to ensure that there is adequate planning across fiscal years so as to fulfill the refugee admission goals set forth by the President in his annual Presidential Determination on Refugee Admissions.

#### Subtitle C—Educational and Cultural Authorities

##### **SEC. 251. ESTABLISHMENT OF INITIATIVES FOR PREDOMINANTLY MUSLIM COUNTRIES.**

This section requires the Secretary to establish public diplomacy programs aimed at predominantly Muslim countries around the world. The specific programs are: journalism training, English language teaching, sister city partnerships, civics education, youth ambassadors, Fulbright Exchange Program, Humphrey fellowships, and a library sciences exchange program. The Committee recommends that English language teaching materials should incorporate democratic values. Furthermore such materials should be translated into Arabic and Mandarin and other languages as needed to enhance English language teaching objectives.

##### **SEC. 252. DATABASE OF AMERICAN AND FOREIGN PARTICIPANTS IN EXCHANGE PROGRAMS.**

This section requires that, to the extent practicable, the Secretary of State establish and maintain a database of all participants, both American and foreign, in exchange programs. The purpose is to encourage networking and continued communication with the alumni of United States exchange programs.

##### **SEC. 253. REPORT ON INCLUSION OF FREEDOM AND DEMOCRACY ADVOCATES IN EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.**

This section requires the Secretary of State to provide a report to Congress on the implementation of section 102 of the Human Rights, Refugee and Other Foreign Relations Provisions Act of 1996. The purpose of the report is to provide information concerning the number of grants to conduct exchange programs with countries whose governments deny freedom and democracy, and the extent to which supporters of freedom and democracy within these countries are given opportunities to participate in United States-funded programs.

**SEC. 254. SENSE OF CONGRESS CONCERNING EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS FOR FOREIGN JOURNALISTS.**

This section expresses a sense of Congress that the Secretary should establish a journalism training program for foreign journalists from regions of conflict.

**SEC. 255. SENSE OF CONGRESS REGARDING KOREAN FULBRIGHT PROGRAMS.**

In order to expand the reach of Fulbright activities in Korea to include those among whom the United States faces the most difficult public diplomacy challenges, this section expresses the sense of Congress that Korean participation in Fulbright activities should also include students who are: from outside of Seoul; from other than elite universities; other than degree-seeking graduate students; and who are preparing for non-academic careers, such as government, law, media, and business.

**SEC. 256. AUTHORIZING EAST TIMORESE SCHOLARSHIPS FOR GRADUATE STUDY.**

This section provides flexibility in the East Timorese scholarship program by extending the program to graduate students. The current program is designed for undergraduates.

**SEC. 257. PUBLIC SAFETY AWARENESS IN STUDY ABROAD PROGRAMS.**

This section addresses public safety awareness activities for U.S. nationals participating in the Bureau of Educational and Cultural Affairs study abroad programs. The provision encourages the Bureau to support such activities as part of such programs, and urges special attention to public safety issues, including road safety abroad.

Subtitle D—Consular Authorities

**SEC. 271. MACHINE READABLE VISAS.**

This section sets a cap on the use of funds collected by the State Department for machine readable visas for fiscal years 2004 and 2005. Funds exceeding \$700 million may only be used subject to a reprogramming notification of the relevant House and Senate committees. This provision is carried and updated in each State Department authorization bill.

**SEC. 272. PROCESSING OF VISA APPLICATIONS.**

This provision states that it shall be the policy of the State Department: (a) to process visa applications of immediate relatives and fiances of U.S. citizens within 30 days of receiving all necessary documents; and (b) to process applications sponsored by someone other than an immediate relative within 60 days.

**SEC. 273. STAFFING AT DIPLOMATIC MISSIONS.**

This section encourages executive branch agencies to right-size overseas posts—the process of deploying the right number people at the right posts with the right expertise.

Despite the process outlined in NSDD–38, Staffing at Overseas Missions and Their Diplomatic Constituent Posts (June 2, 1982), in practice chiefs of mission lack practical authority to determine the appropriate staffing requirements at posts. Moreover, the war on terrorism, increased AIDS funding in Africa and the Caribbean, the new Millennium Challenge Account program, changes to the U.S.

entry-exit rules, and a greater emphasis on foreign affairs all promise to increase the workloads of overseas missions, and place greater pressure on chiefs of mission to right-size staff compliments. This section gives chiefs of mission another means to administer their posts effectively without usurping the authority of the Secretary of State or other executive branch agency heads.

Under this section, chiefs of mission are required to voice their views on the necessity of all executive branch staff positions under their authority, whether Department of State or other executive branch agencies. This process should occur for each staff element at least every five years, though reviews may be handled individually, in small groups, or to include an entire mission. The Department of State shall collect and respond to the reviews received during the year in an annual report, and subsequently share the report with affected agencies and the Inspector General of the Department of State, which includes rightsizing factors in mission inspection reports.

### TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

#### **SEC. 301. FELLOWSHIP OF HOPE PROGRAM.**

This section clarifies the authority underlying a current exchange program between U.S. foreign affairs agencies, the European Union, and its member-states, created to promote collaboration among its young leaders. Under this program, Foreign Service officers are to serve one-year details at the European Union (EU) in Brussels and designated European foreign ministries. After completion of the details at the EU or in the foreign ministries, they are assigned to a position in the U.S. embassy in the relevant European capital. Conversely, the State Department also will receive members of the diplomatic corps from the European Union and designated foreign ministries.

#### **SEC. 302. CLAIMS FOR LOST PAY.**

This section clarifies the Department's authority to make technical corrections or enter into settlements of claims or grievances brought by its employees involving lost pay, allowances, or differentials. These complaints may involve simple technical errors in the payment of salary or benefits, which need to be corrected. Administrative adjustments also may be required.

The Department is seeking this provision as clarification to resolve back pay claims consistent with the spirit of conciliation that underlies settlements generally. This provision is not intended to question the current authority of agencies to settle claims without admitting fault.

#### **SEC. 303. OMBUDSMAN FOR THE DEPARTMENT OF STATE.**

This section formally establishes the position of Ombudsman for both foreign service and civil service. It enhances the responsibilities of the current Ombudsman (currently a volunteer additional duty) for the civil service. The Ombudsman reports directly to the Secretary of State.

#### **SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.**

This section repeals the provision in the Foreign Service Act that requires the Secretary to establish a recertification requirement for

members of the Senior Foreign Service (SFS) that is equivalent to the recertification process for the Senior Executive Service (SES).

Such a process is no longer required for the Senior Executive Service as it was repealed in Section 1321 of the Homeland Security Act of 2002 (P.L. 107–296).

**SEC. 305. REPORT CONCERNING STATUS OF EMPLOYEES OF STATE DEPARTMENT.**

This section requires the Secretary of State to provide a report on the merits of the conversion of employees at the State Department to the excepted service. The excepted service provides greater flexibility in the management of the Department's workforce than do present civil service and other regulations. The excepted service would provide additional career and personal development opportunities for many Department employees. The study should address the merits of converting all or part of the Department's American citizen workforce to the excepted service. Currently the State Department maintains separate civil service and foreign service employees.

**SEC. 306. HOME LEAVE.**

This section provides additional flexibility in the home leave program provided under the Foreign Service Act of 1980. First, it allows the Foreign Service personnel to schedule their home leave after 12 months of service at a post rather than after 18 months as required under current law. Second, the provision delinks rest and recuperation travel from the timing of home leave so that members of the service are allowed more flexibility in taking each.

**SEC. 307. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.**

This section increases the cap set in Title 5 for hardship and danger pay for government officials serving overseas from 25% of base salary to 35% of base salary. The State Department has the authority to determine which countries are eligible for such allowances and the percentage rate. The Department and the American Foreign Service Association requested this provision as a means to encourage people to serve in hardship posts and to draw a greater distinction between degrees of danger or hardship at overseas posts. The Committee does not believe that all posts are deserving of the maximum allowance level. Clear criteria should be in place to distinguish hardship or danger variables at each post. The Committee notes that GAO studies of the personnel assignment system identify various problems that the Department faces in meeting staffing needs at overseas posts particularly at hardship posts. The GAO concludes that the Department needs to create incentives other than monetary to entice employees to bid on and accept assignments to hardship posts. As a means to guide qualified employees toward hardship posts the Committee strongly urges the Department to pursue GAO recommendations (GAO–02–626) that include making hardship service a criterion in promotion and onward assignment decisions, and fully applying the needs of the service standard to ensure that hardship assignments are shared equitably.

The section requires the Secretary to provide the Committee with the criteria that will be applied to each percentage level of hardship or danger pay.

**SEC. 308. REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.**

This section establishes a deadline for the issuance of regulations to implement Section 321 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–228), which provides for retirement credit for part-time, intermittent, or temporary (PIT) employees who worked for the Department overseas as part of the spousal employment program in the 1990's. Complaints were received from the family members about delays at OPM regarding the implementation of this statute and it is hoped this deadline will encourage more rapid implementation of this law.

**SEC. 309. MINORITY RECRUITMENT.**

This provision extends the minority recruitment report required by section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) for an additional year. In addition, it applies the conditions contained in section 325 of that Act on funds authorized for minority recruitment in section 111(a)(1)(E) in order to ensure that such funds are used only for programmatic purposes and not for salaries, among other things.

**SEC. 310. MERITORIOUS STEP INCREASES.**

This section provides a technical fix to section 406 of the Foreign Service Act. Section 406(b) links the award of a MSI to whether the person also receives a within class salary step increase. This provision allows greater flexibility in the award of a MSI notwithstanding an award of a class salary step increase.

**TITLE IV—INTERNATIONAL ORGANIZATIONS**

**Subtitle A—Basic Authorities and Activities**

**SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBUTIONS.**

This provision would set the cap on UN peacekeeping assessments at 27.1 % for calendar years 2005 and 2006. This would allow the United States to pay its peacekeeping assessment in full in 2004 and 2005. This provision will allow the U.S. to avoid accruing future peacekeeping arrears.

**SEC. 402. REGARDING THE REENTRY OF THE UNITED STATES IN UNESCO.**

Subsection (a) makes recommendations to guide the U.S. reentry into UNESCO. The Committee is concerned about the pace of the planning for the reentry and the number of important decisions that need to be made in this regard. Specific recommendations contained in this section reflect the concerns about security of personnel, cost-containment, and appropriate objectives for continuing internal reforms at UNESCO. Subsection (b) also contains an authorization for such sums as may be necessary for the annual U.S. contribution to UNESCO.

**SEC. 403. UNESCO NATIONAL COMMISSION.**

Upon rejoining UNESCO, each country is required to establish a “National Commission.” This section updates a 1946 law governing the U.S. National Commission for UNESCO.

**SEC. 404. ORGANIZATION OF AMERICAN STATES EMERGENCY FUND.**

This section amends the LIBERTAD Act of 1995 (P.L. 104–114) to require the President to work to establish an OAS Emergency

Fund for Cuba to deploy human rights monitors to the island and authorizing the necessary funds to ensure its creation. This is in response to the Cuban government's intensified crackdown on human rights dissidents, independent journalists, independent labor leaders, and other pro-democracy advocates.

**SEC. 405. UNITED STATES EFFORTS REGARDING THE STATUS OF ISRAEL IN THE WESTERN EUROPEAN AND OTHERS GROUP AT THE UNITED NATIONS.**

This section expresses the Committee's view that the Department of State should undertake concerted diplomatic efforts and to take all actions necessary to upgrade and extend Israel's membership in the Western European and Others Group in UN bodies and UN affiliated agencies in New York and throughout the world. It is the Committee's understanding that this temporary agreement between Israel and the members of this regional Group expires in 2004. It also provides for periodic reports to International Relations and to other appropriate committees on the steps taken by the Department of State to ensure that Israel is more fully represented on all UN bodies.

Subtitle B—United States International Leadership

**SEC. 431. SHORT TITLE.**

“United States International Leadership Act of 2003.”

**SEC. 432. FINDINGS.**

This section lists findings highlighting the increasingly important role that international organizations and multilateral institutions play in U.S. foreign policy. It also provides findings that U.S. efforts to advance goals at these institutions are often blocked because of anachronistic groupings and structures that leave democratic states at a disadvantage, and because the U.S. has not done enough to build expertise in multilateral diplomacy. It also finds that the U.S. must create a caucus of democratic states if it is to overcome the leverage of repressive regimes at these institutions.

**SEC. 433. ESTABLISHMENT OF A DEMOCRACY CAUCUS.**

This section directs the President, acting through the Secretary of State, to establish a Democracy Caucus at all UN and broad-based international organizations.

**SEC. 434. ANNUAL DIPLOMATIC MISSIONS ON MULTILATERAL ISSUES.**

This section directs the Secretary of State to ensure that high-level delegations are dispatched on an annual basis to key foreign capitals to promote the U.S. agenda at key international fora such as the UN General Assembly and the United Nations Human Rights Commission.

**SEC. 435. LEADERSHIP AND MEMBERSHIP OF INTERNATIONAL ORGANIZATIONS.**

This section directs the President, acting through the Secretary of State, to use the voice, vote and influence of the United States to reform the criteria for leadership and membership at all UN and other international organizations of which the U.S. is a member so as to exclude, where appropriate, those nations that violate the principles of the specific organization. It would also seek to ensure that a member state may not assume a leadership position in such bodies if it is subject to sanctions imposed by the United Nations

Security Council. It also directs the President to work to ensure that no member state that has been determined to be a state sponsor of terrorism stand in nomination or be in rotation for a leadership position at any UN or multilateral institution to which the United States is a member or for membership of the UN Security Council.

Subsection (b) provides that any time a state sponsor of terrorism assumes a leadership position in such an institution or becomes a member of the UN Security Council, the Secretary of State shall submit a report on the steps it took to prevent such an event pursuant to subsection (a).

**SEC. 436. INCREASED TRAINING IN MULTILATERAL DIPLOMACY.**

This section amends the Foreign Service Act to require the establishment of a series of training courses for officers on the conduct of diplomacy at international organizations and other multilateral institutions.

**SEC. 437. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.**

This section amends the Foreign Service Act to ensure when considering promotion into the senior levels of the Foreign Service, assignments whose primary responsibility is to represent the United States to an international negotiation, organization, or multilateral institution be considered favorably. In addition, it requires the Secretary of State to evaluate and report to the Congress on whether a new cone (area of speciality) should be established within the Foreign Service that concentrates on members of the Service who serve at international organizations and multilateral institutions.

**SEC. 438. IMPLEMENTATION AND ESTABLISHMENT OF OFFICE ON MULTILATERAL NEGOTIATIONS.**

This section authorizes the Secretary of State to establish within the Department of State an Office on Multilateral Negotiations to be headed by a Special Representative, appointed by the President, who with the advice and consent of the Senate will be designated as Ambassador-at Large. The Special Representative's primary responsibility shall be to assist in the organization of, and preparation for, United States participation in multilateral negotiations. Other duties of the Special Representative are to provide advice to the President and the Secretary of State on strategies to achieve U.S. objectives; to organize a Democracy Caucus; and to undertake efforts to reform leadership and membership criteria at international organizations.

**SEC. 439. SYNCHRONIZATION OF UNITED STATES CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

This section requires the President to submit a plan for resumption by the United States of the payment of its full contribution to international organizations at the beginning of each calendar year. Presently, the U.S. makes its payments to the UN and other international organizations at the beginning of our fiscal year (October). The UN operates on a calendar year, making the U.S. payments 10 months late, thereby disrupting the UN's budgeting process, and encouraging other key donor states to postpone their own assessments.

TITLE V—UNITED STATES INTERNATIONAL  
BROADCASTING ACTIVITIES.

Subtitle A—Basic Authorities and Activities

**SEC. 501. MIDEAST TELEVISION AND RADIO NETWORK, INC.**

This section provides the Board the authority to make annual grants for the purpose of carrying out radio and television broadcasting to the Middle East in Arabic. It provides for the establishment of a Mideast Radio and Television Network, Inc. under a corporate structure, similar to that of RFE/RL, Inc. and Radio Free Asia. The proposed new grantee would incorporate the existing Arabic service to the Middle East, Radio Sawa, and adds a new 24-hour-a-day television service, with Middle East Television Network, to provide radio and television programming consistent with the broadcast standards and principles set forth in the International Broadcasting Act of 1994.

**SEC. 502. IMPROVING SIGNAL DELIVERY TO CUBA.**

This provision would provide greater flexibility to the Broadcasting Board of Governors to augment the transmission of Radio Marti broadcasts to Cuba. Under existing law, Radio Marti is required to utilize the broadcasting facilities at Marathon, Florida, and the 1180 AM frequency that was used by the VOA prior to the enactment of the Radio Broadcasting to Cuba Act. The Radio Broadcasting to Cuba Act permits the U.S. Government to lease broadcast time on commercial medium wave stations for Radio Marti if the transmissions from Marathon are jammed, and under other certain limited circumstances. This provision would clarify the ability of the Office of Cuba Broadcasting to use additional AM frequencies, and eliminate outdated restrictions.

This section would allow the BBG to explore alternative methods of overcoming Cuba's long standing jamming of the existing Radio Marti transmitter at Marathon, Florida, in accordance with President Bush's direction to the new OCB Director on July 13, 2001, "to use all available means to overcome the jamming of Radio and TV Marti" and his more recent call to "modernize" the services.

**SEC. 503. REPORT CONCERNING EFFORTS TO COUNTER JAMMING OF BROADCASTS OF RADIO MARTI AND TV MARTI.**

This section requires a report on the efforts by the Secretary of State on specific steps taken to overcome jamming, an evaluation of alternative methods being used to counter jamming, and successful methods used by non- U.S. Government entities to counter jamming. In the last two years, the U.S. Government has stated that overcoming the Cuban regime's jamming of Radio and TV Marti is priority.

**SEC. 504. PILOT PROGRAM FOR PROMOTION OF TRAVEL AND TOURISM IN THE UNITED STATES THROUGH UNITED STATES INTERNATIONAL BROADCASTING.**

This section requires the Broadcasting Board of Governors to launch a pilot program for promoting travel and tourism in the United States through its international broadcasting. Those communities in the United States which have suffered decreased revenue from tourism since the terrorist attacks of September 11, 2001, are to be highlighted in particular. The Department of Commerce and other appropriate government agencies are to be con-



sulted in developing tourism programming. In mandating “regular” programming, the Committee envisions the BBG promoting tourism through its international broadcasting on a frequent and sustained basis.

The Voice of America currently is required to promote travel and tourism through its broadcasts, in accordance with Sec. 2420 of the Foreign Affairs Reform and Restructuring Act of 1998. This pilot program would extend such promotional activity to the BBG’s grantees, including Radio Free Europe/Radio Liberty, Radio Free Afghanistan, etc.

**SEC. 505. RADIO FREE ASIA BROADCASTS INTO NORTH KOREA.**

This section expresses a sense of Congress that the Broadcasting Board of Governors should ensure that radio Free Asia increases its broadcasts to North Korea from 4 hours a day to 24 hours a day. The Kim Jong Il regime makes extensive efforts to control the flow of information in North Korea in order to ensure the regime’s survival. The amendment also requires a classified report 90 days after enactment on steps being undertaken and measures necessary, including the provision of adequate radios, to maximize North Korean citizen access to Radio Free Asia and other foreign broadcasts.

**SEC. 506. PROHIBITION ON THE ELIMINATION OF INTERNATIONAL BROADCASTING IN EASTERN EUROPE.**

Section 121 increases the Broadcasting Board of Governor’s operating accounts above the amounts requested by the Administration with the intent of preventing the BBG from discontinuing international broadcasting to Eastern Europe as it had planned. The expected time lapse between the authorization of these additional funds and their appropriation by Congress may lead the BBG to begin downscaling its operations in this region in the interim. The section prohibits the BBG from taking such action by requiring broadcasting to continue.

Subtitle B—Global Internet Freedom

**SEC. 521. SHORT TITLE.**

This section provides that this subtitle may be cited as “Global Internet Freedom Act of 2003.”

**SEC. 522. FINDINGS.**

This section expresses findings that freedom of press and speech are fundamental to a free society. Certain countries restrict access to the Internet which U.S. international broadcasting utilizes as an alternative means to reach people. Therefore, efforts should be made to defeat government jamming of the Internet.

**SEC. 523. PURPOSES.**

This section states that the purpose is to establish an office within the Broadcasting Board of Governors to counter Internet jamming. The BBG should employ current technologies that may be available commercially to defeat jamming by repressive governments.

**SEC. 524. DEVELOPMENT AND DEPLOYMENT OF TECHNOLOGIES TO DEFEAT INTERNET JAMMING AND CENSORSHIP.**

This section establishes the office of Global Internet Freedom within the Broadcasting Board of Governors to develop and imple-

ment a comprehensive strategy to combat state-sponsored and state-directed internet jamming. It also requires that the BBG report on the status of foreign governments' interference with the Internet.

Subtitle C—Reorganization of United States International  
Broadcasting

**SEC. 531. ESTABLISHMENT OF UNITED STATES INTERNATIONAL BROADCASTING AGENCY.**

This section amends the United States International Broadcasting Act of 1994 and renames the Broadcasting Board of Governors the “U.S. International Broadcasting Agency.” It is an independent agency within the executive branch of government. The Agency will continue to be headed by a nine-member, part-time, bipartisan board, renamed the Board of Governors, appointed by the President with the advice and consent of the Senate. The Board shall appoint a Director of the Agency who will have designated day-to-day operational responsibilities for the Agency.

These changes will improve the lines of authority and establish greater accountability in United States international broadcasting operations. The new agency retains the current design, with the President appointing a member of the Board as chair. The main changes clarify day-to-day responsibilities for broadcasting operations, establish a full-time director who is appointed by the Board and has clear lines of authority, and make clear that there is one broadcasting organization that is headed by the Board which exists as an independent agency within the executive branch.

This section is designed to strengthen the Board’s ability to adopt strategic goals and objectives for the agency and to work to ensure that these goals and objectives remain priorities for the broadcast entities within the agency as well as corporate grantees. The Committee is aware that the Board has recently adopted a strategic plan designed to maximize the impact of U.S. International Broadcasting in regions vital to United States strategic interests. The plan envisions a worldwide U.S. International Broadcasting System, creating one integrated United States programming stream that would be intended to fulfil the missions both of VOA and of the surrogate broadcasting services. The Committee believes that numerous aspects of this plan have merit, but that conditions in many countries around the world still call for the preservation of the distinct and complementary roles of the Voice of America and of the surrogate broadcasting services.

The proposed reorganization assumes the Board of Governors will retain a board staff, through which it conducts oversight activities, and its supervision of the corporate grantee broadcast entities.

**SEC. 532. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

This section restates current law (Sec. 305 of the United States International Broadcasting Act of 1994) with respect to the duties and responsibilities of the Agency.

**SEC. 533. ROLE OF THE SECRETARY OF STATE.**

This section amends current law (Section 306 of the U.S. International Broadcasting Act) by deleting an out-of-date reference to WorldNet programming and restating that the Secretary of State shall provide such information and guidance on foreign policy and

public diplomacy issues to the Agency as the Secretary considers appropriate.

**SEC. 534. ADMINISTRATIVE PROVISIONS.**

This section makes certain technical, administrative and personnel changes.

**SEC. 535. BROADCASTING BOARD OF GOVERNORS AND INTERNATIONAL BROADCASTING BUREAU.**

This section abolishes the International Broadcasting Bureau. It has been identified as one of the areas that has caused confusion in the management of the Agency.

In 1994, PL 103–236, the Foreign Affairs Authorization Act for fiscal years 1994 and 1995, established the International Broadcasting Bureau within the United States Information Agency (USIA) as part of an overall restructuring of international broadcasting. The director of the International Broadcasting Bureau (IBB) was required to be appointed by the Chairman of the Broadcasting Board of Governors in concurrence with the other Board members and in consultation with the Director of USIA. The Foreign Affairs Reform and Restructuring Act, Title A of the Foreign Affairs Authorization Act for fiscal years 1998 and 1999, PL 105–277 (signed in October 1998), merged USIA into the State Department and made the IBB Director a presidential appointee. However, the position remained unfilled until December 9, 2002.

Since its creation in 1994, the Broadcasting Board of Governors employed a staff including an executive director in addition to the IBB Director. At times this organizational structure has created confusion about lines of authority and resulted in less than optimal management of the broadcast services and the surrogate operations.

Therefore, this provision eliminates the requirement for the International Broadcasting Bureau—whose authorities are subsumed by the Agency—and the Director position. Section 301 allows the Board of Governors to appoint a Director of the Agency who will also serve as the executive director for the Board. These changes are intended to streamline the organization, eliminate lines of authority and improve the overall daily management of our international broadcasting operations. The proposed reorganization assumes the Board of Governors will retain a board staff.

**SEC. 536. TRANSITION.**

This is a technical provision that provides for a seamless transition from the current structure to the new Agency.

**SEC. 537. CONFORMING AMENDMENTS.**

This section provides technical conforming amendments to current law.

**SEC. 538. REFERENCES.**

This technical provision states that any references to the previous Broadcasting Board of Governors will be deemed to mean the U.S. International Broadcasting Agency.

**SEC. 539. BROADCASTING STANDARDS.**

This provision amends current law by adding that the Broadcasting Agency shall seek to ensure that resources are allocated to broadcasts directed at people whose governments deny freedom of

expression or where the provision of objective news and information is necessary.

**SEC. 540. EFFECTIVE DATE.**

This title becomes effective 6 months after enactment.

Title VI—International Free Media Act of 2003

**SEC. 601. SHORT TITLE.**

This section provides that the title may be cited as the “International Free Media Act of 2003.”

**SEC. 602. DEFINITIONS.**

This section defines the term “free media” as used throughout the title.

**SEC. 603. FINDINGS.**

This section expresses findings regarding the importance of supporting free media to promoting U.S. national interests, human rights, and democracy worldwide. It describes the various means by which foreign governments suppress free media, and explains the negative consequences of unprofessional and unethical journalism. Specifically, it cites provisions of the International Covenant on Civil and Political Rights (to which the United States is a party) prohibiting hateful media that incites discrimination, hostility or violence. This section also describes the dangers of restricting access to free media and affirms the responsibility of foreign governments to discourage unprofessional and unethical journalism. Finally, this section acknowledges the positive contributions past U.S. Government efforts have made to the development of free media, and stresses the importance of continuing such efforts.

**SEC. 604. STATEMENTS OF POLICY.**

This section asserts that it is United States policy to promote free media worldwide, respect journalistic integrity and editorial independence, and utilize widely-accepted standards for professional and ethical journalistic and editorial practice.

**SEC. 605. COORDINATOR FOR INTERNATIONAL FREE MEDIA.**

This section establishes a Coordinator for International Free Media, who is appointed by the President and confirmed by the Senate. The President may designate an existing State Department employee as the Coordinator, although this would not exempt him or her from Senate confirmation.

The Coordinator is charged with coordinating all activity of the U.S. Government designed to promote press freedoms and free media, including: training; assessing free media worldwide according to widely-accepted standards, including those set in the International Covenant on Civil and Political Rights; promoting professional and ethical journalism; advising the President and Secretary of State on press freedom and free media policy; and representing the United States on these issues. The Coordinator is also charged with contributing to the annual human rights country reports and with administering the International Free Media Fund established in Section 607.

In addition, this section provides the Coordinator with a list of factors to consider in assessing free media worldwide. These factors include the characteristics of the media market, the degree of government censorship, the existing legal environment, and the extent to which journalists adhere to widely-accepted ethical and profes-

sional standards. In addition, the Coordinator is required to consult with U.S. foreign mission personnel in assessing international media.

This section also requires the Secretary of State to provide the Coordinator with the necessary staff and funding to fulfill his or her duties.

**SEC. 606. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY AND INTERNATIONAL MEDIA.**

This section amends the U.S. Information and Educational Exchange Act of 1948 (22 U.S.C. 1469) to rename the U.S. Advisory Commission on Public Diplomacy and expand its duties to include advising the Coordinator for International Free Media. The renamed "U.S. Advisory Commission on Public Diplomacy and International Media" is also charged with consulting with the Coordinator on the administration of the International Free Media Fund established in Section 607.

**SEC. 607. INTERNATIONAL FREE MEDIA FUND.**

This section establishes the International Free Media Fund and authorizes \$15 million to be appropriated for the Fund. The Fund is administered by the Coordinator, in consultation with the Commission, for the purpose of promoting press freedoms and free media worldwide. The Fund may be used to provide grants, contracts, technical assistance or material support to free media organizations that adhere to widely-accepted standards of ethical and professional journalism. This section prohibits the Fund from being used to support hateful media that incite discrimination, hostility or violence. It also stresses the importance of enabling free media to become financially viable and supporting journalists who have received training. An annual report detailing the Fund's activity is required, as is consultation with appropriate State Department and U.S. foreign mission officials.

**SEC. 608. FREE MEDIA PROMOTION ACTIVITY OF THE BROADCASTING BOARD OF GOVERNORS.**

This section requires the Broadcasting Board of Governors to promote international free media, and mandates a report on cultivating affiliate relationships and enhancements in foreign journalist training for this purpose. In addition, there is authorized to be appropriated \$2.5 million for FY04 and \$2.5 million for FY05 to the Broadcasting Board of Governors for supporting free media in countries in which U.S. international broadcasting is decreasing.

**TITLE VII—MISCELLANEOUS PROVISIONS**

**Subtitle A—Reporting Requirements**

**SEC. 701. REPORTS ON BENCHMARKS FOR BOSNIA.**

This section would eliminate reporting requirements on progress toward achieving the benchmarks for a sustainable peace process in Bosnia that must be done as long as U.S. ground combat forces continue to participate in the Stabilization Force (SFOR). Significant reductions in U.S. and allied troops have continued regularly since 1998. Regular briefings to congressional staff (and Members, as desired) are sufficient to address continuing concerns. This is a very time-consuming report for the Departments of State and Defense.

**SEC. 702. REPORTS TO COMMITTEE ON INTERNATIONAL RELATIONS.**

This section requires the Secretary of State to submit all reports required by law, regardless of which Committee requests them, to the Committee on International Relations. This will ensure that reports required in appropriations acts or other laws are forwarded to Committee on International Relations.

**SEC. 703. REPORTS CONCERNING THE CAPTURE AND PROSECUTION OF PARAMILITARY AND OTHER TERRORIST LEADERS IN COLOMBIA.**

This section makes numerous findings regarding the continuing security threat posed by the Self-Defense Forces of Colombia (AUC or paramilitaries), the AUC's abysmal human rights record, and remaining links between the Colombian Security Forces and the paramilitaries. The section also requires the Secretary of State to report bi-annually to Congress regarding the amount, destination, and effectiveness of United States assistance which is dedicated to apprehending the leaders of the three Foreign Terrorist Organizations operating in Colombia—the AUC, the Revolutionary Armed Forces of Colombia (FARC), and the National Liberation Army (ELN) of Colombia, and to describe the status of investigations and prosecutions by the Colombian Attorney General's office of these same individuals.

The Committee remains concerned about the illegal activities of not only the FARC and the ELN but also of Colombia's "self-defense" or paramilitary groups, one of the worst violators of human rights in Colombia's war, responsible for at least half of all non-combatant killings, torture, and disappearances. Because of their record of abuse, the paramilitaries' main umbrella organization, the AUC, has been on the State Department's list of foreign terrorist organizations since 2001. The Committee believes that Colombia's government, as of yet, has not committed at every level to confronting the paramilitaries and protecting civilians from paramilitary abuses. While conditions on U.S. assistance have contributed to significant improvements in the Colombian security forces' will to challenge and attack paramilitary groups, the State Department's March 31, 2003 report on human rights practices in Colombia finds that some collusion with the AUC continued in 2002. Therefore, the report required by this section is intended to help ensure that U.S. assistance to apprehend paramilitary and guerrilla leaders does not suffer the fate of earlier Colombian government initiatives which produced few lasting results.

The Committee makes two additional cautionary notes. Efforts to gather intelligence on the location of paramilitary and guerrilla leaders as well as to detain and prosecute them should continue so as to ensure that these individuals, particularly those individuals who have U.S. indictments pending against them, can be pursued, captured, and brought to justice at the appropriate time. This is the primary reason that the Committee is requesting the data identified in this section. Second, the record of the office of the Colombian Attorney General should be scrutinized carefully to distinguish between apparent action, e.g., the opening of cases, and effective measures that lead to the successful prosecutions of paramilitary and guerrilla leaders.

**SEC. 704. REPORTS RELATING TO MAGEN DAVID ADOM SOCIETY.**

Section 704 amends section 690 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228) to require the Secretary of State to report to the Committees on International Relations in the House and Foreign Relations in the Senate, describing the efforts by the United States to obtain full membership for the Magen David Adom in the International Red Cross Movement; efforts by the International Committee of the Red Cross to obtain full membership for the Magen David Adom in the International Red Cross Movement; efforts of the High Contracting Parties to the Geneva Convention of 1949 to adopt the October 12, 2000, draft additional protocol; and the extent to which the Magen David Adom is participating in the activities of the International Red Cross and Red Crescent Movement. The first report is due 60 days after date of enactment and annually thereafter, and may be classified if necessary.

**SEC. 705. REPORT CONCERNING THE RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO THE ARTIST DINA BABBIT.**

This section requires a report within 6 months of enactment describing the diplomatic efforts the U.S. has taken to facilitate the return of the paintings that have been requested by Dina Babbit.

**SEC. 706. REPORT TO CONGRESS ON USE OF VESTED ASSETS.**

This provision amends the International Emergency Economic Powers Act to provide that any foreign assets frozen and vested pursuant to the authority of that Act may not be used until the President notifies the Committee and the Foreign Relations Committee of the Senate of the purpose for which such vested funds shall be used.

**SEC. 707. REPORT CONCERNING THE CONFLICT IN UGANDA.**

This section expresses a sense of Congress that the U.S. should exhaust all diplomatic means to support an immediate peaceful resolution to the 16-year old conflict in Northern Uganda. It also requires a report by the Secretary of State on actions taken to seek a solution to the conflict and on humanitarian assistance efforts in northern Uganda.

The Committee recognizes and supports the strong role of the Acholi religious leaders and other non-governmental actors in helping facilitate a peaceful resolution to the conflict and calls on the US to be supportive of these initiatives.

The Committee applauds the significant success the Ugandan government has had in addressing the HIV/AIDS crisis through implementing the ABC approach—abstinence, be faithful, and if necessary use condoms, but expresses serious concern for the grave humanitarian and development needs in Northern Uganda.

The Committee believes that the Secretary should work with the Administrator for the United States Agency of International Development to ensure that sufficient funds are spent on food, medicine, medical and vocational training, and reintegration programs for formerly-abducted children for persons displaced as a result of civil conflict in Northern Uganda.

**SEC. 708. REQUIREMENT FOR REPORT ON UNITED STATES POLICY TOWARD HAITI.**

This section makes findings concerning the moral imperative of the United States to alleviate the humanitarian crisis in Haiti and

the need for the United States Government (USG) to help develop a concerted approach to resolving Haiti's long-standing political and economic crisis. The section also requires that the Secretary of State, in consultation with the Secretary of Treasury, submit to Congress within 60 days a report which describes USG activities to promote elections in Haiti, assesses the appropriateness of Resolution 822 of the Organization of American States as the framework for resolving the political and economic crisis in that country, and recommends methods for facilitating the release of loans by the Inter-American Development Bank.

**SEC. 709. REPORT ON THE EFFECTS OF PLAN COLOMBIA ON ECUADOR.**

This section finds that the Secretary of State has not submitted to Congress, as required by the Foreign Relations Authorization Act for fiscal year 2003, a report on the impact of Plan Colombia on Ecuador and the other adjacent countries to Colombia. The section requires, among other things, that the Secretary of State submit within 30 days a report to Congress which sets forth a statement of policy and comprehensive strategy for the United States for addressing the spillover effects of Plan Colombia on these countries.

The Committee notes that in the seven-page report dated March 4, 2003, the Department of State included only four short paragraphs on the spill-over effects of Plan Colombia on Ecuador and the other countries. Recognizing that the Department must have a more elaborated statement of policy and comprehensive strategy for addressing this problem, the Committee again requires that the Secretary of State submit a report to Congress on this issue. It is the Committee's expectation that such a report will address in detail not only the counter-drug repercussions of Plan Colombia and its successor programs on Ecuador and the other adjacent countries, but also the humanitarian and economic development implications of increased eradication efforts for these countries.

**SEC. 710. REPORT ON ACTIONS TAKEN BY PAKISTAN.**

This section requires the President to submit a report that contains a description of the extent to which the Government of Pakistan has closed terrorist training camps, established measures to prohibit infiltration over the Line of Control, and ceased the transfer of weapons of mass destruction to any third country or terrorist organization.

**SEC. 711. REPORT ON DEMOCRACY IN THE WESTERN HEMISPHERE.**

This section makes several findings regarding the prerequisites for consolidating democracy in any country, the apparent dearth of these factors in the hemisphere, the resulting potential effect on the future of democracy, and the subsequent need for the United States to enhance its democracy-promotion efforts in the region. The section requires the Secretary of State, in coordination with relevant agencies, to submit a one-time report to Congress on the state of democracy in the hemisphere. The report shall address key elements of democracy in almost all the countries of the western hemisphere and provide an assessment of the presence—or lack thereof—of each element on certain aspects of democracy. The report also shall describe and assess current democracy-promotion programs in each country.



The Committee notes that a long-standing goal of the United States has been to foster democratic forms of government in the western hemisphere. However, the goal of a hemisphere comprised of robust democracies has not yet been achieved. The Committee increasingly is concerned that the failure of many countries to safeguard the civil, political, and human rights of their peoples as well as provide them with economic opportunities may encourage these societies to retreat from a sustained commitment to democracy. Recently, a Government Accounting Office report on U.S. democracy-promotion efforts in six specific countries in the hemisphere found that these efforts have “had a modest impact to date” because of poor coordination among U.S. agencies and a lack of sustainability and resources, particularly from host countries.

Now is the time to refocus on efforts to promote democracy in the hemisphere. The report that this section mandates will provide, in a single reference source, a factual basis for that revitalization. The report will also provide a basis for exploring new avenues of democracy-promotion, including the creation of a permanent learning center for democratic leaders of the hemisphere. The Committee expects the report to be a balanced, detailed analysis of this subject and not simply a listing of facts or assertions.

**SEC. 712. REPORT CONCERNING INTERNAL AND INTRA-REGIONAL CONFLICTS IN THE GREAT LAKES REGION OF AFRICA.**

This section details the costs, the causes, and the magnitude of the ongoing conflicts in the Great Lakes region of Central Africa. It expresses the sense of Congress that the United States should: undertake a full scale diplomatic effort to help resolve these conflicts peacefully; urge all rebel forces to stop the abduction of children; make technical assistance available to combat armed extremist paramilitary and militarist rebel organizations; monitor and support negotiations conducted by other third-party institutions; provide relief to municipalities supporting displaced populations; provide resources to demobilization efforts; condition military assistance to any nation which acts to destabilized the Democratic Republic of Congo; and appoint a special envoy to the Great Lakes region. This section also directs the Secretary of State to report to Congress not later than 180 days after enactment of this Act, and not later than April 1 of each subsequent year on the comprehensive actions taken by the United States in promoting peaceful and immediate solutions to conflicts in the Great Lakes region.

Subtitle B—Other Matters

**SEC. 721. SENSE OF CONGRESS RELATING TO EAST TIMOR, JUSTICE, AND REHABILITATION.**

This provision expresses a the sense of Congress regarding the ongoing need for justice related to crimes committed by the Indonesian military and Indonesian supported militias in East Timor.

The Committee supports efforts by East Timor’s Commission for Reception, Truth and Reconciliation to consolidate peace and reconciliation and encourages the President to expeditiously assist in the provision of information requested in the January 24, 2003 letter from the Commission.

The Committee supports the extension of the mandate of the joint UN–East Timor Serious Crimes Investigation Unit and the

Special Panel for Serious Crimes beyond May 2004 to pursue justice and avoid a backlog of cases lacking investigation and trials.

The Committee encourages the UN and Indonesian authorities to continue to resolve the situation of the approximately 28,000 East Timorese remaining in Indonesia. In light of the recent resumption of killings and other crimes in East Timor by militia members based in Indonesia it is particularly urgent that the remnants of militia organizations be quickly removed from the border area. It is also important to provide decent humanitarian conditions and to ensure freedom of choice in repatriation and resettlement, particularly for those who may still be subject to intimidation by militia organizations.

**SEC. 722. SENSE OF CONGRESS CONCERNING HUMAN RIGHTS AND JUSTICE IN INDONESIA.**

This section expresses concern that members of the Indonesian security forces continue to commit many serious human rights violations, particularly in areas of conflict such as Aceh, Papua, the Moluccas, and Central Sulawesi. It also expresses other concerns in the region.

The Committee urges every effort be made to salvage the Framework Agreement on Cessation of Hostilities in Aceh (COHA). The Administration should strongly urge the Indonesian Government and military to halt the present build-up of troops and military equipment in Aceh and to abandon plans for intensified military operations in Aceh, and press the Indonesian Government and the Free Aceh Movement (GAM) to resume talks within the framework of COHA, so as to bring about a reduction in the level of armed conflict in Aceh.

The Committee is deeply concerned by reports of an Indonesian military campaign targeting civilians in the Central Highlands of Papua, which reportedly includes the burning of villages and torture and killing of detainees. The Committee notes the lack of justice in the trial for the murder of Papuan civic leader Theys Eluay, which was treated as an ordinary crime rather than a political killing, and which has resulted only in very lenient sentences for low-ranking Special Forces (Kopassus) officers. The Committee also has concerns regarding the Presidential Decree of January 2003, which, over objections from people within Papua, would divide Papua into three provinces, in violation of the government's own Special Autonomy Law for Papua.

The Committee expresses concern over assistance for the Indonesian military, including the provision of International Military Education and Training, because of human rights abuses linked to the military and especially because the case involving the killing of two U.S. citizens and one Indonesian citizen and the wounding of others in the Timika area of Papua on August 31, 2002 remains unresolved. The Committee contests that military assistance, if given, should be contingent on a the release of a transparent budget audit of the Indonesian military, an end of resistance to the principle of civilian control, an improved record with respect to human rights abuses carried out by the military as noted in the State Department's Human Rights Report, and the ability of the government to hold security forces accountable for crimes against humanity in East Timor and serious crimes elsewhere in Indonesia.

**SEC. 723. AMENDMENT TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.**

This section extends for two additional years the authorization of appropriations of for the U.S. International Commission on Religious Freedom for each of the fiscal years 2004 and 2005. The funding level is straight lined at \$3 million.

**SEC. 724. SENSE OF CONGRESS WITH RESPECT TO HUMAN RIGHTS IN CENTRAL ASIA.**

This section discusses the countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, referred here as "Central Asia." The section directs the Administration to take progress achieved by Central Asia in the areas of democratic reforms, human rights, independent media, and non-violent religious groups into account when determining the levels of engagement and assistance for each nation of Central Asia. The Administration should also ensure that no U.S. assistance benefits security forces in Central Asia implicated in violations of human rights. This provision calls on the governments of the nations of Central Asia to make documentation of their revenues publicly available and to punish individuals engaged in official corruption. It states that the Central Asian governments risk undermining the goals of the war on terrorism by continuing to suppress their citizens, and that the increased level of U.S. assistance to these nations can be sustained only if there is substantial and continuing progress towards democratization.

**SEC. 725. TECHNICAL CORRECTION TO AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2003 FOR CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.**

This section makes an adjustment to align the authorized and appropriated levels for the East West Center. This change increases the authorized level for the East West Center for FY 03 from \$15 million to \$18 million. This change was requested by the State Department because the FY 03 appropriated level for the East West Center is \$18 million.

**SEC. 726. UNDERSECRETARY OF COMMERCE FOR INDUSTRY AND SECURITY.**

This section is a technical change to ensure that the title of the current Under Secretary of Commerce for Industry and Security conforms with the name of the Commerce Department bureau overseen by that officer.

**SEC. 727. CONCERNING THE SPREAD OF WEAPONS OF MASS DESTRUCTION.**

This section expresses a sense of Congress calling upon the European Union to develop an aggressive regulatory system to investigate allegations of companies contributing to the development of weapons of mass destruction or their sale or transfer to other nations.

**SEC. 728. INTERNATIONAL AGRICULTURE BIOTECHNOLOGY INFORMATION PROGRAM.**

This section directs the State Department to provide other countries with the scientific evidence on the benefits, safety, and potential uses of agricultural biotechnology. Specific objectives for the Secretary of State include chairing an interagency task force to develop and disseminate accurate information on the potential bene-

fits of agricultural biotechnology for human and animal nutritional needs and for other purposes.

**SEC. 729. REFUGEE RESETTLEMENT BURDENSARING.**

This provision expresses a sense of Congress that the Secretary of State should encourage the international community to accept refugees for resettlement on a more equitable basis.

**SEC. 730. SENSE OF CONGRESS ON CLIMATE CHANGE.**

This section cites scientific evidence that confirms global climate change is occurring and is attributable to human activities, and restates U.S. international treaty obligations pursuant to the United Nations Framework Convention on Climate Change (UNFCCC). The section also asserts the shared international responsibility to address the problem of climate change, and re-affirms the principle found in the UNFCCC that developed countries, as the largest historic and current emitters of greenhouse gases, should take the lead in combating climate change. This section states that a future binding treaty must not result in serious harm to the U.S. economy, but also should not cause the U.S. to abandon its shared responsibility in reducing the risks of climate change and its impacts. The section restates the U.S. position that although the U.S. has elected against becoming a party to the Kyoto Protocol to the UNFCCC, our government will not interfere with the plans of any nation that chooses to ratify and implement the Protocol. It also makes clear that U.S. business interests are best served by knowing how other governments are addressing the risks of climate change, and that U.S. investments in research, development, and deployment of clean energy technologies can reduce the risks of climate change and its impacts, while benefitting the U.S. economy.

The section also states the sense of Congress that the U.S. should demonstrate international leadership and responsibility by reducing health, environmental, and economic risks posed by climate change by: (1) taking actions to ensure “significant and meaningful” reductions of greenhouse gasses “from all sectors,” (2) creating mechanisms, including tradable credits to reduce, avoid, and sequester greenhouse gas emissions, (3) participating in international negotiations with the objective of gaining U.S. participation in a future binding climate change treaty that will protect U.S. economic interests and be consistent with UNFCCC environmental objectives, and (4) establish a bipartisan observer group of members of the U.S. House of Representatives to monitor international negotiations on climate change.

This provision narrowly passed the Committee by a vote of 21–18.

**SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION ISSUES BETWEEN THE UNITED STATES AND MEXICO.**

This section recalls President Bush’s first meeting with President Fox of Mexico which resulted in the Joint Communiqué of February 16, 2001 that stated, “we are instructing our Governments to engage, at the earliest possible opportunity, in formal, high level negotiations aimed at achieving short and long term agreements that will allow us to constructively address migration and labor issues between our two countries.” The section also recalls President Fox’s first official visit to Washington, D.C. and the Joint Statement of September 6, 2001 that resulted from that meeting, stressing a

“commitment to forging new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified. \* \* \*” The section further recalls that the same Statement also called for “respecting the human dignity of all migrants, regardless of their status.

In furtherance of U.S. national interests, and in recognition of the significant time that has elapsed since the agreements cited above were reached by the governments of the United States and Mexico, this section also contains a sense of Congress resolution directing that as soon as practicable, the United States and Mexico should commence negotiations to reach a migration accord satisfactory to both nations. In addition, it provides that such an accord should be accompanied by an accord to open Mexico’s petroleum sector to foreign investment.

**SEC. 732. SENSE OF CONGRESS CONCERNING UNITED STATES ASSISTANCE TO PALESTINIAN REFUGEES.**

This section expresses the sense of the Congress with regard to the United Nations Relief and Works Agency (UNRWA), which provides services to Palestinian refugees. The provision acknowledges the hardships endured by Palestinian refugees; recognizes the importance of United States humanitarian assistance to those refugees, which is channeled through the UNRWA; notes that the United States has contributed more than \$2.5 billion to UNRWA since its founding in 1950, making the United States UNRWA’s leading donor; calls attention to the fact that the United States contribution is nearly ten times the amount contributed by the entire Arab world; and calls on Arab states to assume a greater share of the burden for financing UNRWA.

It also expresses many of the Committee’s ongoing concerns about UNRWA. Those concerns relate to, among other things, credible reports that UNRWA’s facilities have been used for terrorist training and as bases for terrorist operations, with little attempt by the UNRWA to stop or oppose such activities or alert relevant law enforcement authorities about such terrorist activities. The Committee is also concerned about the use or availability in UNRWA’s schools of textbooks and other materials, such as posters, that promote anti-Semitism or the denial of Israel’s right to exist, that promote stereotypes and exacerbate tensions between Palestinians and Israelis, or that constitute forms of incitement to violence.

The Committee is particularly dismayed that UNRWA schools still use, in many grades, old textbooks that contain virulently anti-Jewish and anti-Israel messages. UNRWA should ensure the immediate replacement of all such textbooks and assume a greater degree of responsibility over the curriculum. Palestinian children should not have to wait years to attend schools that do not indoctrinate them in hatred; action is needed immediately. The Committee notes criticisms that even the newer textbooks inadequately prepare Palestinian children for peace with Israel; those criticisms need to be responded to swiftly, with appropriate changes.

This section also strongly urges (a) the U.N. Secretary-General to take immediate steps toward comprehensive reform of UNRWA, so that it actively works to oppose terrorism and to promote Israeli-Palestinian reconciliation and understanding; (b) UNRWA to meet the requirements, in letter and spirit, of section 301(c) of the Foreign Assistance Act of 1961, including by comprehensively ensuring

that no UNRWA assistance is rendered to anyone who has been involved with terrorism at any time and that all UNRWA beneficiaries be informed at the earliest possible time, and at regular intervals thereafter, that anyone involved with terrorism will be permanently ineligible for UNRWA benefits; and (c) the Secretary of State to make reform of UNRWA a priority at the U.N., with such reform including the implementation of comprehensive and independently verifiable audits of UNRWA activities.

Among the concerns that the Committee would like to see raised by the U.S. Secretary of State are indications that UNRWA may be complying with aspects of the "Arab boycott," at least in its operations in Syria. According to paragraph 174 of the most recent UNRWA annual report (U.N. General Assembly, Official Records, Fifty-seventh Session, Supplement No. 13 (A/57/13), covering the period July 1, 2001 to June 30, 2002), UNRWA states that "(i)n the Syrian Arab Republic, the Agency [i.e., UNRWA] is required to submit its customs declaration forms with commercial invoices for endorsement by the Boycott Office." The report adds, without further elaboration, that UNRWA has "taken the matter up with the Syrian authorities on the grounds that UNRWA should not be subjected to this requirement." The Committee agrees that UNRWA should not be subject to the requirement and, further, considers all forms of cooperation with the boycott by UNRWA—or any other arm of the United Nations—unacceptable. The Committee calls on the Secretary of State to raise the issue of such cooperation at the highest levels of both the United Nations and the Syrian government.

Lastly, this section notes that there is an ongoing Congressionally mandated General Accounting Office (GAO) investigation on the extent to which the Department of State is complying with section 301(c) of the Foreign Assistance Act of 1961, and on the implementation of procedures that have been established to meet the standards of the Department of State regarding compliance with the requirements of that section. In this section, the Committee strongly encourages the GAO to expand the scope of its investigation to examine all recent United States assistance to UNRWA to ensure that taxpayer funds are being spent effectively and are not directly or indirectly supporting terrorism, anti-Semitic or anti-Israeli teachings, or the glorification or incitement of violence.

The Committee commends and encourages ongoing efforts by UNRWA to implement reforms to meet some of the Committee's concerns and by the State Department to encourage reform of UNRWA. As reported to Congress by the State Department, these reforms include an increase in the numbers of personnel engaged in inspecting UNRWA facilities "to minimize the possibility of improper meetings being held there, to see that the facilities were not being used to store weapons or other inappropriate material, to see that any political materials be removed and that any other activities that violated the neutrality of UNRWA installations or programming be brought to an end." According to the State Department, UNRWA also issued a circular to employees in June 2002 reminding them that UNRWA facilities are to be used only for activities within UNRWA's mandate and that UNRWA staff must not engage in any activity incompatible with their status as independent and impartial civil servants.

Such steps are positive but inadequate. The Committee would like to be assured that UNRWA's actions regarding the issues discussed in the preceding paragraph will not be limited to the one-time distribution of a circular and an increase in the numbers of monitors.

**SEC. 733. UNITED STATES POLICY ON WORLD BANK GROUP LOANS TO IRAN.**

This Section requires the Secretary of State, in consultation with the Secretary of the Treasury, to convey directly to the governments of countries represented on the decision-making boards and councils of the international financial institutions of the World Bank Group that the U.S. Government opposes any further activity in Iran by those institutions. Within 90 days of enactment of this act and again one year thereafter, the Secretary of State shall submit a report on his efforts in this regard to the chairman and ranking minority member of the House International Relations Committee and of the Senate Foreign Relations Committee.

**SEC. 734. SENSE OF CONGRESS RELATING TO SOVIET NUCLEAR TESTS IN KAZAKHSTAN.**

This section describes the positive non-proliferation activities undertaken by the Government of Kazakhstan, including voluntarily giving up its nuclear arsenal, sealing the nuclear test sites, and joining the START treaty, since its independence in 1991. The section also describes the negative environmental and health impact from the decades of the Soviet-era nuclear weapon testing on the citizens of Kazakhstan. The section instructs the Secretary of State to work to establish a joint working group with the Government of Kazakhstan to assist in assessing the environmental damage and health effects caused by Soviet nuclear testing in the city of Semipalatinsk.

**SEC. 735. SENSE OF CONGRESS RELATING TO VIOLENCE AGAINST WOMEN.**

This section recalls that the United Nations Declaration on the Elimination of Violence Against Women outlines that states should condemn violence against women. It also recalls that the Beijing Declaration and Platform for Action of the Fourth World Conference on Women states that governments should condemn violence against women and should refrain from invoking custom, tradition or religion to avoid their obligations. It recalls that the United States supported both of these Declarations and reinforces the position of the United States to condemn violence against women.

**DIVISION B—DEFENSE TRADE AND SECURITY ASSISTANCE REFORM ACT OF 2003**

**TITLE X—GENERAL PROVISIONS**

**SEC. 1001. SHORT TITLE.**

This section provides that Division B may be cited as the “Defense Trade and Security Assistance Reform Act of 2003.”

**SEC. 1002. DEFINITIONS.**

This section sets forth certain definitions of terms commonly used in Division B.

**SEC. 1003. REFERENCES TO ARMS EXPORT CONTROL ACT.**

References to an amendment or repeal of a section or other provision in Division B are considered to be made to the Arms Export Control Act, unless otherwise expressly noted.

**TITLE XI—TERRORIST-RELATED PROHIBITIONS AND  
ENFORCEMENT MEASURES**

**SEC. 1101. ELIGIBILITY PROVISIONS.**

This section amends section 3 of the Arms Export Control Act (AECA) to ensure that a basis exists for ineligibility for assistance under the AECA for foreign countries that use U.S. defense articles to carry out a transaction with a terrorist state. A transaction is defined to cover acts prohibited by section 40 of the AECA with regard to the United States Government and U.S. persons. Section 3 would also be amended to require a report to Congress when defense articles and defense services licensed under section 38 are transferred to a third person (including a third country) without U.S. Government approval, in addition to the longstanding requirement for such reports in the case of retransfers involving U.S. Government furnished defense articles and defense services.

**SEC. 1102. WEAPONS TRANSFERS TO FOREIGN PERSONS IN THE UNITED STATES.**

This section amends section 38 of the AECA to authorize the President to control (in addition to exports and imports) transfers in the United States of defense articles and defense services to foreign persons, except for firearms and firearms ammunition and accessories and attachments (whose sale to foreign persons in the United States is already controlled pursuant to the Gun Control Act and related legislation). The Department of State, which generally administers the President's authority under section 38, has long controlled through its implementing regulations for section 38 transfers to foreign persons in the United States of certain defense articles (e.g., aircraft, naval vessels, satellites and technical data), as well as all defense services and all defense articles, including firearms and firearms ammunition, for transfer to an embassy or other foreign government subdivision in the United States; in such cases the United States person proposing to transfer defense articles or defense services must first obtain approval (e.g., a license) from the Department of State. This provision would provide a firm statutory basis for the Department's regulatory practice in these areas and permit expansion of this form of control in light of the changed security environment since the attacks of September 11, 2001, where threats to U.S. interests may arise from unauthorized access by foreign persons (other than foreign government subdivisions) to munitions and other defense articles in the United States without ever involving a classic "export" (e.g., taking or sending defense articles out of the United States). The Committee expects that any expanded use of this authority will be exercised in close coordination with the Attorney General and the heads of other departments and agencies having related authority.

**SEC. 1103. COORDINATION OF LICENSE EXEMPTIONS WITH UNITED STATES LAW ENFORCEMENT AGENCIES.**

This section expresses the sense of Congress that new exemptions from the licensing requirements of section 38 of the AECA



should only be undertaken after careful coordination with U.S. law enforcement agencies in view of historic difficulties in enforcing violations where no license was required (successful enforcement actions in such circumstances have been rare, if at all), and would amend section 38 to require that this be done for any regulation promulgated on or after January 1, 2003. This section also requires that, before such regulations take effect, the Committee be notified in accordance with the reprogramming procedures under section 634A(a) of the Foreign Assistance Act.

**SEC. 1104. MECHANISMS TO IDENTIFY PERSONS IN VIOLATION OF CERTAIN PROVISIONS OF LAW.**

This section amends (by updating) section 38(g) of the AECA (relating to U.S. laws that, when violated, generally prompt denial of export license privileges) in order to include relevant legislation enacted into law related to the attacks of September 11, 2001.

**SEC. 1105. COMPREHENSIVE NATURE OF UNITED STATES ARMS EMBARGOES.**

This section contains certain findings by the Congress and amends section 38 of the AECA to require that no defense article or defense service subject to the State Department's International Traffic in Arms Regulations, and no dual use good or technology subject to the Commerce Department's Export Administration Regulation be exported without a license to the military, police or intelligence services of a U.S. arms-embargoed government unless the Secretaries of State and Defense concur in the proposed export. This provision would not bar the export of any such item, but merely requires that a license be submitted. Considerable flexibility is provided to the agencies to determine the type of license (e.g., individual, general, etc.) provided the Secretaries have concurred in the outcome. According to the State Department's International Traffic in Arms Regulations, as of March 1, 2003 (22 CFR 126.1), this requirement would apply to the military, police and intelligence services of the following countries (but would change as new embargoes are imposed and existing embargoes rescinded): Belarus, Cuba, Iran, Iraq, Libya, North Korea, Syria, Vietnam, Burma, People's Republic of China, Haiti, Liberia, Rwanda, Somalia, Sudan, and Democratic Republic of the Congo (formerly Zaire); in the case of Angola, an arms embargo exists with respect to UNITA; in the case of Afghanistan, an arms embargo exists with respect to all areas of the country other than to the Government of Afghanistan (currently Afghan Interim Authority) and to the International Security Assistance Force (ISAF).

**SEC. 1106. TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.**

This section expands the prohibitions of section 40 of the Arms Export Control Act relating to state sponsors of international terrorism by amending subsection (l)(1) to include defense articles and defense services (in lieu of "any item enumerated on the United States Munitions List") and all other activities requiring a license or approval (e.g., brokering, sales proposals, etc.) under the regulations promulgated pursuant to the President's authority in section 38(a)(1) of that Act.

**SEC. 1107. AMENDMENTS TO CONTROL OF ARMS EXPORTS AND IMPORTS.**

This section facilitates enforcement of criminal violations of the Arms Export Control Act and enhances the deterrent effect of the penalty provisions in several ways. The standard for criminal culpability of sections 38, 39, and 40 would be changed from “willfully” to “knowingly”, consistent with the “knowing” standard long established in sections 72, 73, and 81 of the AECA relating to the proliferation of missiles, missile equipment and technology, and chemical or biological weapons. The amount of the fine for each criminal violation of sections 38, 39 and 40 would rise from \$1 million to \$2 million when the violation involves a state sponsor of international terrorism, and from \$1 million to \$1.5 million when the violation involves a country, other than a state sponsor, that is subject to an arms embargo. Civil penalties would be similarly raised for these two categories of violations from \$500,000 to \$1 million and \$750,000, respectively. Fines for violations that do not involve terrorist or other embargoed countries would remain unchanged.

Further, this section provides a firm statutory basis in section 47 of the Arms Export Control Act for the definition of “defense articles” by incorporating the long-standing definition contained in the International Traffic in Arms Regulations (ITAR) as of January 1, 2003, as may be supplemented by the President pursuant to the authority contained in subsection (a) of section 38 of that Act. A similar approach would be taken in the case of defense services (incorporating the definition of those services as defined in the ITAR as of the same date), except that the term defense services is also phrased to include specifically the terms “aiding” and “abetting” within the meaning of “assistance,” reflecting longstanding reliance on those commonly-used terms in the ITAR and in Title 18.

**SEC. 1108. HIGH RISK EXPORTS AND END USE VERIFICATION.**

This section amends section 38 of the AECA to mandate that the standards for high-risk exports and end-use verification already required in subsection (g)(7) of that Act be kept up-to-date and coordinated biennially with the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence.

**SEC. 1109. CONCURRENT JURISDICTION OF THE FEDERAL BUREAU OF INVESTIGATION.**

This section strengthens the U.S. Government’s enforcement of the Arms Export Control Act by providing the Federal Bureau of Investigation with authority in this area, in addition to the long-standing authority provided to Customs, which would continue. The section contains a sense of Congress that the FBI should be provided with authority to investigate and enforce violations of the Arms Export Control Act in view of that Bureau’s responsibilities for protecting the United States against terrorist attack, foreign intelligence operations, high technology crimes and transnational criminal organizations—and the frequent relationship of illegal arms exports and international arms trafficking to those responsibilities. This should be without any adverse affect on the existing authority of the Bureau of Customs and Border Patrol, which would continue to play a leading role in enforcement of the AECA. The Committee expects that any operational details between the

FBI and Customs associated with this authorization will be resolved by or with the assistance of the Attorney General.

**SEC. 1110. REPORT ON FOREIGN-SUPPLIED DEFENSE ARTICLES, DEFENSE SERVICES, AND DUAL USE GOODS AND TECHNOLOGY DISCOVERED IN IRAQ.**

This section requires the President to submit a report to the Committee within six months of enactment, describing the nature and origin of foreign-supplied items discovered by coalition forces in Iraq—conventional arms and equipment, as well as WMD—that have not been previously accounted for by UNSCOM or UNMOVIC to the satisfaction of the United States. The Committee recognizes that the Department of Defense, including U.S. armed forces, and other agencies involved in Operation Iraqi Freedom have many pressing tasks in Iraq. This provision is not intended to add to those tasks, but to obtain a report on the results of activities planned or already underway regarding sensitive technologies and munitions. The Committee considers this report very important not only to its oversight and policy responsibilities for non-proliferation and export control, but to possible improvements to international arrangements in this area in light of the factual record discovered in Iraq.

**TITLE XII—STRENGTHENING MUNITIONS EXPORT CONTROLS**

**SEC. 1201. CONTROL OF ITEMS ON MISSILE TECHNOLOGY CONTROL REGIME ANNEX.**

In order to ensure U.S. missile technology export controls are clearly established and kept up-to-date, this provision would require the Secretary of State, in consultation with the Secretary of Commerce, the Attorney General and the Secretary of Defense, to provide an annual certification and report to Congress. This provision addresses a problem identified by the General Accounting Office (GAO) in its October 9, 2001, report entitled, “Export Controls: Clarification of Jurisdiction for Missile Technology Items Needed” (GAO-02-120), wherein GAO concluded that approximately 25 percent of the items controlled by the Missile Technology Control Regime (MTCR) arrangement were the subject of apparent overlap or ambiguity in the export control regulations administered by the Departments of Commerce and State (i.e., Export Administration Regulations and International Traffic in Arms Regulations). The Department of Commerce subsequently published a regulation to clarify its jurisdiction over certain of these items, while a long-term solution for all items was to emerge in the context of ongoing review by the concerned agencies of the U.S. Munitions List. However, this solution has not emerged from the inter-agency review. The provision would reflect the Committee’s view that priority should be accorded to ensure clear and comprehensive U.S. export control coverage of MTCR Annex items in view of the special threat to U.S. security interests presented by the unauthorized export and proliferation of missile technologies. The Committee expects the Department of State to take prompt and definitive action to address this matter without further delay.

**SEC. 1202. CERTIFICATIONS RELATING TO EXPORT OF CERTAIN DEFENSE ARTICLES AND SERVICES.**

This section amends section 36(c) of the AECA to require advance certification to Congress of any comprehensive export authorization in the amount of \$100 million or more, regardless of whether a signed contract exists. Comprehensive export authorizations are a new type of export license announced by the Department of State at a NATO Ministerial meeting in May 2000 as one of several export control initiatives. This provision also repeals clause (B) of paragraph 2 of section 36(c) relating to a reduced period of time for satellite launches by Russia, Kazakhstan and Ukraine; henceforth, the waiting period would be 30 days— on a par with all other notifications not involving exports to NATO members, Australia, New Zealand or Japan.

**SEC. 1203. NOTIFICATION REQUIREMENTS FOR TECHNICAL ASSISTANCE AND MANUFACTURING LICENSING AGREEMENTS WITH NATO MEMBER COUNTRIES, AUSTRALIA, NEW ZEALAND, AND JAPAN.**

This provision amends section 36(d) of the AECA to no longer require advance notification of agreements involving the manufacture abroad of significant military equipment that is valued at less than \$7 million in the case of major defense equipment, or \$25 million in the case of all other significant military equipment. This amendment marks the second year in a row that the Committee has taken action to adjust the thresholds for arms sales requiring advance notification to Congress. The amendment to section 36(c) enacted in section 1405 of Public Law 107–228 is projected to result in a 30–40 percent reduction in the number of cases requiring advance notification to Congress. Section 1203 of this bill should produce a similar reduction in technical assistance and manufacturing license agreements. The Committee directs the Department of State and other agencies involved in the preparation of Congressional notifications to now review their own procedures in order to expedite, and where appropriate streamline, inter-agency review procedures of proposed notifications in order to avoid undue delay or other unjustified impacts on U.S. defense firms, particularly where the benefit of extensive inter-agency review proposed notifications seems in doubt. This would appear to be the case for arms sales that fall below the higher thresholds the State Department has recommended be put in place.

**SEC. 1204. STRENGTHENING DEFENSE COOPERATION WITH AUSTRALIA AND THE UNITED KINGDOM.**

This section amends section 38 of the AECA to establish an accelerated and streamlined munitions license approval procedure of ten days for Australia and the United Kingdom, in view of the special relationships that exist between the U.S. and these countries. The procedure would be applicable to those defense articles, services and technology that are currently exempt by regulation (i.e., the International Traffic in Arms Regulations at section 126.5) from prior U.S. Government review and licensing requirements when they are to be exported or transferred to Canada.

As the level of defense technology available to Canada through a license exemption procedure would rarely, if ever, require a national security review for release to Australia or the United Kingdom, the provision requires generally that such license applications

not be subjected to inter-agency review, except in those few instances where the Secretary of Defense or the heads of other specified agencies may so request referral. Since the State Department's median processing times for all munitions license applications not referred to other agencies (which comprises more than two-thirds of all applications submitted) have been consistently better than 10 days in recent years, the establishment of this procedure would impose no additional burden necessitating more resources.

This provision would be without prejudice to the establishment of arrangements that would permit the President to establish a license exemption for Australia and/or the United Kingdom that is similar to that already established for Canada, as provided for in subsections (f)(2) and (j) of section 38 or through other means.

**SEC. 1205. TRAINING AND LIAISON FOR SMALL BUSINESSES.**

This provision requires the Secretary of State to establish, within the level of funding provided, a coordinator for small business affairs in the Office of Defense Trade Controls, who would serve as a point of contact for United States small businesses on export licensing, registration and other matters.

**SEC. 1206. STUDY AND REPORT RELATING TO CO-LOCATING MUNITIONS CONTROL FUNCTIONS OF THE DEPARTMENTS OF STATE, DEFENSE, AND HOMELAND SECURITY.**

This provision contains a sense of Congress that the administrative, licensing and compliance-related functions associated with arms exports under section 38 of the Arms Export Control Act, which are generally administered by the Department of State in conjunction with the Departments of Homeland Security and Defense, could be expedited consistent with U.S. security, law enforcement and foreign policy requirements by a reduction in the those matters necessitating inter-agency referral outside of the Department of State, and/or by co-locating related functions of the Departments of Homeland Security and Defense with those of the Department of State in order to minimize the time and administrative tasks to government and industry involved in inter-agency referrals, while also providing a convenient, central location for U.S. defense companies, especially small businesses.

The need to keep inter-agency staffing of applications at a level necessary to safeguard critical security, law enforcement and foreign policy interests was an important purpose behind the requirement established long ago in section 38 of the Arms Export Control Act (see, paragraph (8) of subsection (g)) that the Secretaries of Treasury and Defense detail expert personnel to the responsible State Department office to assist in license application screening. Notwithstanding recent increases in the number of Department of Defense employees so detailed, there continues to be a high number of cases (ranging from 30–33 percent) that are still referred for Department of Defense review. This suggests the need for additional action by the agencies to ensure prompt decision-making on what is apparently a high quotient of complex cases, of which co-location of parallel and complementary responsibilities is a promising candidate, and one that is likely to carry additional benefits to the public and the defense industry by providing a centralized location. In further consideration of this possibility, the Secretary of State would be required to consult with the Secretary of Homeland Security and the Secretary of Defense, and through the State Depart-

ment's federal advisory committee structure, with the public, to examine the relative advantages and disadvantages of co-location. The Secretary would be required to submit a report on this matter to the Committee within 180 days of enactment of this provision.

### TITLE XIII—SECURITY ASSISTANCE AND RELATED PROVISIONS

#### Subtitle A—Foreign Military Sales and Financing Authorities

**SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

This section authorizes assistance under section 23 of the AECA at \$4,414,000,000 for fiscal year 2004.

**SEC. 1302. PROVISION OF CATALOGING DATA AND SERVICES.**

This section amends section 21(h)(2) to permit cataloging of data and services on a reciprocal (non-reimbursable) basis for Australia, New Zealand and Japan, in addition to NATO-member countries, as is currently provided for in section 21(h).

**SEC. 1303. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.**

This section amends section 25(a)(1) to reduce the burden of the reporting requirement (i.e., the “Javits Report”) for NATO member countries, Australia, New Zealand and Japan by increasing the value of the sale from \$7 million to 25 million.

**SEC. 1304. ADJUSTMENT TO ADVANCE NOTIFICATION REQUIREMENT FOR TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.**

This section amends section 516(f)(1) of the Foreign Assistance Act to limit those transfers of excess defense equipment requiring advance notification to all major defense equipment (currently all significant military equipment) and (as is currently provided for) all other items valued at \$7 million or more.

#### Subtitle B—International Military Education and Training.

**SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.**

This section authorizes \$91,700,000 for fiscal year 2004 to carry out chapter 5 of part II of the Foreign Assistance Act.

**SEC. 1312. ANNUAL FOREIGN MILITARY TRAINING REPORTING.**

This section amends section 656(a) of the Foreign Assistance Act to change the due date of the required annual report to March 1 (currently January 31), and to eliminate the requirement to report on training proposed for the current fiscal year.

#### Subtitle C—Assistance for Select Countries

**SEC. 1321. ASSISTANCE FOR ISRAEL.**

This section authorizes assistance for Israel for fiscal years 2004 and 2005 based on Committee authorizations in recent years, including provision for early payout following enactment.

**SEC. 1322. ASSISTANCE FOR EGYPT.**

This section authorizes assistance for Egypt for fiscal years 2004 and 2005 based on Committee authorizations in recent years, including provision for early deposit of funds following enactment.

Subtitle D—Miscellaneous Provisions

**SEC. 1331. UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.**

This section amends section 514(b)(2) of the Foreign Assistance Act to authorize additions to stockpiles in foreign countries, and Israel in particular, at the same level for fiscal year 2004 as was authorized for fiscal year 2003.

**SEC. 1332. TRANSFER TO ISRAEL OF CERTAIN DEFENSE ARTICLES IN THE UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.**

This section provides a five-year authorization for the Secretary of Defense to transfer to Israel certain obsolete or surplus items in the inventory of the Department of Defense on the basis of negotiated concessions and advance notification to the Committee describing the items to be transferred and the concessions that have been negotiated.

**SEC. 1333. EXPANSION OF AUTHORITIES FOR LOAN OF MATERIAL, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.**

This section amends section 65 of the Arms Export Control Act to permit the loan of equipment for R&D purposes to friendly foreign countries (as determined by the President pursuant to section 27(j) of that Act) in addition to NATO allies, as is currently provided for in section 65.

**SEC. 1334. ASSISTANCE FOR DEMINING AND RELATED ACTIVITIES.**

The Secretary of State would be authorized to provide grants to public-private partnerships for fiscal year 2004 for demining, clearance of unexploded ordnance and related activities, provided the total amount does not exceed \$450,000.

**SEC. 1335. REPORTS RELATING TO TREATY BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUCTIONS.**

This section requires the Administration to provide all reports required to be provided to the Senate Foreign Relations Committee pursuant to the Resolution of Ratification of the Moscow Treaty to also be provided to the House International Relations Committee.

**SEC. 1336. STATEMENT OF HOUSE OF REPRESENTATIVES REGARDING THE TREATY BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON STRATEGIC OFFENSIVE REDUCTIONS.**

This section declares several statements of the House of Representatives regarding the Moscow Treaty. Specifically, the House concurs with the declarations in the Resolution of Ratification, encourages the President to continue strategic offensive reductions to the lowest possible levels consistent with national security and alliance obligations, urges the President to engage Russia to establish cooperative accounting and security measures for non-strategic nuclear weapons, and encourages the President to accelerate U.S. strategic force reductions to the extent feasible and consistent with the Treaty.

**SEC. 1337. NONPROLIFERATION AND DISARMAMENT FUND.**

This section responds to the direct and very real threat posed by stockpiles of highly enriched uranium (HEU). This material is a component of nuclear weapons and is the fuel for over 100 research reactors worldwide in more than 40 nations, including Russia,

Ukraine, Kazakhstan, Belarus, Latvia, and Uzbekistan. Because this material poses a grave threat as a terrorist weapon, there is an urgent need to deal with the small, insecure stocks of HEU used as fuel in research reactors. Operators of these reactors often do not have adequate financial resources to protect this vulnerable fuel, and there is grave danger that it could fall into the wrong hands.

The Nonproliferation and Disarmament Fund (NDF) within the United States Department of State, Bureau of Nonproliferation, is a unique, flexible entity that is well-suited to take on the challenge of a global HEU clean-out. This fund's objective is to permit rapid response to unanticipated or unusually difficult, high priority opportunities to halt the proliferation of nuclear, biological, and chemical weapons; to destroy or neutralize existing weapons of mass destruction and related materials; and to limit the spread of advanced conventional weapons.

Subsection (a) of this section authorizes \$60,000,000 for each of the fiscal years 2004 and 2005 to carry out section 504 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (the "Nonproliferation and Disarmament Fund"), to remain available until expended.

Subsection (b) of this section contains findings with respect to the nonproliferation of highly enriched uranium: that it is the most likely source material for terrorist or other outlaw organizations that seek to acquire a nuclear weapon; that such organizations are not likely to produce this source material on their own, but will seek to divert highly enriched uranium from some of the many vulnerable stockpiles in numerous facilities around the world; that there is a need for a coordinated United States Government initiative to secure and dispose of highly enriched uranium stockpiles in these vulnerable facilities; and that the Nonproliferation and Disarmament Fund is a unique, flexible entity that is well-suited to carry out such a coordinated initiative, in cooperation with other Federal agencies. Subsection (b) authorizes the Secretary of State to establish and carry out an initiative to secure and dispose of highly enriched uranium stockpiles in foreign countries, including the provision of such assistance as may be required to secure host country cooperation under the initiative. Subsection (b) authorizes appropriations of \$25,000,000 for each fiscal year for this initiative to secure and dispose of highly enriched uranium, out of the funds available to the Nonproliferation and Disarmament Fund.

**SEC. 1338. MARITIME INTERDICTION PATROL BOATS FOR MOZAMBIQUE.**

This section would authorize \$1,000,000 for FY04, to remain available until September 30, 2006, for related costs associated with the provision of up to four excess U.S. coastal patrol boats to Mozambique for maritime patrol and interdiction activities.

**SEC. 1339. REPORT ON MISSILE DEFENSE COOPERATION.**

This section requires a report by the Secretary of State on cooperative efforts that have been undertaken by the U.S. with foreign governments to foster the development and deployment of defenses against missile attacks.



**SEC. 1340. IRAN'S PROGRAM TO DEVELOP A NUCLEAR EXPLOSIVE DEVICE.**

In subsection (a), "Findings", finds that Iran has pursued a nuclear weapons program for more than a decade, despite being a party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT); that CIA director George Tenet has repeatedly warned of this danger, including as recently as February 11, 2003; that on March 17, 2003, Director General of the International Atomic Energy Agency (IAEA) el Baradei demanded that Iran agree to an "additional protocol" under the IAEA's nuclear inspection rights, which would enable the IAEA to conduct more intrusive monitoring; that in early 2003 Iran announced plans to mine its own natural uranium and admitted constructing two nuclear facilities, a heavy water production plant and a gas centrifuge uranium enrichment facility, which would give Iran the capability of indigenously producing nuclear-weapons grade uranium; that Iran has been developing long-range missiles capable of delivering nuclear weapons and, according to Tenet, may test an inter-continental ballistic missile within this decade; that Iran has received considerable assistance in its nuclear-weapons and missile-development programs from Russia, China, and North Korea; that Congress and successive Administrations have sought to deter or delay Iran's acquisition or development of such deadly weapons through legislation and diplomacy and that this legislation includes the Iran-Iraq Arms Non-Proliferation Act of 1992, the Iran Libya Sanctions Act of 1996, the Iran Non-Proliferation Act of 2000, and the Iran Nuclear Proliferation Prevention Act of 2002; that President Bush in January 2002 labeled Iran as one of the countries that constitutes an "axis of evil" because of its efforts to develop WMD and its support of international terrorism; that Iran is the principal supporter and supplier to terrorist groups Hizballah, Hamas, and Islamic Jihad; that the leaders of Iran have publicly called for the destruction of the State of Israel; and that a nuclear-armed Iran would pose a grave threat to the national security of the U.S. and to its allies in the region.

In subsection (b), "Statement of Policy", Congress finds that Iranian support of terrorism and efforts to develop nuclear weapons are a grave threat to the national security of the U.S. and its allies and to the U.S. Armed Forces; declares that the U.S. and its friends and allies must make maximum efforts to prevent Iran from developing or acquiring nuclear weapons and the missiles to deliver them; urges the President to use all appropriate means to prevent Iran from gaining such capabilities; urges the IAEA to employ the full range of its inspection authorities to ensure that Iran's nuclear program is used only for peaceful purposes; encourages Iran to sign and ratify the new nuclear safeguards protocol to the NPT, the "Model Additional Protocol (INFCIRC/540-Corr)", and thereby demonstrate its commitment to full disclosure and transparency about its nuclear program; and urges the U.S. resident representative to the IAEA to work with the IAEA Board of Governors on guidelines for early identification of noncompliance with the NPT.

## TITLE XIV—MISSILE THREAT REDUCTION ACT OF 2003

**SEC. 1401. SHORT TITLE.**

This section provides that Title XIV may be cited as the “Missile Threat Reduction Act of 2003.”

Subtitle A—Strengthening International Missile Nonproliferation  
Law**SEC. 1411. FINDINGS.**

This section declares the findings of Congress with regard to the increasing threat to the U.S. from the spread of ballistic missiles worldwide, especially those of 300 km and 500 kg payload capacity (equivalent to “Category 1” thresholds for nuclear-capable missile systems under the Missile Technology Control Regime, or “MTCR”); finds that North Korea is a significant source of missile proliferation; notes the lack of binding international law that would permit active interdiction of such missile shipments; and notes the value of the MTCR, as well as the need to create new international mechanisms to interdict and prevent the transfers of such missiles.

**SEC. 1412. POLICY OF THE UNITED STATES.**

This section declares that it shall be the policy of the United States to seek a binding international instrument to restrict the trade in offensive ballistic missiles with ranges of 300 km or greater that have a payload capacity of 500 kg or greater. Such a binding international instrument may take the form of a multilateral treaty, a United Nations Security Council resolution, or other form of international law, and should provide for enforcement measures to include interdiction, seizure and impoundment of illicit shipments of offensive ballistic missiles and related technology, equipments and components.

**SEC. 1413. SENSE OF CONGRESS.**

This section declares the sense of Congress that the United States should immediately introduce a resolution in the United Nations Security Council to prohibit all UN Members from purchasing, receiving, assisting or allowing the transfer of any missile, missile-related equipment, means of production, or technology from North Korea.

Subtitle B—Strengthening United States Missile Nonproliferation  
Law**SEC. 1421. PROBATIONARY PERIOD FOR FOREIGN PERSONS.**

Subsection (a) of this section requires that any foreign person, entity or government that has been sanctioned under U.S. law for missile transfer violations, after the period of formal sanctions expire or have been waived, will be subject to a probationary period of special monitoring for granting dual use licenses to that foreign person, entity or government for a period of 3 years, unless the President informs Congress that the person, entity or government has verifiably ceased all such activity and instituted a program of transparency to verify that fact.

Subsection (b) allows the termination of the probationary period if the President notifies the House International Relations Committee and the Foreign Relations, and Banking, Housing and Urban Affairs Committees of the Senate that the sanctioned for-

eign person has ceased all activity related to the original violation, has instituted a program of transparency measures to verify for 3 years that sanctioned activities have not resumed, and that there has been an appropriate resolution of the original violation(s).

**SEC. 1422. STRENGTHENING UNITED STATES MISSILE PROLIFERATION SANCTIONS ON FOREIGN PERSONS.**

Subsection (a) of this section increases the period of U.S. missile sanctions under the Arms Export Control Act from 2 to 4 years. Subsection (b) requires that any report explaining a waiver of sanctions can only be classified for intelligence-source protection reasons, and in that instance the President must attempt to acquire sufficient alternative information to allow a subsequent unclassified waiver report.

Subsection (c) increases the period of U.S. dual use missile-related sanctions as contained in the Export Administration Act of 1979 (the authority of which is continued by Executive order) from 2 to 4 years.

Subsection (d) applies the provisions of this section to any sanctions imposed since January 1, 2003.

**SEC. 1423. COMPREHENSIVE UNITED STATES MISSILE PROLIFERATION SANCTIONS ON ALL RESPONSIBLE PERSONS.**

Subsection (a) amends section 73(a) of the Arms Export Control Act by expanding the applicability of U.S. missile sanctions to all responsible foreign persons, including responsible governmental entities that exercise effective control over, or benefits from, or directly or indirectly facilitates the activities of a sanctioned foreign person or persons. This subsection also grants the President the authority to impose similar sanctions upon any other foreign entity that seeks to undercut U.S. sanctions by providing items to the sanctioned foreign person that would be illegal to provide under U.S. sanctions. This subsection also is authorized to prohibit any U.S. transaction or dealing with a sanctioned foreign person. Finally, this subsection requires the President to annually report to Congress on the activities of foreign persons on missile transfers that would be illegal under U.S. law.

Subsection (b) amends section 74(a)(8)(A) of the Arms Export Control Act to amend the definition of the term “person,” adding that any government entity (regardless of whether it is operating as “business enterprise,” as in the current definition), as well as any subsidiary, subunit, or parent entity, or transnational corporation or transnational joint venture, can be defined as a “person” and therefore subject to U.S. missile sanctions.

Subsection (c) makes similar changes and grants similar authorities under subsections (a) and (b) with regard to the Export Administration Act.

Subtitle C—Incentives for Missile Threat Reduction

**SEC. 1431. FOREIGN ASSISTANCE.**

Subsection (a) of this section authorizes the President to provide Foreign Military Financing, Economic Support Funds, and Department of Defense drawdown assistance to countries that agree to destroy their existing Category I missile systems. Subsection (b) requires Congressional notification for 30 days before assistance can

be provided. Subsection (c) limits any assistance for 3 fiscal years per country.

**SEC. 1432. AUTHORIZATION OF APPROPRIATIONS.**

This section authorizes \$250 million for assistance authorized in Section 1431, to be available until expended. The Committee expects that this assistance will be made available over a five-year period in \$50 million increments per fiscal year beginning in fiscal year 2004, and will be drawn principally from the NADR account and unexpended funds related to KEDO and CTBT.

**SEC. 1433. AUTHORIZATION OF TECHNICAL ASSISTANCE IN MISSILE DISARMAMENT.**

This section authorizes the President to provide U.S. technical assistance for destruction of missiles or production facility at the request of any country.

This bill responds to the increasing threat of the spread of ballistic missiles to the United States from the proliferation of WMD-capable ballistic missiles by strengthening U.S. sanctions laws; seeks a legally-binding international instrument against the trade in such missiles; and establishes a new program of assistance to encourage states to destroy existing missile programs.

The accelerating spread of missiles capable of delivering weapons of mass destruction is a matter of grave concern to the Committee. The Committee is troubled by recent incidents involving the transfer of such missiles, especially by North Korea, which the CIA has appropriately identified as a major source of global missile proliferation. The Committee also agrees with the Administration that existing international missile non-proliferation mechanisms are not sufficient to meet this increasing threat. Therefore, the Committee has set the U.S. policy goal of creating new international missile nonproliferation mechanisms to better deal with missile proliferation, including enforcement measures, such as the ability to interdict and seize shipments of destabilizing ballistic missiles around the world.

The Committee believes that existing missile sanctions laws are too riddled with loopholes to effectively deter foreign governments from engaging in the destabilizing trade in offensive ballistic missiles. A non-MTCR-adherent foreign government that engages a non-governmental entity or corporation to acquire missiles or missile technology on its behalf would not be subject to U.S. sanctions, as there is no requirement in law to sanction any entity other than the specific entity conducting the prohibited missile-related transaction. Indeed, current law does not allow foreign governments to be sanctioned at all, unless the government is "operating as a business enterprise." The result is an absurd situation in which a non-governmental entity or corporation could be sanctioned, but not the government that receives, possesses and operates the missiles themselves.

The value of missile sanctions in U.S. laws lies with their ability to call public attention to destabilizing ballistic missile proliferation activity and to institute a cost for engaging in such proliferation. Loopholes in current law, however, rob U.S. missile sanctions of much of their power to raise the cost of proliferation behavior. It is for this reason that the Committee has acted to close these loopholes, and to hold all foreign persons connected to and benefiting

from the proliferation of ballistic missiles to account for their actions.

The Committee believes the increasing spread of ballistic missiles requires increasing the costs to countries and foreign entities in engaging in prohibited missile trade. First, the Committee increases the sanctions period from 2 to 4 years. Second, when existing sanctions expire, the foreign person is again eligible for U.S. contracts without any need to demonstrate changed behavior. Placing such formerly-sanctioned persons essentially on a “watch list” (the Entity List of the EAR) for 3 years, in addition to increasing the duration of formal sanctions, places foreign persons and governments on notice that there is a continuing cost to missile trade through increased scrutiny of U.S. exports, as well as the continuing stigma of having trafficked in ballistic missiles.

#### TITLE XV—EXPORTS OF SATELLITES

##### **SECTION 1501. EXPORT CONTROLS ON SATELLITES AND RELATED ITEMS.**

This section would generally leave to the President’s discretion whether the export of commercial communications satellites and related items to NATO member countries or major non-NATO allies, should be subject to the export licensing jurisdiction of the Department of Commerce or the Department of State. Currently, section 1513 of Public Law 105–261 requires that satellites and related items be controlled on the United States Munitions List by the Department of State (under section 38 of the Arms Export Control Act). In the case of exports of these items to these specific countries, the President would also be provided with authority to determine the extent to which the underlying laws should apply, as qualified by sections 1602–1604. The export of satellites and related items to all other destinations would remain subject to Department of State jurisdiction pursuant to section 1513 of Public Law 105–261 (Strom Thurmond National Defense Authorization Act for Fiscal Year 1999).

##### **SECTION 1502. MANDATORY REVIEW BY DEPARTMENT OF STATE.**

This section requires in subsection (a) that, in the case of a satellite launch by or from nationals of the People’s Republic of China (PRC), section 38 of the Arms Export Control Act would always apply to the regulation of certain defense services (including technical assistance) provided in the course of technical interchange meetings. This requirement means that these defense services would remain subject to the export licensing jurisdiction of the Department of State. In subsection (b), the President is required to provide advance certification to Congress prior to the issuance of a license or technical assistance agreement involving a launch of a satellite or related item from the PRC, in the manner provided for in section 36(d) of the Arms Export Control Act, pursuant to which Congress may enact a resolution of disapproval within a thirty day period following receipt of the certification, in which case the license or technical assistance agreement may not be issued.

##### **SECTION 1503. EXPORT RESTRICTIONS NOT AFFECTED.**

This section provides that nothing in sections 1601–1604 may be construed to modify any restriction on exports imposed under any other provision of law. The discretionary authority provided to the

President relating to licensing jurisdiction for satellites and related items when exported to NATO members and major non-NATO allies is limited to the sole matter of export licensing jurisdiction (i.e., section 1513 of Public Law 105–261); it does not imply any superceding authority with regard to any other restrictions or prohibitions in United States law that may be applicable, including the mandatory national security controls and other requirements set forth in Public Law 105–261.

**SECTION 1504. DEFINITIONS.**

This section sets forth definitions for several terms used in this title, including “defense services,” “related items,” and “United States person.” Notably, the traditional definition of “defense services” found in the Department of State’s International Traffic in Arms Regulations at section 120.9 (22 CFR 120.9), is generally (except with respect to matters associated with demilitarization and military training) applied to “a satellite or related items” for purposes of this title. For all other articles, the definition of “defense services” contained in section 47(7)(B) of the Arms Export Control Act, as amended by section 1107(d) of this act, remains unaffected, including defense services related to articles such as rockets, space launch vehicles and missiles that may be associated with the launch of a satellite or related item pursuant to this title.

**TITLE XVI—PROMOTION OF DEMOCRACY, HUMAN RIGHTS,  
AND RULE OF LAW IN BELARUS**

**SEC. 1601. ASSISTANCE TO PROMOTE DEMOCRACY AND CIVIL SOCIETY IN BELARUS.**

Section 1501 authorizes assistance to bolster democracy-building activities such as support for non-governmental organizations, the promotion of free and fair electoral processes, independent media, and international exchanges.

**SEC. 1602. RADIO BROADCASTING TO BELARUS.**

This section authorizes additional funds for VOA and RFE/RL to augment radio broadcasting to the people of Belarus. The United States strongly supports those struggling to promote democracy and respect for human rights in Belarus despite the formidable pressures they face from the anti-democratic regime of Aleksandr Lukashenka.

**SEC. 1603. SENSE OF CONGRESS RELATING TO SANCTIONS AGAINST THE GOVERNMENT OF BELARUS.**

This section recommends the expansion of sanctions against the Lukashenka regime, denying high-ranking officials of the regime entry into the United States; prohibiting U.S. government financing to the Government of Belarus, except humanitarian goods and agricultural or medical products. The Committee also recommends that U.S. executive directors of international financial institutions vote against financial assistance to the Government of Belarus except for loans and assistance for humanitarian needs.

**SEC. 1604. MULTILATERAL COOPERATION.**

This section expresses a sense of Congress that the President should continue to seek to coordinate with other countries in the furtherance of the objectives of this title with regard to the Republic of Belarus.

**SEC. 1605. REPORT.**

This section requires the President to transmit to appropriate congressional committees a report concerning the sale or delivery of weapons or weapons-related technologies from Belarus to countries that have repeatedly provided support for acts of international terrorism, including the identification of the goods, services, credits, or other consideration received by Belarus in exchange for the weapons or weapons-related technologies. The report shall also include a detailed estimate of the personal assets of Aleksandr Lukashenka and other high-ranking Belarusian officials.

**SEC. 1606. DEFINITIONS.**

This section provides definitions for terms used in the title.

The Committee fully endorses United States support for the promotion of democracy, respect for human rights, and the rule of law in the Republic of Belarus consistent with its commitments as a participating State of the Organization for Security and Cooperation in Europe (OSCE). The United States has a strong interest in the independence and sovereignty of the Republic of Belarus and its integration into the European community of democracies. Unfortunately the last parliamentary election in Belarus deemed to be free and fair by the international community was conducted in 1995. Since that time, though, the authorities and powers of the 13th Supreme Soviet have been usurped by the regime of Lukashenka. The November 1996 referendum, considered illegal and unconstitutional by the OSCE, the international community and by pro-democracy activities in Belarus, led Lukashenka to impose a new constitution, abolish the duly-elected parliament, the 13th Supreme Soviet, install a largely powerless National Assembly, and extend his term of office to 2001. The parliamentary elections of October 15, 2000, conducted in the absence of a democratic election law, were illegitimate, unconstitutional, plagued by violent human rights abuses committed by the Lukashenka regime, and determined to be non-democratic by the OSCE. The presidential election of September 9, 2001, was determined by the OSCE and other observers to be fundamentally unfair and failed to meet the OSCE commitments for democratic elections formulated in the 1990 Copenhagen Document and featured significant and abusive misconduct by the regime.

The Committee is quite concerned that Victor Gonchar, Anatoly Krasovsky, and Yuri Zakharenka, who have been leaders and supporters of the democratic forces, and Dmitry Zavadsky, a journalist known for his critical reporting, have disappeared and are presumed dead, and former Belarus Government officials have come forward with credible allegations and evidence that top officials of the Lukashenka regime were involved in the disappearances. The regime systematically harasses and represses members of the democratic opposition, peaceful demonstrators, the independent media and independent trade unions, imprisons independent journalists, and actively suppresses freedom of speech and expression. The Law on Religious Freedom and Religious Organizations, passed by the National Assembly and signed by Lukashenka on October 31, 2002, establishes one of the most repressive legal regimes in the OSCE region, severely limiting religious freedom and placing excessively burdensome government controls on religious practice.

TITLE XVII ISRAELI—PALESTINIAN PEACE ENHANCEMENT  
ACT OF 2003

**SECTION 1701. SHORT TITLE.**

This section provides that this title may be cited as the Israeli-Palestinian Peace Enhancement Act of 2003.

**SECTION 1702. FINDINGS.**

This section makes a number of findings, to include stating the importance of the security of the state of Israel to the national security of the United States and the longstanding interest that the United States has in seeing two states living side by side in peace and security; noting that peace can only be achieved in the Middle East in an atmosphere free of violence and terrorism; stating the requirement that a change in Palestinian leadership and a renunciation of terror by that leadership must precede any other steps towards peace; describing the relationship of a stable and peaceful Palestinian state to Israel's security and stating that Israel should take concrete steps to support the emergence of a viable Palestinian state; indicating Israel's repeated willingness to make painful concessions to achieve peace once there is a partner for peace on the Palestinian side; and citing the recent appointment of a new Palestinian government and the denunciation of terror by the new Palestinian Prime Minister.

**SECTION 1703. PURPOSES.**

The purposes of this title are to express the sense of Congress with respect to recognition of a Palestinian state by the United States and to demonstrate that the United States will provide substantial economic and humanitarian assistance, as well as, support large-scale multilateral assistance, after the Palestinians have achieved the reforms outlined by President Bush in his June 24, 2002 speech and have achieved peace with Israel.

**SECTION 1704. SENSE OF CONGRESS.**

This section expresses the sense of Congress that peace between Israel and the Palestinians cannot be negotiated until after the Palestinian government has been transformed along the lines of President Bush's June 24, 2002, speech; after the Palestinians achieve certain reforms described in the Act and have made a secure and lasting peace with Israel, substantial U.S. and international assistance will be needed; the Palestinian people deserve commendation on the confirmation of a new Prime Minister and Cabinet; the new Palestinian administration should urgently take the security-related steps necessary to allow for implementation of a performance-based roadmap to resolve the conflict; the U.S. Administration should work vigorously toward the goal of two states living side-by-side in peace within secure and internationally-recognized borders free from threats or acts of force; and the United States has a vital national security interest in a permanent, comprehensive, and just resolution of the Arab-Israeli conflict, and particularly the Palestinian-Israeli conflict, based on the terms of United Nations Security Council resolutions 242 and 338.

**SECTION 1705. RECOGNITION OF A PALESTINIAN STATE.**

This section expresses the sense of Congress that the President should not recognize a Palestinian state until he determines that a new Palestinian governing entity, not compromised by terror, has



been elected and taken office. In addition the President should determine that: the newly-elected governing entity has demonstrated a firm and tangible commitment to peaceful coexistence with Israel and to ending anti-Israel incitement; has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza; has established a new security entity that is fully cooperating with Israeli security organizations; has achieved exclusive authority and responsibility for governing the national affairs of a Palestinian state, has taken effective steps to ensure democracy, the rule of law, and an independent judiciary, and has adopted other reforms ensuring transparent and accountable governance; and has taken effective steps to ensure that its education system promotes the acceptance of Israel's existence and of peace with Israel and actively discourages anti-Israel incitement.

**SECTION 1706. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.**

This section amends Chapter 1 of part III of the Foreign Assistance Act of 1961 by adding a new section 620K.

Section 620K(a) prohibits the provision of assistance to the government of a Palestinian state unless the President makes a certification to Congress specified in Section 620K(c)(1) and (2).

According to paragraph (c)(1) the President must certify that a binding international peace agreement exists between Israel and the Palestinians that was freely signed by both parties, guarantees both parties' commitment to a border between two states that constitutes a secure and internationally recognized boundary for both states with no remaining territorial claims, provides a permanent resolution for both Palestinian refugees and Jewish refugees from Arab countries, and includes a renunciation of all remaining Palestinian claims against Israel through provisions that commit both sides to the "end of the conflict".

According to paragraph (c)(2), the President must also certify that the new Palestinian government has been democratically elected through free and fair elections, has exclusive authority and responsibility for governing the national affairs of the Palestinian state, and has achieved the reforms outlined by President Bush in his June 24, 2002, speech; has completely renounced the use of violence against Israel and its citizens, is vigorously attempting to prevent any acts of terrorism against Israel and its citizens, and punishes the perpetrators of such acts in a manner commensurate with their actions; has dismantled, and terminated the funding of, any group within its territory that conducts terrorism against Israel; is engaging in ongoing and extensive security cooperation with Israel; refrains from any officially sanctioned or funded statement or act designed to incite Palestinians or others against Israel and its citizens; has an elected leadership not compromised by terror; is demilitarized; and has no alliances or agreements that pose a threat to the security of Israel.

After the initial certification described above, the President must, 90 days later, re-certify that the conditions under which he made an initial certification still exist. After the 90 day re-certification, the President must re-certify those conditions every 6 months for the ten-year period beginning on the date of the transmittal of the initial certification. After the ten-year period has expired, a certification shall be deemed to be in effect unless the President subse-

quently determines that the conditions that allowed previous certifications are no longer being met and transmits to Congress a report that contains the reasons that those conditions no longer exist.

The President may waive the limitation on assistance, that is, the requirement of a certification under section 620K(a), if he determines and certifies to the Committee on International Relations in the House and the Committee on Foreign Relations in the Senate that it is vital to the national interest to do so.

In addition, the limitation on assistance does not apply (a) to humanitarian or development assistance that is provided through non-governmental organizations for the benefit of the people of the West Bank and Gaza or (b) to assistance that is intended to reform the Palestinian Authority and affiliated institutions, or a newly elected Palestinian governing entity, in order to help meet the requirements of the certification discussed above (with respect to paragraph (c)(2) thereof) or to meet the requirements set out in subparagraphs (A) through (H) of section 1705(2) of the Israeli-Palestinian Peace Enhancement Act of 2003. The provisions of those subparagraphs are summarized in the second sentence of the description of Section 1705, above.

Assistance provided under this Act or any other provision of law to a Palestinian state may not be provided until 15 days after the date on which the President has provided notice thereof to the Committees on International Relations and Appropriations in the House and the Committees on Foreign Relations and Appropriations in the Senate in accordance with the procedures applicable to reprogramming notifications under section 634(a) of the Foreign Assistance Act of 1961. This notification requirement shall cease to be effective ten years after the date on which notice is first provided in accordance with this section.

**SECTION 1707. AUTHORIZATION OF ASSISTANCE TO A PALESTINIAN STATE.**

This section amends Chapter 1 of part III of the Foreign Assistance Act of 1961 by adding a new section 620L.

Section 620L authorizes the President to provide assistance to a Palestinian state. Such assistance shall be used to support activities within a Palestinian state to substantially improve the economy and living conditions of the Palestinians by, among other things, providing for economic development in the West Bank and Gaza, continuing to promote democracy and the rule of law, developing water resources, assisting in security cooperation between Israelis and Palestinians, and helping with the compensation and rehabilitation of Palestinian refugees. There are authorized to be appropriated to the President such sums as may be necessary for each fiscal year to carry out these activities.

Section 620L also requires the Secretary of State, after the President makes the certification in section 620K(c), to seek: to convene one or more donors conferences to gain commitments from other countries, multi-lateral institutions, and non-governmental organizations to provide economic assistance to Palestinians; to ensure that such commitments are honored in a timely manner; to ensure that there is coordination of assistance among the United States and such other countries, multi-lateral institutions and non-governmental organizations; to ensure that the assistance provided to Palestinians is used for the purposes for which it was provided; and

to ensure that other countries, multi-lateral institutions and non-governmental organizations do not provide assistance to Palestinians through entities that are designated as terrorist organizations under United States law.

The Secretary is required to prepare and submit to the Committees on International Relations and Appropriations of the House and the Committees on Foreign Relations and Appropriations in the Senate, a report that describes the activities undertaken to meet the requirements set out above, including a description of amounts committed, and the amounts provided, to a Palestinian state or Palestinians during the reporting period by each country and organization. The first report is due 180 days after enactment of this section, and annually thereafter.

#### TITLE XVIII—MISCELLANEOUS FOREIGN ASSISTANCE PROVISIONS

##### **SEC. 1801. ADDITIONAL AUTHORITIES RELATING TO INTERNATIONAL NARCOTICS CONTROL ASSISTANCE.**

This provision ensures that any and all illegal arms brought into Colombia by aerial means that are in any way trafficked in connection with the illicit drug trade, are also clearly eligible for U.S. assistance in interdicting.

##### **SEC. 1802. UNITED STATES OPIUM ERADICATION PROGRAM IN COLOMBIA.**

This provision helps ensure the eradication of the very small but potent opium crop in Colombia (less than 6,000 hectares, versus 150,000 hectares of coca) by requiring the State Department to train qualified and experienced Colombian pilots, who are preferably members of the Colombian National Police (CNP). The State Department should encourage the CNP to ensure that the police pilots are entitled to career enhancement for this difficult service.

The local Colombian police anti-drug pilots, versus the current American provided contractor spray pilots, are more familiar with the terrain and can help to avoid the reported problems in the eradication program including problems with the weather, terrain and failure to locate crops. The Colombian opium crop must be eliminated at the source, as interdiction is not sufficient to end the growing heroin crisis in America. New and revised data show Colombian heroin makes up nearly two-thirds of the U.S. use, where it previously was erroneously underestimated at just one-third of the U.S. market. This provision supports the further Colombianization of the U.S. aid program.

Nothing in this section shall prohibit the eradication of opium if these Colombian pilots, preferably members of the Colombian National Police, are not available after 180 days.

##### **SEC. 1803. COOPERATIVE DEVELOPMENT PROGRAM.**

This provision authorizes the continuation of a U.S.-Israel joint development program by which Israel works in African countries in conjunction with the U.S. Agency for International Development. This program furthers U.S. development goals by providing Israeli development expertise to African countries in need of such assistance, and enhances Israeli relations with certain African countries.

**SEC. 1804. WEST BANK AND GAZA PROGRAM.**

This section requires that prior to obligation of funds to the West Bank and Gaza, procedures are in place so that the Comptroller General will have access to financial information in order to review U.S. assistance to the West Bank and Gaza. It also requires the Secretary of State to take appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary has reason to believe has engaged in terrorist activity. It also requires an annual independent audit of the contractors and grantees. Language similar to this provision is now carried in the relevant Appropriations Act.

**SEC. 1805. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON INCITEMENT TO ACTS OF DISCRIMINATION.**

This section amends the Foreign Assistance Act to require the Department of State to add a separate section with separate heading to the annual Country Reports on Human Rights Practices. This newly-required section will describe the nature and extent of propaganda in government-controlled media and other sources including educational materials and textbooks that attempt to justify or promote racial hatred or violence against any race or people.

**SEC. 1806. ASSISTANCE TO EAST TIMOR.**

This section authorizes \$25 million for each of the fiscal years 2003, 2004, and 2005 for the United States Agency for International Development in East Timor. The Committee notes that East Timor has a maternal mortality rate ten times higher than any other country in Southeast Asia or the Pacific region and less than one-quarter of Timorese women are able to access health services or midwives according to the World Health Organization. The literacy rate is only 43% according to the 2002 UNDP National Human Development Report. While noting USAID's important work in democratic development, the Committee encourages greater emphasis in the area of economic assistance for East Timor that addresses basic services, in particular, the Committee supports significant assistance to be directed toward public education at primary and secondary school levels and vocational education; a national health care system that ensures access to basic health care services for East Timor's population regardless of income; job training and creation; poverty eradication; agricultural sector development aimed at food security; and development of local water sources. The Committee further encourages judicial sector development, including provision and training of court reporters, interpreters and translators, as well as training, support services, and resources for judges and defense counsel, and other assistance aimed at capacity building.

**SEC. 1807. SUPPORT FOR DEMOCRACY BUILDING EFFORTS FOR CUBA.**

This section authorizes \$15 million for each of the fiscal years 2004 and 2005 to support democracy programs in Cuba. Support for the Cuban people is a pillar of the U.S. Government's two-prong strategy toward the Cuban dictatorship. This provision authorizes an increase in funding of programs aimed to promote and assist the pro-democracy efforts of Cuba's dissidents and internal opposition. These funds are designated solely for Cuba-related programs and should not be diverted.

**SEC. 1808. AMENDMENT TO THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.**

This provision amends the Afghanistan Freedom Support Act of 2002 to provide that assistance to Afghanistan pursuant to that Act may be provided notwithstanding any provision of law. Although most restrictions are no longer applicable because of the change of government in Kabul, certain restrictions generally applicable continue to apply that are inhibiting U.S. assistance efforts, and this amendment will enhance U.S. efforts in that country in transition.

**SEC. 1809. CONGO BASIN FOREST PARTNERSHIP.**

This section authorizes \$18.6 million for each of the fiscal years 2004 and 2005 for the Congo Basin Forest Partnership (CBFP) program. The Subcommittee on Africa conducted an oversight hearing (March 11, 2003) to review the CBFP, which Secretary of State Colin Powell unveiled in September 2002 in Gabon. The tropical forests of the Congo Basin are vital to the economic livelihood of the people of this Central Africa region. Congo Basin forests play a crucial role in sustaining the environment—absorbing carbon dioxide, cleansing water, and retaining soil. They are also rapidly depleting. This program will help protect 25,000,000 key acres of landscape against poorly managed and non-managed logging. This will relieve hunting pressure that is threatening the existence of several species. The U.S. has a direct interest in the environmental health of this region, reversing current deforestation and wildlife depletion rates. Of the total for each year, \$16,000,000 is authorized for the Central Africa Regional Program for the Environment, administered through the United States Agency for International Development. The Committee recognizes with approval that the CBFP is an international effort, receiving financial support from non-African governments, the European Commission, the International Bank for Reconstruction and Development, and non-governmental organizations. The CBFP is an impressive and innovative approach to conservation in this environmentally at risk region.

**SEC. 1810. COMBATING THE PIRACY OF UNITED STATES COPYRIGHTED MATERIALS.**

This section authorizes \$10 million for the Department of State for purposes of providing direct assistance to non-OECD countries to combat piracy of U.S. copyrighted works. Specifically, it authorizes the Department to provide equipment and training to foreign law enforcement, judges and prosecutors and assistance in complying with its obligations under appropriate international copyright and intellectual property treaties and agreements such as the Berne Convention and the World Trade Organization's Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs).

The Committee is concerned about the increasing global problem of piracy and counterfeiting of intellectual property and the need to take additional measures to combat the misappropriation of the single largest sector of the American economy. The value of our intellectual property exports now exceeds five (5) percent of the gross domestic product. Intellectual property crimes cost hundreds of billions of dollars globally each year.

The Chief of the Intellectual Property and Competition Policy Division, in consultation with the Chief of the Office of Anti-Crime Programs, Organized Crime Division, Bureau for International

Narcotics and Law Enforcement Affairs, Department of State, shall determine the expenditure of funds authorized under this section.

The Department shall develop a process and timetable by which the principal diplomatic officer to a country identified under the United States Trade Representative's "Priority Watch List" shall prepare a comprehensive plan recommending steps that the United States should take to address the intellectual property enforcement-related deficiencies noted in the United States Trade Representative's "Special 301 Report." Countries not identified on the "Priority Watch List" may also submit plans and request funds as outlined in this section, but requests in connection with countries identified on the "Priority Watch List" shall take precedence.

The Department should make every effort to consult with, and provide assistance to, the World Intellectual Property Organization for the purpose of promoting the integration of non-OECD countries into the global intellectual property system.

**SEC. 1811. ASSISTANCE FOR LAW ENFORCEMENT FORCES IN CERTAIN FOREIGN COUNTRIES.**

This section authorizes the Administrator of the United States Agency for International Development (USAID) to provide assistance to law enforcement agencies in the Government of India, Northern Ireland, and the Republic of Ireland. USAID will be able to assist India in disaster management and response, access to justice for women, and trafficking of persons.

The Committee believes that the authorities granted to USAID through this section are necessary for the following reasons. First, India is one of the most disaster-prone countries in South Asia. Virtually every year, large segments of the population suffer from losses related to recurring events such as heavy rains, landslides, flooding, and drought. To enhance its disaster management and response ability, the Government of India (GOI) has requested USAID assistance to develop local capacity for medical-first-response and search-and-rescue battalions of the Central Industrial Security Force (CISF) and the Indo-Tibetan Border Police (ITBP), which are the GOI's key service providers in the event of a natural disaster. However, because both CISF and ITBP are law enforcement agencies, USAID is unable to help them without the authorization provided by this section.

Second, despite extensive constitutional and statutory safeguards, large sections of the Indian polity remain disadvantaged in their quest for equitable treatment under the civil and criminal judicial systems. Discrimination against women remains entrenched in India. Women face serious obstacles in protecting their rights. To address these critical problems, USAID should provide assistance to improve Indian women's access to justice. Assistance in this area cannot be fully successful without working with law enforcement entities.

Finally, India is a significant source for internally trafficked women and children. The criminal nature of trafficking makes it essential to work with law enforcement agencies. This section extends the authority provided in the Omnibus Appropriations Act for fiscal year 2003 to fiscal years 2004 and 2005.

The provision relating to the Republic of Ireland and Northern Ireland police force will allow AID to provide computer-based, human rights and other professional training to the Police Service

of Northern Ireland and also to provide training to the Garda Síochána for the purposes of fostering greater cooperation and communication between the two police forces as recommended by the Patten Commission.

The provision regarding police training in Northern Ireland shall be administered where practicable consistent with the established vetting procedures for provision of training by US law enforcement entities as established in Section 504 of P.L. 106-113, "Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act" which stipulated that certain minimum human rights standards must be met before US support is provided to any entity working with policing in Northern Ireland.

In particular section 405(c)(1)(C) of that Act established a vetting procedure to exclude from training Northern Ireland police officers "who there are substantial grounds for believing have committed or condoned violations of internationally recognized human rights, including any role in the murder of Patrick Finucane or Rosemary Nelson or other violence or serious threat of violence against defense attorneys in Northern Ireland."

**SEC. 1812. HUMAN RIGHTS AND DEMOCRACY FUND.**

This section extends the authorization for the Human Rights and Democracy Fund, which is administered by the Bureau of Human Rights, Democracy and Labor at the United States Department of State, for each of the fiscal years 2003 through 2005. It grants authority to provide \$21,500,000 in fiscal year 2003; \$24,000,000 in fiscal year 2004 and such sums as may be necessary in fiscal year 2005 to the Fund.

**SEC. 1813. ENHANCED POLICE TRAINING.**

The section provides for a limited, "democratic policing" exception to the general prohibition under section 660 of the Foreign Assistance Act of 1961 regarding police assistance to foreign countries. The section authorizes the United States to assist foreign law enforcement agencies for the purposes of improving their performance on such things as human rights, the rule of law, anti-corruption, combating the trafficking of persons, particularly by organized crime, counter-narcotics, and community relations.

To the extent that assistance is provided for the purpose of strategic planning, it should be provided only for the purpose of reforming, restructuring, and building the institutional capacity of law enforcement agencies so that they are better able to safeguard human rights, promote the rule of law, and combat corruption and the trafficking of persons in their respective countries. Assistance provided to prevent conflict should be provided only for the purpose of mitigating violence associated with common crime, such as gang violence associated with narcotics trafficking.

The provision is a natural outgrowth of the existing exemption that permits police assistance for most of these purposes in post-conflict situations (section 660(b)(6)), reflects language adopted in appropriations bills from previous fiscal years, and responds to a recent GAO study that found that the current section 660 restrictions were constraining the USG's ability, working through NGOs, to consolidate democracy not only in Central America and the Andean region but also worldwide.

The Committee believes that assistance under this section should be provided to countries with democratically elected governments under civilian control with a commitment to preventing human rights abuses by their police forces and as part of a broader development strategy to enhance democratic governance, maximize the involvement of civil society in decision-making at the national, regional, and local levels, strengthen human rights, and increase the accountability and transparency of government agencies, including law enforcement entities, to the communities which they serve. Assistance provided under this section should be fully transparent and include mechanisms to encourage continued, cooperative contact with recipients of training.

**SEC. 1814. PROMOTING A SECURE AND DEMOCRATIC AFGHANISTAN.**

The Congress made it clear in the Afghanistan Freedom Support Act of 2002, that the United States is committed to a free, educated, and developed Afghanistan that serves as a model for democracy and participation for other countries, especially those in the Muslim world. Unfortunately, Afghanistan today still balances on the precipice between, on the one hand, security and reconstruction and, on the other, a return to unrest and chaos.

The United States has declared that “major combat operations” in Afghanistan are over, and its attention will now shift to reconstruction and stability operations. However, the Committee believes that the current security situation prevents many important reconstruction efforts from gaining traction. The entire Bonn Process and its hope for democratic and peaceful representative institutions is seriously threatened by a deteriorating security environment, and current efforts by the United States and others in the world community to promote greater security are inadequate.

Basic security is still lacking in cities and towns, and along the key highways that are critical to the development of Afghanistan. Afghans remain under serious threat from terrorism, insurgency, widespread crime, banditry, intimidation, rape, suppression of minorities and women, and other grave violations of human rights that continue to occur, especially in areas that do not have a routine presence of United States or international security personnel. In March and April of this year, there have been approximately twenty attacks on United States and Afghan military forces and civilians and on international relief workers. According to USAID’s Inspector General, AID staff are nearly captives in their own compounds, able to venture out into the countryside for brief periods and only under heavy armed escort. Non-governmental organization aid workers have no such protection. Taliban and al-Qaeda terrorists are deliberately targeting US and foreign civilian aid workers to drive them from the country and reverse Afghanistan’s transformation.

The Committee notes that the training of an Afghan National Army is seriously behind schedule and that it will not be fully capable for years. Disarmament and reintegration of militias and irregulars has not begun. Police training, which will be carried on by Germany, has not yet had a serious impact; in many areas militia or police (although not the police who have been trained by the Germans) have been implicated in home invasions and other serious crimes.



There has been no indication that the International Security Assistance Force, soon to be taken over by NATO, will increase in size or capability, or operate outside of Kabul. Even in Kabul, security has been reported to be shaky, and intimidation of Afghani politicians and journalists, including in Kabul, has been reported. The establishment of Provincial Reconstruction Teams, as presently constituted, in and of themselves, will not substitute for more vigorous efforts.

The Committee firmly believes that unless we address these security gaps promptly, Afghanistan could slide back into chaos and again become a haven for global terrorists.

Subsection (b) directs the President (1) to take immediate steps to ensure that there is more security for reconstruction, including along major highways, to stop banditry, illegal checkpoints, human rights abuses, and intimidation, and (2) to take immediate steps to support the disarmament of Afghan militias and irregulars.

Subsection (c) states the sense of Congress that the President should significantly expand the International Security Assistance Force, as was endorsed a "sense of Congress" provision in the Afghanistan Freedom Support Act, or should take such other steps, such as increasing the number and force levels of U.S. Provincial Reconstruction Teams, to promote security across wider areas.

**SEC. 1815. GRANTS TO THE AFRICA SOCIETY.**

The section authorizes \$1 million to the Africa Society to carry out programs and activities that advance United States core values and interests in Africa through public and private partnerships to facilitate the continent's political transition to democratic societies, support economic development through trade and investment, encourage the development of African civil society, and promote awareness of all Americans about Africa.

## ADDITIONAL VIEWS OF REPRESENTATIVE TOM LANTOS

The Committee and the Congress spoke loudly and clearly in the Afghanistan Freedom Support Act of 2002 that the United States is committed to an Afghanistan that is dedicated to the liberty, literacy, and enrichment of its citizens, and serves as a model for democracy and participation for other countries, especially those in the Muslim world. Unfortunately, Afghanistan today still balances on the precipice between security and reconstruction, and a return to unrest and chaos.

The United States has declared that the “combat phase” of the war in Afghanistan is over, and its attention will now shift to reconstruction and stability operations. However, the security situation does not permit any significant reconstruction efforts to gain traction. The entire Bonn Process and its hope for democratic and peaceful representative institutions is seriously threatened by a deteriorating security environment, and current U.S. efforts to promote greater security are inadequate.

Basic security is still lacking in the major cities and along key highways that are critical to the development of Afghanistan. Afghans remain under serious threat from terrorism, insurgency, widespread crime, banditry, intimidation, rape, suppression of minorities and women, and other grave violations of human rights that continue to occur, especially in areas that do not have a routine presence of U.S. or international security personnel. In March and April of this year, there have been approximately twenty attacks on US and Afghan military forces and civilians as well as on international relief workers. According to USAID’s Inspector General, AID staff are nearly captives in their own compounds, able to venture out into the countryside for brief periods and only under heavy armed escort. NGO aid workers have no such protection. Taliban and al-Qaeda terrorists are deliberately targeting US and foreign civilian aid workers to drive them from the country and stop Afghanistan’s transformation.

Training of an Afghan National Army is seriously behind schedule and will not be at full strength for several years. Police training is almost non-existent. Disarmament and reintegration of militias and irregulars has not even begun. The International Security Assistance Force, soon to be taken over by NATO, will not increase in size or capability, nor operate outside of Kabul.

The Administration’s response to this security vacuum has been to tout its lightly-armed, platoon-sized “Provincial Reconstruction Teams” to bring order to small areas in major cities, and to promise to pursue terrorists and bandits. This is well-intentioned but completely inadequate. Pursuit of terrorists after they have terrorized does little to encourage aid workers and investors to risk their personal and financial safety to rebuild Afghanistan: “we will avenge you” is not so reassuring as “we will protect you.”

Unless we address these security gaps immediately, Afghanistan could slide back into chaos and again become a haven for global terrorists.

TOM LANTOS.

