

108TH CONGRESS  
1ST SESSION

# 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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2003

Mr. HYDE (for himself, Mr. LANTOS, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

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.

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

5 (1) DIVISION A.—Department of State Author-  
 6 ization Act, Fiscal Years 2004 and 2005.

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

9 (b) 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. Continuation 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.

#### 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.

#### 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.

### 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.

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.

### 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.

## 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—International Narcotics Control Assistance

- Sec. 1331. Additional authorities relating to international narcotics control assistance.
- Sec. 1332. United States opium eradication program in Colombia.

#### Subtitle E—Miscellaneous Provisions

- Sec. 1341. United States War Reserve Stockpiles for Allies.
- Sec. 1342. Transfer to Israel of certain defense articles in the United States War Reserve Stockpiles for Allies.
- Sec. 1343. Expansion of authorities for loan of material, supplies, and equipment for research and development purposes.
- Sec. 1344. Assistance for demining and related activities.
- Sec. 1345. Cooperative Development Program.
- Sec. 1346. West Bank and Gaza program.
- Sec. 1347. Annual human rights country reports on incitement to acts of discrimination.
- Sec. 1348. Assistance to East Timor.
- Sec. 1349. Support for democracy-building efforts for Cuba.
- Sec. 1350. Amendment to the Afghanistan Freedom Support Act of 2002.
- Sec. 1351. Congo Basin Forest Partnership.
- Sec. 1352. Combatting the piracy of United States copyrighted materials.
- Sec. 1353. Reports relating to Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.

- Sec. 1354. Statement of House of Representatives regarding the Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.
- Sec. 1355. Nonproliferation and Disarmament Fund.
- Sec. 1356. Maritime interdiction patrol boats for Mozambique.

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.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Foreign Relations

4 of the Senate and the Committee on International

5 Relations of the House of Representatives.

6 (2) DEPARTMENT.—The term “Department”

7 means the Department of State.

8 (3) SECRETARY.—Except as otherwise provided,

9 the term “Secretary” means the Secretary of State.

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11

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

4 **SEC. 101. SHORT TITLE.**

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

7 **TITLE I—AUTHORIZATIONS OF**  
8 **APPROPRIATIONS**

9 **Subtitle A—Department of State**

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

11 (a) IN GENERAL.—The following amounts are au-  
12 thorized to be appropriated for the Department under  
13 “Administration of Foreign Affairs” to carry out the au-  
14 thorities, functions, duties, and responsibilities in the con-  
15 duct of the foreign affairs of the United States, and for  
16 other purposes authorized by law, including public diplo-  
17 macy activities and the diplomatic security program:

18 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

19 (A) AUTHORIZATION OF APPROPRIA-  
20 TIONS.—For “Diplomatic and Consular Pro-  
21 grams”, \$4,187,544,000 for the fiscal year  
22 2004 and \$4,438,796,000 for the fiscal year  
23 2005.

24 (B) PUBLIC DIPLOMACY.—

1 (i) IN GENERAL.—Of the amounts au-  
2 thorized to be appropriated by subpara-  
3 graph (A), \$320,930,000 for the fiscal  
4 year 2004 and \$329,838,000 for the fiscal  
5 year 2005 is authorized to be appropriated  
6 for public diplomacy.

7 (ii) IMPROVEMENTS IN PUBLIC DIPLO-  
8 MACY PROGRAMS.—Of the amounts author-  
9 ized to be appropriated under clause (i)  
10 \$20,000,000 for the fiscal year 2004 and  
11 \$20,000,000 for the fiscal year 2005 is au-  
12 thorized to be available for improvements  
13 and modernization of public diplomacy pro-  
14 grams and activities of the Department of  
15 State.

16 (iii) TRANSLATION SERVICES.—Of the  
17 amounts authorized to be appropriated  
18 under clause (i), \$4,000,000 for the fiscal  
19 year 2004 and \$4,000,000 for the fiscal  
20 year 2005 is authorized to be available for  
21 translation services available to public af-  
22 fairs officers in overseas posts.

23 (C) WORLDWIDE SECURITY UPGRADES.—  
24 Of the amounts authorized to be appropriated  
25 by subparagraph (A), \$646,701,000 for the fis-

1 cal year 2004 and \$679,036,000 for the fiscal  
2 year 2005 is authorized to be appropriated for  
3 worldwide security upgrades.

4 (D) BUREAU OF DEMOCRACY, HUMAN  
5 RIGHTS, AND LABOR.—Of the amounts author-  
6 ized to be appropriated by subparagraph (A),  
7 \$20,000,000 for the fiscal year 2004 and  
8 \$20,000,000 for the fiscal year 2005 is author-  
9 ized to be appropriated for salaries and ex-  
10 penses of the Bureau of Democracy, Human  
11 Rights, and Labor.

12 (E) RECRUITMENT OF MINORITY  
13 GROUPS.—Of the amount authorized to be ap-  
14 propriated by subparagraph (A), \$2,000,000 for  
15 the fiscal year 2004 and \$2,000,000 for the fis-  
16 cal year 2005 is authorized to be appropriated  
17 for the recruitment of members of minority  
18 groups for careers in the Foreign Service and  
19 international affairs.

20 (2) CAPITAL INVESTMENT FUND.—For “Cap-  
21 ital Investment Fund”, \$157,000,000 for the fiscal  
22 year 2004 and \$161,710,000 for the fiscal year  
23 2005.

24 (3) EMBASSY SECURITY, CONSTRUCTION AND  
25 MAINTENANCE.—

1 (A) IN GENERAL.—For “Embassy Secu-  
2 rity, Construction and Maintenance”,  
3 \$653,000,000 for the fiscal year 2004 and  
4 \$784,000,000 for the fiscal year 2005, in addi-  
5 tion to amounts otherwise authorized to be ap-  
6 propriated for such purpose by section 604 of  
7 the Admiral James W. Nance and Meg Dono-  
8 van Foreign Relations Authorization Act, Fiscal  
9 Years 2000 and 2001 (as enacted into law by  
10 section 1000(a)(7) of Public Law 106–113 and  
11 contained in appendix G of that Act; 113 Stat.  
12 1501A–470).

13 (B) AMENDMENT OF THE NANCE-DONO-  
14 VAN FOREIGN RELATIONS AUTHORIZATION  
15 ACT.—Section 604(a) of the Admiral James W.  
16 Nance and Meg Donovan Foreign Relations Au-  
17 thorization Act, Fiscal Years 2000 and 2001  
18 (113 Stat. 1501A–453) is amended—

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

21 (ii) in paragraph (5) by striking  
22 “\$900,000,000.” and inserting  
23 “\$1,000,000,000; and”; and

24 (iii) by inserting after paragraph (5)  
25 the following:

1           “(6) for fiscal year 2005,  
2           \$1,000,000,000.”.

3           (4) REPRESENTATION ALLOWANCES.—For  
4           “Representation Allowances”, \$9,000,000 for the  
5           fiscal year 2004 and \$9,000,000 for the fiscal year  
6           2005.

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

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

16          (7) REPATRIATION LOANS.—For “Repatriation  
17          Loans”, \$1,219,000 for the fiscal year 2004 and  
18          \$1,219,000 for the fiscal year 2005.

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

23          (9) OFFICE OF THE INSPECTOR GENERAL.—  
24          For “Office of the Inspector General”, \$31,703,000

1 for the fiscal year 2004 and \$32,654,000 for the fis-  
2 cal year 2005.

3 (b) AVAILABILITY OF FUNDS FOR PROTECTION OF  
4 FOREIGN MISSIONS AND OFFICIALS.—The amount appro-  
5 priated pursuant to subsection (a)(5) is authorized to re-  
6 main available through September 30, 2006.

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

9 (a) IN GENERAL.—Amounts in this section are au-  
10 thorized to be appropriated for the Department of State  
11 to carry out educational and cultural programs of the De-  
12 partment of State under the United States Information  
13 and Educational Exchange Act of 1948, the Mutual Edu-  
14 cational and Cultural Exchange Act of 1961, Reorganiza-  
15 tion Plan Number 2 of 1977, the Foreign Affairs Reform  
16 and Restructuring Act of 1998, the Center for Cultural  
17 and Technical Interchange Between East and West Act  
18 of 1960, the Dante B. Fascell North-South Center Act  
19 of 1991, and the National Endowment for Democracy Act,  
20 and to carry out other authorities in law consistent with  
21 such purposes.

22 (b) EDUCATIONAL AND CULTURAL EXCHANGE PRO-  
23 GRAMS.—

24 (1) AUTHORIZATION OF APPROPRIATIONS.—For  
25 “Educational and Cultural Exchange Programs”,

1       \$393,000,000 for the fiscal year 2004 and  
2       \$405,000,000 for the fiscal year 2005.

3           (2) PROGRAMS IN EASTERN EUROPE AND  
4       FORMER SOVIET UNION.—Of the amounts author-  
5       ized to be appropriated under paragraph (1),  
6       \$150,000,000 for the fiscal year 2004 and  
7       \$150,000,000 for the fiscal year 2005 is authorized  
8       to be available for programs in Eastern Europe and  
9       countries of the former Soviet Union.

10          (3) ACADEMIC EXCHANGE PROGRAMS.—

11           (A) IN GENERAL.—Of the amounts author-  
12       ized to be appropriated under paragraph (1),  
13       \$142,000,000 for the fiscal year 2004 and  
14       \$142,000,000 for the fiscal year 2005 is au-  
15       thorized to be available for the “Academic Ex-  
16       change Programs” (other than programs de-  
17       scribed in paragraph (4)).

18           (B) HIV/AIDS INITIATIVE.—Of the  
19       amounts authorized to be available under sub-  
20       paragraph (A), \$1,000,000 for the fiscal year  
21       2004 and \$1,000,000 for the fiscal year 2005  
22       is authorized to be available for HIV/AIDS re-  
23       search and mitigation strategies.

24           (C) FULBRIGHT ENGLISH TEACHING AS-  
25       SISTANT PROGRAM IN KOREA.—Of the amounts

1 authorized to be available by subparagraph (A),  
2 \$750,000 for the fiscal year 2004 and  
3 \$750,000 for the fiscal year 2005 is authorized  
4 to be available for the Fulbright English Teach-  
5 ing Assistant Program in Korea, which sends  
6 United States citizen students to serve as  
7 English language teaching assistants at Korean  
8 colleges and high schools.

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

15 (4) OTHER EDUCATIONAL AND CULTURAL EX-  
16 CHANGE PROGRAMS.—

17 (A) IN GENERAL.—Of the amounts author-  
18 ized to be appropriated under paragraph (1),  
19 \$110,000,000 for the fiscal year 2004 and  
20 \$110,000,000 for the fiscal year 2005 is au-  
21 thorized to be available for other educational  
22 and cultural exchange programs authorized by  
23 law.

24 (B) INITIATIVES FOR PREDOMINANTLY  
25 MUSLIM COUNTRIES.—Of the amounts author-

1            ized to be available under subparagraph (A),  
2            \$35,000,000 for the fiscal year 2004 and  
3            \$35,000,000 for the fiscal year 2005 is author-  
4            ized to be available for initiatives for predomi-  
5            nantly Muslim countries established under sec-  
6            tion 251.

7            (C) TIBETAN EXCHANGES.—Of the  
8            amounts authorized to be available under sub-  
9            paragraph (A), \$500,000 for the fiscal year  
10           \$500,000 for the fiscal year 2005 is  
11           authorized to be available for “Ngawang  
12           Choephel Exchange Programs” (formerly  
13           known as “programs of educational and cul-  
14           tural exchange between the United States and  
15           the people of Tibet”) under section 103(a) of  
16           the Human Rights, Refugee, and Other Foreign  
17           Relations Provisions Act of 1996 (Public Law  
18           104–319).

19           (D) EAST TIMORESE SCHOLARSHIPS.—Of  
20           the amounts authorized to be available under  
21           subparagraph (A), \$500,000 for the fiscal year  
22           2004 and \$500,000 for the fiscal year 2005 is  
23           authorized to be available for “East Timorese  
24           Scholarships”.

1           (E) SOUTH PACIFIC EXCHANGES.—Of the  
2 amounts authorized to be available under sub-  
3 paragraph (A), \$750,000 for the fiscal year  
4 2004 and \$750,000 for the fiscal year 2005 is  
5 authorized to be available for “South Pacific  
6 Exchanges”.

7           (F) SUDANESE SCHOLARSHIPS.—Of the  
8 amounts authorized to be available under sub-  
9 paragraph (A), \$500,000 for the fiscal year  
10 2004 and \$500,000 for the fiscal year 2005 is  
11 authorized to be available for scholarships for  
12 students from southern Sudan for secondary or  
13 postsecondary education in the United States,  
14 to be known as “Sudanese Scholarships”.

15           (G) SUMMER INSTITUTES FOR KOREAN  
16 STUDENTS.—Of the amounts authorized to be  
17 available under subparagraph (A), \$750,000 for  
18 the fiscal year 2004 and \$750,000 for the fiscal  
19 year 2005 is authorized to be available for sum-  
20 mer academic study programs in the United  
21 States (focusing on United States political sys-  
22 tems, government institutions, society, and  
23 democratic culture) for college and university  
24 students from the Republic of Korea, to be

1 known as the “United States Summer Insti-  
2 tutes for Korean Student Leaders”.

3 (H) SCHOLARSHIPS FOR INDIGENOUS PEO-  
4 PLES OF MEXICO AND CENTRAL AND SOUTH  
5 AMERICA.—Of the amounts authorized to be  
6 available under subparagraph (A), \$400,000 for  
7 the fiscal year 2004 and \$400,000 for the fiscal  
8 year 2005 is authorized to be available for  
9 scholarships for secondary and postsecondary  
10 education in the United States for students  
11 from Mexico and the countries of Central and  
12 South America who are from the indigenous  
13 peoples of the region.

14 (c) NATIONAL ENDOWMENT FOR DEMOCRACY.—

15 (1) IN GENERAL.—For the “National Endow-  
16 ment for Democracy”, \$45,000,000 for the fiscal  
17 year 2004 and \$47,000,000 for the fiscal year 2005.

18 (2) INITIATIVES FOR PREDOMINANTLY MUSLIM  
19 COUNTRIES.—Of the amounts authorized to be ap-  
20 propriated under paragraph (1), \$5,000,000 for the  
21 fiscal year 2004 and \$5,000,000 for the fiscal year  
22 2005 is authorized to be available for the National  
23 Endowment for Democracy to fund programs that  
24 promote democracy, good governance, the rule of  
25 law, independent media, religious tolerance, the

1 rights of women, and strengthening of civil society  
2 in countries of predominantly Muslim population  
3 within the jurisdiction of the Bureau of Near East-  
4 ern Affairs of the Department of State.

5 (d) CENTER FOR CULTURAL AND TECHNICAL INTER-  
6 CHANGE BETWEEN EAST AND WEST.—For the “Center  
7 for Cultural and Technical Interchange between East and  
8 West”, \$14,280,000 for the fiscal year 2004 and  
9 \$14,280,000 for the fiscal year 2005.

10 (e) REAGAN-FASCELL DEMOCRACY FELLOWS.—For  
11 the “Reagan-Fascell Democracy Fellows”, for fellowships  
12 for democracy activists and scholars from around the  
13 world at the International Forum for Democratic Studies  
14 in Washington, D.C., to study, write, and exchange views  
15 with other activists and scholars and with Americans,  
16 \$1,000,000 for the fiscal year 2004 and \$1,000,000 for  
17 the fiscal year 2005.

18 (f) BENJAMIN GILMAN INTERNATIONAL SCHOLAR-  
19 SHIP PROGRAM.—Section 305 of the Microenterprise for  
20 Self-Reliance and International Anti-Corruption Act of  
21 2000 (22 U.S.C. 2462 note) is amended by striking  
22 “\$1,500,000” and inserting “\$2,500,000”.

1 **SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**  
2 **TIONS.**

3 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL  
4 ORGANIZATIONS.—There is authorized to be appropriated  
5 under the heading “Contributions to International Organi-  
6 zations” \$1,010,463,000 for the fiscal year 2004 and  
7 \$1,040,776,000 for the fiscal year 2005 for the Depart-  
8 ment to carry out the authorities, functions, duties, and  
9 responsibilities in the conduct of the foreign affairs of the  
10 United States with respect to international organizations  
11 and to carry out other authorities in law consistent with  
12 such purposes.

13 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-  
14 KEEPING ACTIVITIES.—There is authorized to be appro-  
15 priated under the heading “Contributions for Inter-  
16 national Peacekeeping Activities” \$550,200,000 for the  
17 fiscal year 2004 and such sums as may be necessary for  
18 the fiscal year 2005 for the Department to carry out the  
19 authorities, functions, duties, and responsibilities in the  
20 conduct of the foreign affairs of the United States with  
21 respect to international peacekeeping activities and to  
22 carry out other authorities in law consistent with such  
23 purposes.

24 (c) FOREIGN CURRENCY EXCHANGE RATES.—

25 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
26 addition to the amounts authorized to be appro-

1        appropriated by subsection (a), there is authorized to be  
2        appropriated such sums as may be necessary for the  
3        fiscal years 2004 and 2005 to offset adverse fluctua-  
4        tions in foreign currency exchange rates.

5            (2) AVAILABILITY OF FUNDS.—Amounts appro-  
6        priated under this subsection may be available for  
7        obligation and expenditure only to the extent that  
8        the Director of the Office of Management and Budg-  
9        et determines and certifies to the appropriate con-  
10       gressional committees that such amounts are nec-  
11       essary due to such fluctuations.

12        (d) REFUND OF EXCESS CONTRIBUTIONS.—The  
13       United States shall continue to insist that the United Na-  
14       tions and its specialized and affiliated agencies shall credit  
15       or refund to each member of the organization or agency  
16       concerned its proportionate share of the amount by which  
17       the total contributions to the organization or agency ex-  
18       ceed the expenditures of the regular assessed budget of  
19       the organization or agency.

20        **SEC. 114. INTERNATIONAL COMMISSIONS.**

21        The following amounts are authorized to be appro-  
22       priated under “International Commissions” for the De-  
23       partment to carry out the authorities, functions, duties,  
24       and responsibilities in the conduct of the foreign affairs

1 of the United States with respect to international commis-  
2 sions, and for other purposes authorized by law:

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

7 (A) for “Salaries and Expenses”,  
8 \$31,562,000 for the fiscal year 2004 and  
9 \$31,562,000 for the fiscal year 2005; and

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

13 (2) INTERNATIONAL BOUNDARY COMMISSION,  
14 UNITED STATES AND CANADA.—For “International  
15 Boundary Commission, United States and Canada”,  
16 \$1,261,000 for the fiscal year 2004 and \$1,261,000  
17 for the fiscal year 2005.

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

22 (4) INTERNATIONAL FISHERIES COMMIS-  
23 SIONS.—For “International Fisheries Commissions”,  
24 \$20,043,000 for the fiscal year 2004 and  
25 \$20,043,000 for the fiscal year 2005.

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

2 (a) IN GENERAL.—There is authorized to be appro-  
3 priated for the Department for “Migration and Refugee  
4 Assistance” for authorized activities, \$760,197,000 for the  
5 fiscal year 2004 and \$813,197,000 for the fiscal year  
6 2005.

7 (b) REFUGEES RESETTLING IN ISRAEL.—Of the  
8 amount authorized to be appropriated by subsection (a),  
9 \$50,000,000 for the fiscal year 2004 and \$50,000,000 for  
10 the fiscal year 2005 is authorized to be available for the  
11 resettlement of refugees in Israel.

12 (c) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of  
13 the amount authorized to be appropriated by subsection  
14 (a), \$2,000,000 for the fiscal year 2004 and \$2,000,000  
15 for the fiscal year 2005 is authorized to be available for  
16 humanitarian assistance, including food, medicine, cloth-  
17 ing, and medical and vocational training, to Tibetan refu-  
18 gees in India and Nepal who have fled Chinese-occupied  
19 Tibet.

20 (d) HUMANITARIAN ASSISTANCE FOR DISPLACED  
21 BURMESE.—Of the amount authorized to be appropriated  
22 by subsection (a), \$2,000,000 for the fiscal year 2004 and  
23 \$2,000,000 for the fiscal year 2005 is authorized to be  
24 available for humanitarian assistance (including food,  
25 medicine, clothing, and medical and vocational training)

1 to persons displaced as a result of civil conflict in Burma,  
2 including persons still within Burma.

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

6 **SEC. 116. VOLUNTARY CONTRIBUTIONS TO INTER-**  
7 **NATIONAL ORGANIZATIONS.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated for the Department of State  
10 for “Voluntary Contributions to International Organiza-  
11 tions”, \$317,550,000 for the fiscal year 2004 and  
12 \$320,000,000 for the fiscal year 2005.

13 (b) UNITED NATIONS VOLUNTARY FUND FOR VIC-  
14 TIMS OF TORTURE.—Of the amounts authorized to be ap-  
15 propriated under subsection (a), \$6,000,000 for the fiscal  
16 year 2004 and \$7,000,000 for the fiscal year 2005 is au-  
17 thorized to be available for a United States voluntary con-  
18 tribution to the United Nations Voluntary Fund for Vic-  
19 tims of Torture.

20 (c) ORGANIZATION OF AMERICAN STATES.—Of the  
21 amounts authorized to be appropriated under subsection  
22 (a) \$2,000,000 for fiscal years 2004 and 2005 is author-  
23 ized to be available for a United States voluntary contribu-  
24 tion to the Organization of American States for the Inter-  
25 American Committee Against Terrorism (CICTE) to iden-

1 tify and develop a port in the Latin American and Carib-  
2 bean region into a model of best security practices and  
3 appropriate technologies for improving port security in the  
4 Western Hemisphere. Amounts authorized to be available  
5 by the preceding sentence are authorized to remain avail-  
6 able until expended and are in addition to amounts other-  
7 wise available to carry out section 301 of the Foreign As-  
8 sistance Act of 1961 (22 U.S.C. 2221).

9 (d) RESTRICTIONS ON UNITED STATES CONTRIBU-  
10 TIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

11 (1) LIMITATION.—Of the amounts made avail-  
12 able under subsection (a) for each of the fiscal years  
13 2004 and 2005 for United States contributions to  
14 the United Nations Development Program an  
15 amount equal to the amount the United Nations De-  
16 velopment Program will spend in Burma during each  
17 fiscal year shall be withheld unless during such fiscal  
18 year the Secretary of State submits to the appro-  
19 priate congressional committees the certification de-  
20 scribed in paragraph (2).

21 (2) CERTIFICATION.—The certification referred  
22 to in paragraph (1) is a certification by the Sec-  
23 retary of State that all programs and activities of  
24 the United Nations Development Program (including

1 United Nations Development Program—Adminis-  
2 tered Funds) in Burma—

3 (A) are focused on eliminating human suf-  
4 fering and addressing the needs of the poor;

5 (B) are undertaken only through inter-  
6 national or private voluntary organizations that  
7 have been deemed independent of the State  
8 Peace and Development Council (SPDC) (for-  
9 merly known as the State Law and Order Res-  
10 toration Council (SLORC)), after consultation  
11 with the leadership of the National League for  
12 Democracy and the leadership of the National  
13 Coalition Government of the Union of Burma;

14 (C) provide no financial, political, or mili-  
15 tary benefit to the SPDC; and

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

20 **SEC. 117. VOLUNTARY CONTRIBUTIONS FOR INTER-**  
21 **NATIONAL PEACEKEEPING ACTIVITIES.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated for the Department of State  
24 for “Voluntary Contributions for International Peace-

1 keeping”, \$110,000,000 for the fiscal year 2004 and  
2 \$110,000,000 for the fiscal year 2005.

3 (b) PEACEKEEPING IN AFRICA.—Of the amounts au-  
4 thorized to be appropriated under subsection (a),  
5 \$40,000,000 for the fiscal year 2004 and \$40,000,000 for  
6 the fiscal year 2005 is authorized to be appropriated for  
7 peacekeeping activities in Africa.

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

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

12 “SEC. 404. There is authorized to be appropriated  
13 to the Secretary of State \$18,000,000 for the fiscal year  
14 2004 and \$18,000,000 for the fiscal year 2005 for grants  
15 to The Asia Foundation pursuant to this title.”.

16 **Subtitle B—United States Inter-**  
17 **national Broadcasting Activities**

18 **SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.**

19 The following amounts are authorized to be appro-  
20 priated to carry out United States Government broad-  
21 casting activities under the United States Information and  
22 Educational Exchange Act of 1948, the United States  
23 International Broadcasting Act of 1994, the Radio Broad-  
24 casting to Cuba Act, the Television Broadcasting to Cuba  
25 Act, and the Foreign Affairs Reform and Restructuring

1 Act of 1998, and to carry out other authorities in law con-  
2 sistent with such purposes:

3 (1) INTERNATIONAL BROADCASTING OPER-  
4 ATIONS.—

5 (A) IN GENERAL.—For “International  
6 Broadcasting Operations”, \$618,854,000 for  
7 the fiscal year 2004 and \$612,146,000 for the  
8 fiscal year 2005.

9 (B) ALLOCATION OF FUNDS.—Of the  
10 amounts authorized to be appropriated by sub-  
11 paragraph (A), there is authorized to be avail-  
12 able for Radio Free Asia \$30,000,000 for the  
13 fiscal year 2004 and \$30,000,000 for the fiscal  
14 year 2005.

15 (C) OFFICE OF GLOBAL INTERNET FREE-  
16 DOM.—Of the amounts authorized to be appro-  
17 priated by subparagraph (A), there is author-  
18 ized to be available for the Broadcasting Board  
19 of Governors for the establishment and oper-  
20 ations of the Office of Global Internet Freedom  
21 under section 524(a) \$8,000,000 for the fiscal  
22 year 2004 and \$8,000,000 for the fiscal year  
23 2005.

24 (2) BROADCASTING CAPITAL IMPROVEMENTS.—  
25 For “Broadcasting Capital Improvements”,

1       \$11,395,000 for the fiscal year 2004 and  
2       \$11,395,000 for the fiscal year 2005.

3           (3) BROADCASTING TO CUBA.—For “Broad-  
4       casting to Cuba”, \$26,901,000 for the fiscal year  
5       2004 and \$27,439,000 for the fiscal year 2005.

6       **TITLE       II—DEPARTMENT       OF**  
7       **STATE AUTHORITIES AND AC-**  
8       **TIVITIES**

9       **Subtitle A—United States Public**  
10       **Diplomacy**

11       **SEC. 201. FINDINGS AND PURPOSES.**

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

14           (1) The United States possesses strong and  
15       deep connections with the peoples of the world sepa-  
16       rate from its relations with their governments. These  
17       connections can be a major asset in the promotion  
18       of United States interests and foreign policy.

19           (2) Misinformation and hostile propaganda in  
20       these countries regarding the United States and its  
21       foreign policy endanger the interests of the United  
22       States. Existing efforts to counter such misinforma-  
23       tion and propaganda are inadequate and must be  
24       greatly enhanced in both scope and substance.

1           (3) United States foreign policy has been ham-  
2           pered by an insufficient consideration of the impor-  
3           tance of public diplomacy in the formulation and im-  
4           plementation of that policy and by the underuse of  
5           modern communication techniques.

6           (4) The United States should have an oper-  
7           ational strategy and a coordinated effort regarding  
8           the utilization of its public diplomacy resources.

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

13          (6) The Secretary of State has undertaken ef-  
14          forts to ensure that of the new positions established  
15          at the Department of State after September 30,  
16          2002, a significant proportion are for public diplo-  
17          macy.

18          (b) PURPOSES.—It is the purpose of this subtitle to  
19          enhance in scope and substance, redirect, redefine, and re-  
20          organize United States public diplomacy.

21       **SEC. 202. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE**  
22                               **DEPARTMENT OF STATE.**

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

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

3       “(a) IN GENERAL.—The Secretary of State shall  
4 make public diplomacy an integral component in the plan-  
5 ning and execution of United States foreign policy. The  
6 Department of State, in coordination with the United  
7 States International Broadcasting Agency, shall develop a  
8 comprehensive strategy for the use of public diplomacy re-  
9 sources and assume a prominent role in coordinating the  
10 efforts of all Federal agencies involved in public diplo-  
11 macy. Public diplomacy efforts shall be addressed to devel-  
12 oped and developing countries, to select and general audi-  
13 ences, and shall utilize all available media to ensure that  
14 the foreign policy of the United States is properly ex-  
15 plained and understood not only by the governments of  
16 countries but also by their peoples, with the objective of  
17 enhancing support for United States foreign policy. The  
18 Secretary shall ensure that the public diplomacy strategy  
19 of the United States is cohesive and coherent and shall  
20 aggressively and through the most effective mechanisms  
21 counter misinformation and propaganda concerning the  
22 United States. The Secretary shall endeavor to articulate  
23 the importance in American foreign policy of the guiding  
24 principles and doctrines of the United States, particularly  
25 freedom and democracy. The Secretary, in coordination  
26 with the Board of Governors of the United States Inter-

1 national Broadcasting Agency, shall develop and articulate  
2 long-term measurable objectives for United States public  
3 diplomacy. The Secretary is authorized to produce and  
4 distribute public diplomacy programming for distribution  
5 abroad in order to achieve public diplomacy objectives, in-  
6 cluding through satellite communication, the Internet, and  
7 other established and emerging communications tech-  
8 nologies.

9 “(b) INFORMATION CONCERNING UNITED STATES  
10 ASSISTANCE.—

11 “(1) IDENTIFICATION OF ASSISTANCE.—In co-  
12 operation with the United States Agency for Inter-  
13 national Development (USAID) and other public  
14 and private assistance organizations and agencies,  
15 the Secretary shall ensure that information con-  
16 cerning foreign assistance provided by the United  
17 States Government, United States nongovernmental  
18 organizations and private entities, and the American  
19 people is disseminated widely and prominently, par-  
20 ticularly, to the extent practicable, within countries  
21 and regions that receive such assistance. The Sec-  
22 retary shall ensure that, to the extent practicable,  
23 projects funded by the United States Agency for  
24 International Development (USAID) that do not in-  
25 volve commodities, including projects implemented

1 by private voluntary organizations, are identified as  
2 being supported by the United States of America, as  
3 American Aid or provided by the American people.

4 “(2) REPORT TO CONGRESS.—Not later than  
5 120 days after the end of each fiscal year, the Sec-  
6 retary shall submit a report to the Committee on  
7 International Relations of the House of Representa-  
8 tives and the Committee on Foreign Relations of the  
9 Senate on efforts to disseminate information con-  
10 cerning assistance described in paragraph (1) during  
11 the preceding fiscal year. Each such report shall in-  
12 clude specific information concerning all instances in  
13 which the United States Agency for International  
14 Development has not identified projects in the man-  
15 ner prescribed in paragraph (1) because such identi-  
16 fication was not practicable. Any such report shall  
17 be submitted in unclassified form, but may include  
18 a classified appendix.

19 “(c) AUTHORITY.— Subject to the availability of ap-  
20 propriations, the Secretary may contract with and com-  
21 pensate government and private agencies or persons for  
22 property and services to carry out this section.”.

23 (b) ESTABLISHMENT OF PUBLIC DIPLOMACY RE-  
24 SERVE CORPS.—

1           (1) The Secretary of State shall establish a  
2 public diplomacy reserve corps to augment the public  
3 diplomacy capacity and capabilities of the Depart-  
4 ment in emergency and critical circumstances world-  
5 wide. The Secretary shall develop a contingency plan  
6 for the use of the corps to bolster public diplomacy  
7 resources and expertise. To the extent necessary and  
8 appropriate, the Secretary may recruit experts in  
9 public diplomacy and related fields from the private  
10 sector.

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

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

19           (1) Section 1(b)(3) of the State Department  
20 Basic Authorities Act of 1956 (22 U.S.C.  
21 2651a(b)(3)) is amended by striking “formation”  
22 and all that follows through the period at the end  
23 and inserting “formation, supervision, and imple-  
24 mentation of United States public diplomacy poli-  
25 cies, programs, and activities, including the provision

1 of guidance to Department personnel in the United  
2 States and overseas who conduct or implement such  
3 policies, programs, and activities. The Under Sec-  
4 retary for Public Diplomacy shall assist the United  
5 States Agency for International Broadcasting in pre-  
6 senting the policies of the United States clearly and  
7 effectively, shall submit statements of United States  
8 policy and editorial material to the Agency for  
9 broadcast consideration in addition to material pre-  
10 pared by the Agency, and shall ensure that editorial  
11 material created by the Agency for broadcast is re-  
12 viewed expeditiously by the Department.”.

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

20 **SEC. 203. ANNUAL PLAN ON PUBLIC DIPLOMACY STRAT-**  
21 **EGY.**

22 The Secretary of State, in coordination with all ap-  
23 propriate Federal agencies, shall prepare an annual review  
24 and analysis of the impact of public diplomacy efforts on  
25 target audiences. Each review shall assess the United

1 States public diplomacy strategy worldwide and by region,  
2 including the allocation of resources and an evaluation and  
3 assessment of the progress in, and barriers to, achieving  
4 the goals set forth under previous plans submitted under  
5 this section. On the basis of such review, the Secretary  
6 of State, in coordination with all appropriate Federal  
7 agencies shall develop and submit, as part of the annual  
8 budget submission, a public diplomacy strategy which  
9 specifies goals, agency responsibilities, and necessary re-  
10 sources and mechanisms for achieving such goals during  
11 the next fiscal year. The plan may be submitted in classi-  
12 fied form.

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

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

16 (1) The Foreign Service should recruit individ-  
17 uals with expertise and professional experience in  
18 public diplomacy.

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

24 (3) Initial and subsequent training of Foreign  
25 Service officers should be enhanced to include infor-

1 mation and training on public diplomacy and the  
2 tools and technology of mass communication.

3 (b) PERSONNEL.—

4 (1) In the recruitment, training, and assign-  
5 ment of members of the Foreign Service, the Sec-  
6 retary shall emphasize the importance of public di-  
7 plomacy and of applicable skills and techniques. The  
8 Secretary shall consider the priority recruitment into  
9 the Foreign Service, at middle-level entry, of individ-  
10 uals with expertise and professional experience in  
11 public diplomacy, mass communications, or jour-  
12 nalism, especially individuals with language facility  
13 and experience in particular countries and regions.

14 (2) The Secretary of State shall seek to in-  
15 crease the number of Foreign Service officers pro-  
16 ficient in languages spoken in predominantly Muslim  
17 countries. Such increase shall be accomplished  
18 through the recruitment of new officers and incen-  
19 tives for officers in service.

20 **SEC. 205. UNITED STATES ADVISORY COMMISSION ON PUB-**  
21 **LIC DIPLOMACY.**

22 (a) STUDY AND REPORT BY UNITED STATES ADVI-  
23 SORY COMMISSION ON PUBLIC DIPLOMACY.—Section  
24 604(c)(2) of the United States Information and Edu-

1 cational Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is  
2 amended to read as follows:

3 “(2)(A) Not less often than every two years, the Com-  
4 mission shall undertake an in-depth review of United  
5 States public diplomacy programs, policies, and activities.  
6 Each study shall assess the effectiveness of the various  
7 mechanisms of United States public diplomacy, in light  
8 of factors including public and media attitudes around the  
9 world toward the United States, Americans, United States  
10 foreign policy, and the role of the American private-sector  
11 community abroad, and make appropriate recommenda-  
12 tions.

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

19 (b) INFORMATION AND SUPPORT FROM OTHER  
20 AGENCIES.—Upon request of the United States Advisory  
21 Commission on Public Diplomacy, the Secretary of State,  
22 the Director of the United States International Broad-  
23 casting Agency, and the head of any other Federal agency  
24 that conducts public diplomacy programs and activities  
25 shall provide information to the Advisory Commission to

1 assist in carrying out the responsibilities under section  
2 604(c)(2) of the United States Information and Edu-  
3 cational Exchange Act of 1948 (as amended by subsection  
4 (a)).

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

7 (1) QUALIFICATIONS OF MEMBERS.—Section  
8 604(a)(2) of the United States Information and  
9 Educational Exchange Act of 1948 (22 U.S.C.  
10 1469(a)(2)) is amended by adding at the end the  
11 following: “At least 4 members shall have substan-  
12 tial experience in the conduct of public diplomacy or  
13 comparable activities in the private sector. At least  
14 1 member shall be an American residing abroad. No  
15 member may be an officer or employee of the United  
16 States.”.

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

22 **SEC. 206. LIBRARY PROGRAM.**

23 The Secretary of State shall develop and implement  
24 a demonstration program to assist foreign governments to  
25 establish or upgrade their public library systems to im-

1 prove literacy and support public education. The program  
2 should provide training in the library sciences. The pur-  
3 pose of the program shall be to advance American values  
4 and society, particularly the importance of freedom and  
5 democracy.

6 **SEC. 207. SENSE OF CONGRESS CONCERNING PUBLIC DI-**  
7 **PLOMACY EFFORTS IN SUB-SAHARAN AFRI-**  
8 **CA.**

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

11 (1) A significant number of sub-Saharan Afri-  
12 can countries have predominantly Muslim popu-  
13 lations, including such key countries as Nigeria,  
14 Senegal, Djibouti, Mauritania, and Guinea.

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

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

1     **Subtitle B—Basic Authorities and**  
2                                     **Activities**

3     **SEC. 221. UNITED STATES POLICY WITH RESPECT TO JERU-**  
4                                     **SALEM AS THE CAPITAL OF ISRAEL.**

5             (a) LIMITATION ON USE OF FUNDS FOR CONSULATE  
6     IN JERUSALEM.—None of the funds authorized to be ap-  
7     propriated by this Act may be expended for the operation  
8     of a United States consulate or diplomatic facility in Jeru-  
9     salem unless such consulate or diplomatic facility is under  
10    the supervision of the United States Ambassador to Israel.

11            (b) LIMITATION ON USE OF FUNDS FOR PUBLICA-  
12    TIONS.—None of the funds authorized to be appropriated  
13    by this Act may be available for the publication of any  
14    official government document which lists countries and  
15    their capital cities unless the publication identifies Jeru-  
16    salem as the capital of Israel.

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

1 citizen's legal guardian, record the place of birth as  
2 Israel.”.

3 **SEC. 222. CONTINUATION OF REPORTING REQUIREMENTS.**

4 Section 805(a) of the Admiral James W. Nance and  
5 Meg Donovan Foreign Relations Authorization Act, Fiscal  
6 Years 2000 and 2001 (section 805(a) of division A of H.R.  
7 3427, as enacted into law by section 1000(a)(7) of Public  
8 Law 106–113; appendix G; 113 Stat. 1501A–470) (relat-  
9 ing to reports on terrorist activity in which United States  
10 citizens were killed and related matters) is amended by  
11 striking “Not later” and all that follows through “2001,”  
12 and inserting “Not later than May 1, 2003, May 1, 2004,  
13 and May 1, 2005,”.

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

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

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

22 (2) Israel currently maintains diplomatic rela-  
23 tions with approximately 160 countries. Approxi-  
24 mately 30 countries do not have any diplomatic rela-  
25 tions with Israel.

1           (3) The State of Israel has been actively seek-  
2           ing to establish formal relations with a number of  
3           countries.

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

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

9           (b) REPORT CONCERNING UNITED STATES EFFORTS  
10          TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH  
11          OTHER COUNTRIES.—Not later than 60 days after the  
12          date of the enactment of this Act, the Secretary shall sub-  
13          mit a report to the appropriate congressional committees  
14          that includes the following information (in classified or un-  
15          classified form, as appropriate):

16               (1) Actions taken by the United States to en-  
17               courage other countries to establish full diplomatic  
18               relations with Israel.

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

24               (3) Other measures being undertaken, and  
25               measures that will be undertaken, by the United

1 States to ensure and promote Israel's full participa-  
2 tion in the world diplomatic community.

3 **SEC. 224. REIMBURSEMENT RATE FOR AIRLIFT SERVICES**

4 **PROVIDED TO THE DEPARTMENT OF STATE.**

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

7 (1) in the heading by inserting “and Depart-  
8 ment of State” after “Central Intelligence Agency”;  
9 and

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

12 **SEC. 225. SENSE OF CONGRESS REGARDING ADDITIONAL**

13 **UNITED STATES CONSULAR POSTS.**

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

20 **SEC. 226. VALIDITY OF UNITED STATES PASSPORTS FOR**

21 **TRAVEL TO COUNTRIES RECEIVING UNITED**

22 **STATES FOREIGN ASSISTANCE.**

23 The first section of the Act entitled “An Act to regu-  
24 late the issue and validity of passports, and for other pur-  
25 poses”, approved July 3, 1926 (22 U.S.C. 211a) is amend-

1 ed by striking “travellers.” and inserting “travellers, and  
2 no such restriction may apply to a country in which the  
3 United States is providing assistance authorized by the  
4 Foreign Assistance Act of 1961.”.

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

6 (a) AUTHORIZATION.—The first section of the For-  
7 eign Service Buildings Act, 1926 (22 U.S.C. 292) is  
8 amended by adding at the end the following new sub-  
9 section:

10 “(c) SECURITY CAPITAL COST-SHARING PRO-  
11 GRAM.—(1) The Secretary of State, as the single manager  
12 of all buildings and grounds acquired under this Act or  
13 otherwise acquired or authorized for the use of the diplo-  
14 matic and consular establishments in foreign countries, is  
15 authorized to establish and implement a Security Capital  
16 Cost-Sharing Program to collect funds from each agency  
17 on the basis of its total overseas presence in a manner  
18 that encourages rightsizing of its overseas presence, and  
19 expend those funds to accelerate the provision of safe, se-  
20 cure, functional buildings for United States Government  
21 personnel overseas.

22 “(2) The Secretary is authorized to determine annu-  
23 ally and charge each Federal agency the amount to be col-  
24 lected under paragraph (1) from the agency. To determine  
25 such amount, the Secretary may prescribe and use a for-

1 mula that takes into account the number of authorized  
2 positions of each agency, including contractors and locally  
3 hired personnel, who are assigned to United States diplo-  
4 matic facilities and are under the authority of a chief of  
5 mission pursuant to section 207 of the Foreign Service  
6 Act of 1980 (22 U.S.C. 3927).

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

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

1 “(5) The Secretary shall not collect a fee for an au-  
2 thorized position of an agency of the Federal Government  
3 that has been or would be granted a waiver pursuant to  
4 section 606(a)(2)(B)(i) of the Secure Embassy Construc-  
5 tion and Counterterrorism Act of 1999 (22 U.S.C.  
6 4865(a)(2)(B)(i)).

7 “(6) In this subsection—

8 “(A) the term ‘agency of the Federal Govern-  
9 ment’—

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

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

14 “(B) the term ‘United States diplomatic facil-  
15 ity’ has the meaning given that term in section 603  
16 of the Secure Embassy Construction and  
17 Counterterrorism Act of 1999 (22 U.S.C. 4865  
18 note).”.

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

21 **SEC. 228. AUTHORITY TO ISSUE ADMINISTRATIVE SUB-**  
22 **POENAS.**

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

1 “(d) ADMINISTRATIVE SUBPOENAS.—

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

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

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

13 “(2) REQUIREMENTS.—

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

22 “(B) NOTIFICATION TO ATTORNEY GEN-  
23 ERAL.—As soon as practicable following the  
24 issuance of a subpoena under this subsection,

1 the Secretary shall notify the Attorney General  
2 of its issuance.

3 “(C) OTHER REQUIREMENTS.—The fol-  
4 lowing provisions of section 3486 of title 18,  
5 United States Code, shall apply to the exercise  
6 of the authority of paragraph (1):

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

9 “(ii) Subsections (b), (c), and (d).

10 “(3) DELEGATION OF AUTHORITY.—The au-  
11 thority under this subsection may be delegated only  
12 to the Deputy Secretary of State.

13 “(4) ANNUAL REPORT.—Not later than Feb-  
14 ruary 1 of each year, the Secretary shall submit to  
15 the Committee on Foreign Relations of the Senate  
16 and the Committee on International Relations of the  
17 House of Representatives a report regarding the ex-  
18 ercise of the authority under this subsection during  
19 the previous calendar year.”.

20 **Subtitle C—Educational and**  
21 **Cultural Authorities**

22 **SEC. 251. ESTABLISHMENT OF INITIATIVES FOR PREDOMI-**  
23 **NANTLY MUSLIM COUNTRIES.**

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

1           (1) Surveys indicate that, in countries of pre-  
2           dominantly Muslim population, opinions of the  
3           United States and American foreign policy among  
4           the general public and select audiences are signifi-  
5           cantly distorted by highly negative and hostile beliefs  
6           and images and that many of these beliefs and im-  
7           ages are the result of misinformation and propa-  
8           ganda by individuals and organizations hostile to the  
9           United States.

10           (2) These negative opinions and images are  
11           highly prejudicial to the interests of the United  
12           States and to its foreign policy.

13           (3) As part of a broad and long-term effort to  
14           enhance a positive image of the United States in the  
15           Muslim world, a key element should be the establish-  
16           ment of programs to promote a greater familiarity  
17           with American society and values among the general  
18           public and select audiences in countries of predomi-  
19           nantly Muslim population.

20           (b) ESTABLISHMENT OF INITIATIVES.—The Sec-  
21           retary of State shall establish the following programs with  
22           countries with predominantly Muslim populations as part  
23           of the educational and cultural exchange programs of the  
24           Department of State for the fiscal years 2004 and 2005:

1           (1) JOURNALISM PROGRAM.—A program for  
2 foreign journalists, editors, media managers, and  
3 postsecondary students of journalism which, in co-  
4 operation with private sector sponsors to include  
5 universities, shall sponsor workshops and profes-  
6 sional training in techniques, standards, and prac-  
7 tices in the field of journalism to assist the partici-  
8 pants to achieve the highest standards of profes-  
9 sionalism.

10           (2) ENGLISH LANGUAGE TEACHING.—The Sec-  
11 retary shall provide grants to United States citizens  
12 to work in middle and secondary schools as English  
13 language teaching assistants for not less than an  
14 academic year. If feasible, the host government or  
15 local educational agency shall share the salary costs  
16 of the assistants.

17           (3) SISTER CITY PARTNERSHIPS.—The Sec-  
18 retary shall expand and enhance sister-city partner-  
19 ships between United States and international mu-  
20 nicipalities in an effort to increase global cooperation  
21 at the community level. Such partnerships shall en-  
22 courage economic development, municipal coopera-  
23 tion, health care initiatives, youth and educational  
24 programs, disability advocacy, emergency prepared-  
25 ness, and humanitarian assistance.

1           (4) CIVICS EDUCATION.—The Secretary shall  
2           establish a civics education program which shall de-  
3           velop civics education teaching curricula and mate-  
4           rials, provide training for teachers of civics, and pro-  
5           vide English language teaching materials that are  
6           designed to promote civics education. Civics edu-  
7           cation programs under this paragraph shall place  
8           particular emphasis on the on-site training of edu-  
9           cators and the function of the mass media within  
10          that society.

11          (5) YOUTH AMBASSADORS.—The Secretary  
12          shall establish a program for visits by middle school  
13          students (to the extent feasible) and secondary  
14          school students to the United States during school  
15          holidays in their home country for periods not to ex-  
16          ceed 4 weeks and a program for academic year study  
17          in the United States for secondary school students.  
18          Participating students shall reflect the economic, ge-  
19          ographic, and ethnic diversity of their countries. Ac-  
20          tivities shall include cultural and educational activi-  
21          ties designed to familiarize participating students  
22          with American society and values. To the extent  
23          practicable, the program involving school holiday vis-  
24          its shall be coordinated with middle and secondary  
25          schools in the United States to provide for school-

1 based activities and interactions. The Secretary shall  
2 encourage the establishment of direct school-to-  
3 school linkages under the programs.

4 (6) FULBRIGHT EXCHANGE PROGRAM.—The  
5 Secretary shall seek to substantially increase the  
6 number of awards under the J. William Fulbright  
7 Educational Exchange Program to graduate stu-  
8 dents, scholars, professionals, teachers, and adminis-  
9 trators from the United States who are applying for  
10 such awards to study, teach, conduct research, or  
11 pursue scholarship in predominantly Muslim coun-  
12 tries. Part of such increase shall include awards for  
13 scholars and teachers who plan to teach subjects re-  
14 lating to American studies.

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

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

24 (c) GENERAL PROVISION.—Programs established  
25 under this section shall be carried out under the provisions

1 of the United States Information and Educational Ex-  
2 change Act of 1948 and the Mutual Educational and Cul-  
3 tural Exchange Act of 1961.

4 **SEC. 252. DATABASE OF AMERICAN AND FOREIGN PARTICI-**  
5 **PANTS IN EXCHANGE PROGRAMS.**

6 To the extent practicable, the Secretary of State, in  
7 coordination with the heads of other agencies that conduct  
8 international exchange and training programs, shall estab-  
9 lish and maintain a database listing all American and for-  
10 eign alumni of such programs in order to encourage net-  
11 working, interaction, and communication with alumni.

12 **SEC. 253. REPORT ON INCLUSION OF FREEDOM AND DE-**  
13 **MOCRACY ADVOCATES IN EDUCATIONAL AND**  
14 **CULTURAL EXCHANGE PROGRAMS.**

15 Not later than 90 days after the date of the enact-  
16 ment of this Act, the Secretary of State shall submit to  
17 the Congress a report concerning the implementation of  
18 section 102 of the Human Rights, Refugee, and Other  
19 Foreign Relations Provisions Act of 1996. The report shall  
20 include information concerning the number of grants to  
21 conduct exchange programs to countries described in such  
22 section that have been submitted for competitive bidding,  
23 what measures have been taken to ensure that willingness  
24 to include supporters of freedom and democracy in such  
25 programs is given appropriate weight in the selection of

1 grantees, and an evaluation of whether United States ex-  
2 change programs in the countries described in such section  
3 are fully open to supporters of freedom and democracy,  
4 and, if not, what obstacles remain and what measures are  
5 being taken to implement such policy.

6 **SEC. 254. SENSE OF THE CONGRESS CONCERNING EDU-**  
7 **CATIONAL AND CULTURAL EXCHANGE PRO-**  
8 **GRAM FOR FOREIGN JOURNALISTS.**

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

14 **SEC. 255. SENSE OF CONGRESS REGARDING KOREAN FUL-**  
15 **BRIGHT PROGRAMS.**

16 It is the sense of the Congress that Fulbright pro-  
17 gram activities for Korea should—

18 (1) include participation by students from  
19 throughout South Korea, including proportional rep-  
20 resentation from areas outside of Seoul;

21 (2) attempt to include Korean students from a  
22 broad range of educational institutions, including  
23 schools other than elite universities;

24 (3) broaden the Korean student emphasis be-  
25 yond degree-seeking graduate students, to include

1 opportunities for one-year nondegree study at  
2 United States campuses by pre-doctoral Korean stu-  
3 dents; and

4 (4) include a significant number of Korean stu-  
5 dents planning to move into areas other than ad-  
6 vanced research and university teaching, such as  
7 those heading towards careers in government service,  
8 media, law, and business.

## 9 **Subtitle D—Consular Authorities**

### 10 **SEC. 271. MACHINE READABLE VISAS.**

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

14 “(4) For each of the fiscal years 2004 and  
15 2005, any amount that exceeds \$700,000,000 may  
16 be made available only if a notification is submitted  
17 to Congress in accordance with the procedures appli-  
18 cable to reprogramming notifications under section  
19 34 of the State Department Basic Authorities Act of  
20 1956.”.

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

22 (a) IN GENERAL.—It shall be the policy of the De-  
23 partment of State to process each visa application from  
24 an alien classified as an immediate relative or as a K-1  
25 nonimmigrant within 30 days of the receipt of all nec-

1 essary documents from the applicant and the Department  
2 of Homeland Security. In the case of an immigrant visa  
3 application where the petitioner is a relative other than  
4 an immediate relative, it should be the policy of the De-  
5 partment to process such an application within 60 days  
6 of the receipt of all necessary documents from the appli-  
7 cant and the Department of Homeland Security.

8 (b) DEFINITIONS.—In this section:

9 (1) IMMEDIATE RELATIVE.—The term “imme-  
10 diate relative” has the meaning given the term in  
11 section 201(b)(2)(A)(i) of the Immigration and Na-  
12 tionality Act (8 U.S.C. 1151(b)(2)(A)(i)).

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

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

18 At least once every five years and pursuant to a proc-  
19 ess determined by the President for staffing at diplomatic  
20 missions and overseas constituent posts, the Secretary of  
21 State shall require each chief of mission to review every  
22 staff element under chief of mission authority, including  
23 staff from other executive agencies, and recommend ap-  
24 proval or disapproval of each staff element. The Secretary  
25 of State shall submit an annual report concerning such

1 reviews together with the Secretary's recommendations to  
2 the heads of all affected agencies and the Inspector Gen-  
3 eral of the Department of State.

4 **TITLE III—ORGANIZATION AND**  
5 **PERSONNEL OF THE DEPART-**  
6 **MENT OF STATE**

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

8 The Secretary of State is authorized to establish in  
9 the Department of State an exchange program to be des-  
10 ignated the "Fellowship of Hope Program". The program  
11 shall provide for the exchange and assignment of govern-  
12 ment employees of designated countries to fellowship posi-  
13 tions at the Department of State and reciprocal assign-  
14 ment of civil service and foreign service employees of the  
15 Department as fellows within the governments of foreign  
16 countries.

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

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

20 (1) at the end of subsection (o) by striking the  
21 period and inserting "; and"; and

22 (2) by inserting after subsection (o) the fol-  
23 lowing new subsection:

24 "(p) make administrative corrections or adjustments  
25 to an employee's pay, allowances, or differentials, resulting

1 from mistakes or retroactive personnel actions, and to pro-  
2 vide back pay and other categories of payments under the  
3 Back Pay Act as part of the settlement of administrative  
4 claims or grievances filed against the Department.”.

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

6 (a) ESTABLISHMENT.—There is established in the  
7 Office of the Secretary of State the position of Ombuds-  
8 man. The position of Ombudsman shall be a career posi-  
9 tion within the Senior Executive Service. The Ombudsman  
10 shall report directly to the Secretary of State.

11 (b) DUTIES.—At the discretion of the Secretary of  
12 State, the Ombudsman shall participate in meetings re-  
13 garding the management of the Department in order to  
14 assure that all employees may contribute to the achieve-  
15 ment of the Department’s responsibilities and to promote  
16 the career interests of all employees.

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

20 (1) by striking subsection (c); and

21 (2) by redesignating subsection (d) as sub-  
22 section (c).

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

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

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

7 Not later than one year after the date of the enact-  
8 ment of this Act, the Secretary of State shall prepare and  
9 submit to the appropriate congressional committees a re-  
10 port that analyzes and evaluates the merits of the conver-  
11 sion of employees of the Department of State to excepted  
12 service under chapter 21 of title 5, United States Code.

13 **SEC. 306. HOME LEAVE.**

14 (a) **REST AND RECUPERATION TRAVEL.**—Section  
15 901(6) of the Foreign Service Act of 1980 (22 U.S.C.  
16 4081(6)) is amended by striking “unbroken by home  
17 leave” both places it appears.

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

1 **SEC. 307. INCREASED LIMITS APPLICABLE TO POST DIF-**  
2 **FERENTIALS AND DANGER PAY ALLOW-**  
3 **ANCES.**

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

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

11 (c) CRITERIA.—The Secretary shall inform the ap-  
12 propriate congressional committees of the criteria to be  
13 used in determinations of appropriate adjustments in post  
14 differentials under section 5925 of title 5, United States  
15 Code, and danger pay allowances under section 5928 of  
16 title 5, United States Code.

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

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

4 Section 321(f) of the Foreign Relations Authorization  
5 Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law  
6 107–228) is amended by striking “regulations” and in-  
7 serting “regulations, not later than 60 days after the date  
8 of the enactment of the Foreign Relations Authorization  
9 Act, Fiscal Years 2004 and 2005,”.

10 **SEC. 309. MINORITY RECRUITMENT.**

11 (a) REPORTING REQUIREMENT.—Section 324 of the  
12 Foreign Relations Authorization Act, Fiscal Year 2003  
13 (Public Law 107–228) is amended by striking “and April  
14 1, 2004” and inserting “April 1, 2004, and April 1,  
15 2005”.

16 (b) USE OF FUNDS.—The provisions of section 325  
17 of such Act shall apply to funds authorized by section  
18 111(a)(1)(E) of this Act.

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

1           **TITLE IV—INTERNATIONAL**  
2                   **ORGANIZATIONS**  
3           **Subtitle A—Basic Authorities and**  
4                   **Activities**

5   **SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBU-**  
6                   **TIONS.**

7           Section 404(b)(2)(B) of the Foreign Relations Au-  
8   thorization Act, Fiscal Years 1994 and 1995 is amended  
9   by inserting after clause (iv) the following:

10                           “(v) For assessments made during  
11                           calendar year 2005 and calendar year  
12                           2006, 27.10 percent.”.

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

15           (a) SENSE OF CONGRESS.—As the United States re-  
16   sumes membership in the United Nations Educational,  
17   Scientific, and Cultural Organization (UNESCO), the  
18   President should—

19                   (1) appoint a United States Representative to  
20           the Organization for Economic Cooperation and De-  
21           velopment (OECD) who shall also serve as the  
22           United States Representative to UNESCO;

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

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

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

11          (5) request that the Secretary General of  
12          UNESCO spend the United States contribution to  
13          UNESCO for the last quarter of calendar year 2003  
14          on key education and science priorities of the organi-  
15          zation that will directly benefit United States na-  
16          tional interests.

17          (b) ANNUAL ASSESSMENT FOR UNITED STATES PAR-  
18          TICIPATION IN UNESCO.—Of the amounts authorized to  
19          be appropriated by section 113(a), such sums as may be  
20          necessary for each of the fiscal years 2004 and 2005 are  
21          authorized to be available for the annual assessment for  
22          United States contributions to the regular budget of the  
23          United Nations Educational, Scientific, and Cultural Or-  
24          ganization.

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

2 (a) IN GENERAL.—Section 3 of the Act of July 30,  
3 1946, “Providing for membership and participation by the  
4 United States in the United Nations Educational, Sci-  
5 entific, and Cultural Organization, and authorizing an ap-  
6 propriation therefor.” (22 U.S.C. 287o) is amended to  
7 read as follows:

8 “SEC. 3. (a) In fulfillment of article VII of the con-  
9 stitution of the Organization, the Secretary of State shall  
10 establish a National Commission on Educational, Sci-  
11 entific, and Cultural Cooperation.

12 “(b) The National Commission shall be composed of  
13 not more than 35 members appointed by the Secretary  
14 of State in consultation with the National Academy of  
15 Sciences, the National Science Foundation, the Secretary  
16 of Education, the Secretary of Health and Human Serv-  
17 ices, and the Secretary of the Interior. Members of the  
18 National Commission shall be representatives of non-  
19 governmental organizations, academic institutions, and as-  
20 sociations interested in education, scientific, and cultural  
21 matters. Periodically, the Secretary shall review and revise  
22 the entities represented on the National Commission in  
23 order to achieve a desirable rotation in representation. Ex-  
24 cept as otherwise provided, each member of the National  
25 Commission shall be appointed to a term of 3 years. As  
26 designated by the Secretary of State at the time of ap-

1 pointment, of the members first appointed one-third shall  
2 be appointed for a term of 1 year, one-third shall be ap-  
3 pointed for a term of 2 years, and one-third shall be ap-  
4 pointed for a term of 3 years. Any member appointed to  
5 fill a vacancy occurring before the expiration of the term  
6 for which the member's predecessor was appointed shall  
7 be appointed only for the remainder of that term. A mem-  
8 ber may serve after the expiration of that member's term  
9 until a successor has taken office. No member may serve  
10 more than 2 consecutive terms. The Secretary of State  
11 shall designate a chair of the National Commission.

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

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

23       “(e) Upon request of the National Commission, the  
24 Secretary of State may detail any of the personnel of the

1 Department of State to the National Commission to assist  
2 it in carrying out its duties under this Act.”.

3 (b) CONFORMING CHANGES.—Section 2 of the Act of  
4 July 30, 1946, “Providing for membership and participa-  
5 tion by the United States in the United Nations Edu-  
6 cational, Scientific, and Cultural Organization, and au-  
7 thorizing an appropriation therefor.” (22 U.S.C. 287o) is  
8 amended by striking “One of the representatives” and all  
9 that follows through the end of such section.

10 **SEC. 404. ORGANIZATION OF AMERICAN STATES (OAS)**

11 **EMERGENCY FUND.**

12 Section 109(b)(3) of Public Law 104–114 (22 U.S.C.  
13 6039(b)(3)) is amended by striking “should provide not  
14 less than \$5,000,000” and inserting “shall provide for  
15 each of the fiscal years 2004 and 2005 not less than  
16 \$500,000”.

17 **SEC. 405. UNITED STATES EFFORTS REGARDING THE STA-**

18 **TUS OF ISRAEL IN THE WESTERN EUROPEAN**

19 **AND OTHERS GROUP AT THE UNITED NA-**

20 **TIONS.**

21 (a) UNITED STATES EFFORTS.—The Secretary of  
22 State and other appropriate officials of the United States  
23 Government should pursue an aggressive diplomatic effort  
24 and should take all necessary steps to ensure the extension

1 and upgrade of Israel’s membership in the Western Euro-  
2 pean and Others Group at the United Nations.

3 (b) REPORT.—Not later than 60 days after the date  
4 of the enactment of this Act and biannually thereafter,  
5 the Secretary of State shall submit to the appropriate con-  
6 gressional committees a report on the steps taken by the  
7 United States pursuant to subsection (a) and progress in  
8 achieving the objectives of subsection (a).

9 **Subtitle B—United States**  
10 **International Leadership**

11 **SEC. 431. SHORT TITLE.**

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

14 **SEC. 432. FINDINGS.**

15 The Congress makes the following findings:

16 (1) International organizations and other multi-  
17 lateral institutions play a key role in United States  
18 foreign policy and serve key United States foreign  
19 policy objectives, such as obligating all countries to  
20 freeze assets of terrorist groups, preventing the pro-  
21 liferation of chemical, biological, and nuclear weap-  
22 ons, and spearheading the fight to combat the rav-  
23 ages of HIV/AIDS and other infectious diseases.

24 (2) Decisions at many international organiza-  
25 tions, including membership and key positions, re-

1 main subject to determinations made by regional  
2 groups where democratic states are often in the mi-  
3 nority and where there is intensive cooperation  
4 among repressive regimes. As a result, the United  
5 States has often been blocked in its attempts to take  
6 action in these institutions to advance its goals and  
7 objectives, including at the United Nations Human  
8 Rights Commission (where a representative of Libya  
9 was elected as chairman and the United States tem-  
10 porarily lost a seat).

11 (3) In order to address these shortcomings, the  
12 United States must actively work to improve the  
13 workings of international organizations and multilat-  
14 eral institutions, particularly by creating a caucus of  
15 democratic countries that will advance United States  
16 interests. In the Second Ministerial Conference of  
17 the Community of Democracies in Seoul, Korea, on  
18 November 10–20, 2002, numerous countries rec-  
19 ommended working together as a democracy caucus  
20 in international organizations such as the United  
21 Nations and ensuring that international and regional  
22 institutions develop and apply democratic standards  
23 for member states.

24 (4) In addition, the United States has short-  
25 changed its ability to influence these organizations

1 by failing to obtain enough support for positions  
2 that are congruent to or consistent with United  
3 States objectives and has not done enough to build  
4 expertise in the United States Government in the  
5 area of multilateral diplomacy.

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

7 (a) IN GENERAL.—The President of the United  
8 States, acting through the Secretary of State and the rel-  
9 evant United States chiefs of mission, shall seek to estab-  
10 lish a democracy caucus at the United Nations, the United  
11 Nations Human Rights Commission, the United Nations  
12 Conference on Disarmament, and at other broad-based  
13 international organizations.

14 (b) PURPOSES OF THE CAUCUS.—A democracy cau-  
15 cus at an international organization should—

16 (1) forge common positions, including, as ap-  
17 propriate, at the ministerial level, on matters of con-  
18 cern before the organization and work within and  
19 across regional lines to promote agreed positions;

20 (2) work to revise an increasingly outmoded  
21 system of regional voting and decision making; and

22 (3) set up a rotational leadership scheme to  
23 provide member states an opportunity, for a set pe-  
24 riod of time, to serve as the designated president of

1 the caucus, responsible for serving as its voice in  
2 each organization.

3 **SEC. 434. ANNUAL DIPLOMATIC MISSIONS ON MULTILAT-**  
4 **ERAL ISSUES.**

5 The Secretary of State, acting through the principal  
6 officers responsible for advising the Secretary on inter-  
7 national organizations, shall ensure that a high-level dele-  
8 gation from the United States Government, on an annual  
9 basis, is sent to consult with key foreign governments in  
10 every region in order to promote the United States agenda  
11 at key international fora, such as the United Nations Gen-  
12 eral Assembly, United Nations Human Rights Commis-  
13 sion, the United Nations Education, Science, and Cultural  
14 Organization, and the International Whaling Commission.

15 **SEC. 435. LEADERSHIP AND MEMBERSHIP OF INTER-**  
16 **NATIONAL ORGANIZATIONS.**

17 The President, acting through the Secretary of State  
18 and the relevant United States chiefs of mission, shall use  
19 the voice, vote, and influence of the United States to—

20 (1) where appropriate, reform the criteria for  
21 leadership and, in appropriate cases for membership,  
22 at all United Nations bodies and at other inter-  
23 national organizations and multilateral institutions  
24 to which the United States is a member so as to ex-

1       clude nations that violate the principles of the spe-  
2       cific organization;

3           (2) make it a policy of the United Nations and  
4       other international organizations and multilateral in-  
5       stitutions, of which the United States is a member,  
6       that a member state may not stand in nomination  
7       or be in rotation for a leadership position in such  
8       bodies if the member state is subject to sanctions  
9       imposed by the United Nations Security Council;  
10      and

11           (3) work to ensure that no member state stand  
12      in nomination or be in rotation for a leadership posi-  
13      tion in such organizations if the member state is  
14      subject to a determination under section 620A of the  
15      Foreign Assistance Act of 1961, section 40 of the  
16      Arms Export Control Act, or section 6(j) of the Ex-  
17      port Administration Act.

18   **SEC. 436. INCREASED TRAINING IN MULTILATERAL DIPLO-**

19                           **MACY.**

20           (a) TRAINING PROGRAMS.—Section 708 of the For-  
21      eign Service Act of 1980 (22 U.S.C. 4028) is amended  
22      by adding after subsection (b) the following new sub-  
23      section:

24           “(c) TRAINING IN MULTILATERAL DIPLOMACY.—

1           “(1) IN GENERAL.—The Secretary shall estab-  
2           lish a series of training courses for officers of the  
3           Service, including appropriate chiefs of mission, on  
4           the conduct of diplomacy at international organiza-  
5           tions and other multilateral institutions and at  
6           broad-based multilateral negotiations of inter-  
7           national instruments.

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

13                 “(A) officers of the Service receive training  
14                 on the conduct of diplomacy at international or-  
15                 ganizations and other multilateral institutions  
16                 and at broad-based multilateral negotiations of  
17                 international instruments as part of their train-  
18                 ing upon entry of the Service; and

19                 “(B) officers of the Service, including  
20                 chiefs of mission, who are assigned to United  
21                 States missions representing the United States  
22                 to international organizations and other multi-  
23                 lateral institutions or who are assigned in  
24                 Washington, D.C. to positions that have as  
25                 their primary responsibility formulation of pol-



1           (1) IN GENERAL.—Section 603(b) of the For-  
2           eign Service Act of 1980 (22 U.S.C. 4003) is  
3           amended by striking the period at the end and in-  
4           serting: “, and shall consider whether the member of  
5           the Service has served in a position whose primary  
6           responsibility is to formulate policy towards or rep-  
7           resent the United States at an international organi-  
8           zation, a multilateral institution, or a broad-based  
9           multilateral negotiation of an international instru-  
10          ment.”.

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

13          (b) ESTABLISHMENT OF A MULTILATERAL DIPLO-  
14          MACY CONE IN THE FOREIGN SERVICE.—

15           (1) FINDINGS.—

16           (A) The Department of State maintains a  
17           number of United States missions both within  
18           the United States and abroad that are dedi-  
19           cated to representing the United States to  
20           international organizations and multilateral in-  
21           stitutions, including missions in New York,  
22           Brussels, Geneva, Rome, Montreal, Nairobi, Vi-  
23           enna, and Paris, which will soon be responsible  
24           for United States representation to UNESCO  
25           and OECD.

1           (B) In offices at the Harry S. Truman  
2 Building, the Department maintains a signifi-  
3 cant number of positions in bureaus that are ei-  
4 ther dedicated, or whose primary responsibility  
5 is, to represent the United States to such orga-  
6 nizations and institutions or at multilateral ne-  
7 gotiations.

8           (C) Given the large number of positions in  
9 the United States and abroad that are dedi-  
10 cated to multilateral diplomacy, the Department  
11 of State may be well served in developing per-  
12 sons with specialized skills necessary to become  
13 experts in this unique form of diplomacy.

14       (2) REPORT.—Not later than 180 days after  
15 the date of the enactment of this Act, the Secretary  
16 shall submit to the appropriate congressional com-  
17 mittees a report—

18           (A) evaluating whether a new cone should  
19 be established for the Foreign Service that con-  
20 centrates on members of the Service that serve  
21 at international organizations and multilateral  
22 institutions or are primarily responsible for par-  
23 ticipation in broad-based multilateral negotia-  
24 tions of international instruments; and

1           (B) provides alternative mechanisms for  
2           achieving the objective of developing a core  
3           group of United States diplomats and other  
4           government employees who have expertise and  
5           broad experience in conducting multilateral di-  
6           plomacy.

7 **SEC. 438. IMPLEMENTATION AND ESTABLISHMENT OF OF-**  
8 **FICE ON MULTILATERAL NEGOTIATIONS.**

9           (a) ESTABLISHMENT OF OFFICE.—The Secretary of  
10 State is authorized to establish, within the Bureau of  
11 International Organizational Affairs, an Office on Multi-  
12 lateral Negotiations to be headed by a Special Representa-  
13 tive for Multilateral Negotiations (in this section referred  
14 to as the “special representative”).

15           (b) APPOINTMENT.—The special representative shall  
16 be appointed by the President with the advice and consent  
17 of the Senate and shall have the rank of Ambassador-at-  
18 Large. At the discretion of the President another official  
19 at the Department may serve as the special representative.  
20 The President may direct that the special representative  
21 report to the Assistant Secretary for International Organi-  
22 zations.

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

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

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

9 (2) ADVISORY ROLE.—The special representa-  
10 tive shall advise the President and the Secretary of  
11 State, as appropriate, regarding advocacy at inter-  
12 national organizations and multilateral institutions  
13 and negotiations and, in coordination with the As-  
14 sistant Secretary of State for International Organi-  
15 zational Affairs, shall make recommendations re-  
16 garding—

17 (A) effective strategies (and tactics) to  
18 achieve United States policy objectives at multi-  
19 lateral negotiations;

20 (B) the need for and timing of high level  
21 intervention by the President, the Secretary of  
22 State, the Deputy Secretary of State, and other  
23 United States officials to secure support from  
24 key foreign government officials for the United

1 States position at such organizations, institu-  
2 tions, and negotiations;

3 (C) the composition of United States dele-  
4 gations to multilateral negotiations; and

5 (D) liaison with Congress, international or-  
6 ganizations, nongovernmental organizations,  
7 and the private sector on matters affecting mul-  
8 tilateral negotiations.

9 (3) DEMOCRACY CAUCUS.—The special rep-  
10 resentative, in coordination with the Assistant Sec-  
11 retary for International Organizational Affairs, shall  
12 ensure the establishment of a democracy caucus.

13 (4) ANNUAL DIPLOMATIC MISSIONS OF MULTI-  
14 LATERAL ISSUES.—The special representative, in co-  
15 ordination with the Assistant Secretary for Inter-  
16 national Organizational Affairs, shall organize an-  
17 nual consultations between the principal officers re-  
18 sponsible for advising the Secretary of State on  
19 international organizations and foreign governments  
20 to promote the United States agenda at the United  
21 Nations General Assembly and other key inter-  
22 national fora (such as the United Nations Human  
23 Rights Commission).

24 (5) LEADERSHIP AND MEMBERSHIP OF INTER-  
25 NATIONAL ORGANIZATIONS.—The special representa-



1 tion by the United State of the payment of its full con-  
2 tribution to certain international organizations at the be-  
3 ginning of each calendar year).

4 **TITLE V—UNITED STATES**  
5 **INTERNATIONAL BROAD-**  
6 **CASTING ACTIVITIES**

7 **Subtitle A—Basic Authorities and**  
8 **Activities**

9 **SEC. 501. MIDEAST RADIO AND TELEVISION NETWORK, INC.**

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

13 **“SEC. 310. MIDEAST RADIO AND TELEVISION NETWORK,**  
14 **INC.**

15 “(a) **AUTHORITY.**—Grants authorized under section  
16 305 shall be available to make annual grants to Mideast  
17 Radio and Television Network, Inc. (hereinafter in this  
18 title also referred to as ‘Mideast Network’) for the purpose  
19 of carrying out radio and television broadcasting to the  
20 Middle East region.

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

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

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

7           “(A) the Board of Directors of Mideast  
8 Radio and Television Network, Inc. (hereinafter  
9 referred to as ‘the Board’) shall consist of the  
10 members of the Broadcasting Board of Gov-  
11 ernors established under section 304 and of no  
12 other members; and

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

24           “(2) Any grant agreement under this section  
25 shall require that any contract entered into by Mid-

1 east Network shall specify that obligations are as-  
2 sumed by Mideast Network and not the United  
3 States Government.

4 “(3) Any grant agreement shall require that  
5 any lease agreement entered into by Mideast Net-  
6 work shall be, to the maximum extent possible, as-  
7 signable to the United States Government.

8 “(4) Grants awarded under this section shall be  
9 made pursuant to a grant agreement which requires  
10 that grant funds be used only for activities con-  
11 sistent with this section, and that failure to comply  
12 with such requirements shall permit the grant to be  
13 terminated without fiscal obligation to the United  
14 States.

15 “(5) Duplication of language services and tech-  
16 nical operations between the Mideast Radio and Tel-  
17 evision Network, Inc., (including Radio Sawa), RFE/  
18 RL, and the International Broadcasting Bureau will  
19 be reduced to the extent appropriate, as determined  
20 by the Board.

21 “(d) NOT A FEDERAL AGENCY OR INSTRUMEN-  
22 TIALITY.—Nothing in this title may be construed to estab-  
23 lish Mideast Network as a Federal agency or instrumen-  
24 tality, nor shall the officers or employees of Mideast Net-

1 work be considered to be officers or employees of the  
2 United States Government.

3 “(e) AUDIT AUTHORITY.—

4 “(1) Such financial transactions of Mideast  
5 Network, as relate to functions carried out under  
6 this section may be audited by the General Account-  
7 ing Office in accordance with such principles and  
8 procedures and under such rules and regulations as  
9 may be prescribed by the Comptroller General of the  
10 United States. Any such audit shall be conducted at  
11 the place or places where accounts of Mideast Net-  
12 work are normally kept.

13 “(2) Representatives of the General Accounting  
14 Office shall have access to all books, accounts,  
15 records, reports, files, papers, and property belong-  
16 ing to or in use by Mideast Network pertaining to  
17 such financial transactions as necessary to facilitate  
18 an audit. Such representatives shall be afforded full  
19 facilities for verifying transactions with any assets  
20 held by depositories, fiscal agents, and custodians.  
21 All such books, accounts, records, reports, files, pa-  
22 pers, and property of Mideast Network shall remain  
23 in the custody of Mideast Network.

24 “(3) Notwithstanding any other provisions of  
25 law, the Inspector General of the Department of

1 State is authorized to exercise the authorities of the  
2 Inspector General Act with respect to the Mideast  
3 Network.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 305 of the United States Inter-  
6 national Broadcasting Act of 1994 (22 U.S.C. 6204)  
7 is amended—

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

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

13 (C) in subsection (c) by striking “308 and  
14 309” and inserting “308, 309, and 310”.

15 (2) Section 307 of the United States Inter-  
16 national Broadcasting Act of 1994 (22 U.S.C. 6206)  
17 is amended—

18 (A) in subsection (a) by striking “308 and  
19 309” and inserting “308, 309, and 310”; and

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

23 (3) Section 304(g) of the United States Inter-  
24 national Broadcasting Act of 1994 (22 U.S.C.  
25 6203(g)) is amended by striking “and Radio Free

1 Asia” and inserting “, Radio Free Asia, and Mideast  
2 Radio and Television Network, Inc.”.

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

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

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

10 (1) in subsection (c) by striking the second sen-  
11 tence and inserting “The Board is authorized to si-  
12 multaneously utilize other broadcasting transmission  
13 facilities, and other frequencies, including the Ampli-  
14 tude Modulation (AM) Band (535 kHz to 1705  
15 kHz), the Frequency Modulation (FM) Band, and  
16 the Shortwave (SW) Band.”;

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

20 (3) in subsection (d) by striking the last sen-  
21 tence;

22 (4) by amending subsection (e) to read as fol-  
23 lows:

1           “(e) Any program of United States Government radio  
2 broadcasts to Cuba authorized by this section shall be des-  
3 ignated ‘Radio Marti program.’”; and

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

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

9           Not later than 30 days after the date of the enact-  
10 ment of this Act, the Secretary of State shall submit to  
11 the appropriate congressional committees a report pro-  
12 viding the following information:

13           (1) Specific steps taken to increase the capabili-  
14 ties of Radio Marti and TV Marti to ensure that  
15 broadcasts overcome jamming by the Government of  
16 Cuba.

17           (2) An evaluation and analysis of not less than  
18 10 alternate methods to counter jamming of radio  
19 and television broadcasts including the following:

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

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

1 (C) Successful methods employed by non-  
2 United States Government entities, such as  
3 those used by the Falun Gong to overcome Chi-  
4 nese Government jamming and those recently  
5 used by a Cuban exile group to transmit tele-  
6 vision broadcasts into Cuba.

## 7 **Subtitle B—Global Internet** 8 **Freedom**

### 9 **SEC. 521. SHORT TITLE.**

10 This subtitle may be cited as the “Global Internet  
11 Freedom Act of 2003”.

### 12 **SEC. 522. FINDINGS.**

13 The Congress makes the following findings:

14 (1) Freedom of speech, freedom of the press,  
15 and freedom of association are fundamental charac-  
16 teristics of a free society. The first amendment to  
17 the Constitution of the United States guarantees  
18 that “Congress shall make no law . . . abridging the  
19 freedom of speech, or of the press; or the right of  
20 the people peaceably to assemble.” These constitu-  
21 tional provisions guarantee the rights of Americans  
22 to communicate and associate with one another  
23 without restriction, including unfettered communica-  
24 tion and association via the Internet. Article 19 of  
25 the United Nation’s Universal Declaration of

1 Human Rights explicitly guarantees the freedom to  
2 “receive and impart information and ideas through  
3 any media and regardless of frontiers”.

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

7 (3) With nearly 10 percent of the world’s popu-  
8 lation now online, and more gaining access each day,  
9 the Internet stands to become the most powerful en-  
10 gine for democratization and the free exchange of  
11 ideas ever invented.

12 (4) The governments of Burma, Cuba, Laos,  
13 North Korea, the People’s Republic of China, Saudi  
14 Arabia, Syria, and Vietnam, among others, are tak-  
15 ing active measures to keep their citizens from freely  
16 accessing the Internet and obtaining international  
17 political, religious, and economic news and informa-  
18 tion.

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

23 (6) Since the 1940s, the United States has de-  
24 ployed anti-jamming technologies to make Voice of  
25 America and other United States Government spon-

1 sored broadcasting available to people in nations  
2 with governments that seek to block news and infor-  
3 mation.

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

7 (8) The success of United States policy in sup-  
8 port of freedom of speech, press, and association re-  
9 quires continued efforts to defeat totalitarian and  
10 authoritarian controls on news and information over  
11 the Internet.

12 **SEC. 523. PURPOSES.**

13 The purposes of this subtitle are—

14 (1) to adopt an effective and robust global  
15 Internet freedom policy;

16 (2) to establish an office within the Broad-  
17 casting Board of Governors with the sole mission of  
18 countering Internet jamming and blocking by uti-  
19 lizing available anti-jamming technology;

20 (3) to expedite the development and deployment  
21 of technology to protect Internet freedom around the  
22 world; and

23 (4) to bring to bear the pressure of the free  
24 world on repressive governments guilty of Internet

1           censorship and the intimidation and persecution of  
2           their citizens who use the Internet.

3 **SEC. 524. DEVELOPMENT AND DEPLOYMENT OF TECH-**  
4                                   **NOLOGIES TO DEFEAT INTERNET JAMMING**  
5                                   **AND CENSORSHIP.**

6           (a) ESTABLISHMENT OF OFFICE OF GLOBAL INTER-  
7 NET FREEDOM.—The Broadcasting Board of Governors  
8 shall establish an Office of Global Internet Freedom (here-  
9 inafter in this subtitle referred to as the “Office”). The  
10 Office shall develop and implement a comprehensive global  
11 strategy to combat state-sponsored and state-directed  
12 Internet jamming and persecution of those who use the  
13 Internet.

14           (b) COOPERATION OF OTHER FEDERAL DEPART-  
15 MENTS AND AGENCIES.—Each department and agency of  
16 the United States Government shall cooperate fully with,  
17 and assist in the implementation of, the strategy developed  
18 by the Office and shall make such resources and informa-  
19 tion available to the Office as is necessary to the achieve-  
20 ment of the purposes of this subtitle.

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

1           (d) REPORT TO CONGRESS.—Nine months after the  
2 date of the enactment of this Act, the Broadcasting Board  
3 of Governors shall submit to the Congress a report on the  
4 status of foreign government interference with Internet  
5 use and of efforts by the United States to counter such  
6 interference. The report shall list the countries that pur-  
7 sue policies of Internet censorship, blocking, and other  
8 abuses; provide information concerning the government  
9 agencies or quasi-governmental organizations that imple-  
10 ment Internet censorship; and describe with the greatest  
11 particularity practicable the technological means by which  
12 such blocking and other abuses are accomplished. In the  
13 discretion of the Broadcasting Board of Governors, such  
14 report may be submitted in both a classified and nonclassi-  
15 fied version. One year after the date of submission of such  
16 report, the Office shall submit a second report.

17           (e) LIMITATION ON AUTHORITY.—Nothing in this  
18 subtitle shall be interpreted to authorize any action by the  
19 United States to interfere with foreign national censorship  
20 in furtherance of legitimate law enforcement aims con-  
21 sistent with the Universal Declaration of Human Rights.

1 **Subtitle C—Reorganization of**  
 2 **United States International**  
 3 **Broadcasting**

4 **SEC. 531. ESTABLISHMENT OF UNITED STATES INTER-**  
 5 **NATIONAL BROADCASTING AGENCY.**

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

9 **“SEC. 304. ESTABLISHMENT OF UNITED STATES INTER-**  
 10 **NATIONAL BROADCASTING AGENCY.**

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

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

16 “(1) HEAD OF AGENCY.—The Agency shall be  
 17 headed by the Board of Governors of the United  
 18 States International Broadcasting Agency (herein-  
 19 after in this Act referred to as the ‘Board of Gov-  
 20 ernors’).

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

23 “(A) carry out the authorities and func-  
 24 tions of the Agency under section 305; and

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

4           “(3) COMPOSITION OF THE BOARD OF GOV-  
5 ERNORS.—

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

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

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

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

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

21           “(4) TERM OF OFFICE.—The term of office of  
22 each member of the Board of Governors shall be  
23 three years, except that the Secretary of State shall  
24 remain a member of the Board of Governors during  
25 the Secretary’s term of service. The President shall

1       appoint, by and with the advice and consent of the  
2       Senate, board members to fill vacancies occurring  
3       prior to the expiration of a term, in which case the  
4       members so appointed shall serve for the remainder  
5       of such term. Any member whose term has expired  
6       may serve until a successor has been appointed and  
7       qualified. When there is no Secretary of State, the  
8       Acting Secretary of State shall serve as a member  
9       of the board until a Secretary is appointed.

10               “(5) SELECTION OF BOARD OF GOVERNORS.—

11       Members of the Board of Governors appointed by  
12       the President shall be citizens of the United States  
13       who are not regular full-time employees of the  
14       United States Government. Such members shall be  
15       selected by the President from among Americans  
16       distinguished in the fields of mass communications,  
17       print, broadcast media, or foreign affairs.

18               “(6) COMPENSATION.—Members of the Board

19       of Governors, while attending meetings of the board  
20       or while engaged in duties relating to such meetings  
21       or in other activities of the board pursuant to this  
22       section (including travel time) shall be entitled to re-  
23       ceive compensation equal to the daily equivalent of  
24       the compensation prescribed for level IV of the Ex-  
25       ecutive Schedule under section 5315 of title 5,

1 United States Code. While away from their homes or  
2 regular places of business, members of the board  
3 may be allowed travel expenses, including per diem  
4 in lieu of subsistence, as authorized by law for per-  
5 sons in the Government service employed intermit-  
6 tently. The Secretary of State shall not be entitled  
7 to any compensation under this title, but may be al-  
8 lowed travel expenses as provided under this sub-  
9 section.

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

13 “(8) IMMUNITY FROM CIVIL LIABILITY.—Not-  
14 withstanding any other provision of law, any and all  
15 limitations on liability that apply to the members of  
16 the Board of Governors also shall apply to such  
17 members when acting in their capacities as members  
18 of the boards of directors of RFE/RL, Incorporated  
19 and Radio Free Asia.

20 “(c) EXECUTIVE DIRECTOR.—

21 “(1) APPOINTMENT.—The Board of Governors  
22 shall appoint an Executive Director of the Agency.  
23 The Executive Director shall receive basic pay at the  
24 rate payable for level III of the Executive Schedule  
25 under section 5314 of title 5, United States Code.

1 The Director may be removed through a majority  
2 vote of the Board.

3 “(2) FUNCTIONS AND DUTIES.—The Executive  
4 Director shall have the following functions and du-  
5 ties:

6 “(A) To exercise the authorities delegated  
7 by the Board of Governors pursuant to section  
8 305(b).

9 “(B) To carry out all broadcasting activi-  
10 ties conducted pursuant to this title, the Radio  
11 Broadcasting to Cuba Act, and the Television  
12 Broadcasting to Cuba Act.

13 “(C) To examine and make recommenda-  
14 tions to the Board of Governors on long-term  
15 strategies for the future of international broad-  
16 casting, including the use of new technologies.

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

21 “(E) To procure supplies, services, and  
22 other personal property to carry out the func-  
23 tions of the Agency.

24 “(F) To obligate and expend, for official  
25 reception and representation expenses, such

1 amounts as may be made available through ap-  
2 propriations.

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

6 “(H) To procure temporary and intermit-  
7 tent personal services to the same extent as is  
8 authorized by section 3109 of title 5, United  
9 States Code, at rates not to exceed the daily  
10 equivalent of the rate provided for positions  
11 classified above grade GS-15 of the General  
12 Schedule under section 5108 of title 5, United  
13 States Code.

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

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

21 “(d) INSPECTOR GENERAL AUTHORITIES.—

22 “(1) IN GENERAL.—The Inspector General of  
23 the Department of State shall exercise the same au-  
24 thorities with respect to the Agency as the Inspector  
25 General exercises under the Inspector General Act of

1 1978 and section 209 of the Foreign Service Act of  
2 1980 with respect to the Department of State.

3 “(2) RESPECT FOR JOURNALISTIC INTEGRITY  
4 OF BROADCASTERS.—The Inspector General of the  
5 Department of State and the Foreign Service shall  
6 respect the journalistic integrity of all the broad-  
7 casters covered by this title and may not evaluate  
8 the philosophical or political perspectives reflected in  
9 the content of broadcasts.”.

10 (b) RETENTION OF EXISTING BOARD MEMBERS.—  
11 The members of the Broadcasting Board of Governors ap-  
12 pointed by the President pursuant to section 304 of the  
13 United States International Broadcasting Act of 1994 on  
14 the day before the effective date of this title and holding  
15 office as of that date may serve the remainder of their  
16 terms of office as members of the Board of Governors es-  
17 tablished under section 304(b) of the United States Inter-  
18 national Broadcasting Act of 1994, as amended by sub-  
19 section (a) of this section, without reappointment, or if  
20 their term has expired may serve until a successor is ap-  
21 pointed and qualified.

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

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

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

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

4 “(1) To supervise all broadcasting activities  
5 conducted pursuant to this title, the Radio Broad-  
6 casting to Cuba Act, and the Television Broad-  
7 casting to Cuba Act.

8 “(2) To review and evaluate the mission and  
9 operation of, and to assess the quality, effectiveness,  
10 and professional integrity of, all such activities with-  
11 in the context of the broad foreign policy objectives  
12 of the United States and the guiding principles and  
13 doctrines of the United States, particularly freedom  
14 and democracy.

15 “(3) To develop strategic goals after reviewing  
16 human rights reporting and other reliable assess-  
17 ments to assist in determining programming and re-  
18 source allocation.

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

22 “(5) To review, evaluate, and determine, at  
23 least annually, after consultation with the Secretary  
24 of State, the addition or deletion of language serv-  
25 ices.

1           “(6) To make and supervise grants for broad-  
2           casting and related activities in accordance with sec-  
3           tions 308 and 309.

4           “(7) To allocate funds appropriated for inter-  
5           national broadcasting activities among the various  
6           elements of the Agency and grantees, subject to the  
7           limitations in sections 308 and 309 and subject to  
8           reprogramming notification requirements in law for  
9           the reallocation of funds.

10          “(8) To undertake such studies as may be nec-  
11          essary to identify areas in which broadcasting activi-  
12          ties under its authority could be made more efficient  
13          and economical.

14          “(9) To submit to the President and the Con-  
15          gress an annual report which summarizes and evalu-  
16          ates activities under this title, the Radio Broad-  
17          casting to Cuba Act, and the Television Broad-  
18          casting to Cuba Act, placing special emphasis on the  
19          assessment described in paragraph (2).

20          “(10) To make available in the annual report  
21          required by paragraph (9) information on funds ex-  
22          pended on administrative and managerial services by  
23          the Agency and by grantees and the steps the Agen-  
24          cy has taken to reduce unnecessary overhead costs  
25          for each of the broadcasting services.

1           “(11) To utilize the provisions of titles III, IV,  
2           V, VII, VIII, IX, and X of the United States Infor-  
3           mation and Educational Exchange Act of 1948, and  
4           section 6 of Reorganization Plan Number 2 of 1977,  
5           as in effect on the day before the effective date of  
6           title XIII of the Foreign Affairs Agencies Consolida-  
7           tion Act of 1998, to the extent the Executive Direc-  
8           tor considers necessary in carrying out the provi-  
9           sions and purposes of this title.

10           “(12) To utilize the authorities of any other  
11           statute, reorganization plan, Executive order, regula-  
12           tion, agreement, determination, or other official doc-  
13           ument or proceeding that had been available to the  
14           Director of the United States Information Agency,  
15           the Bureau, or the Board before the effective date  
16           of title XIII of the Foreign Affairs Consolidation Act  
17           of 1998 for carrying out the broadcasting activities  
18           covered by this title.

19           “(b) DELEGATION OF AUTHORITY.—The Board of  
20           Governors may delegate to the Executive Director of the  
21           Agency, or any other officer or employee of the United  
22           States, the authorities provided in this section, except  
23           those authorities provided in paragraph (1), (2), (4), (5),  
24           (6), (7), or (9) of subsection (a).

1       “(c) BROADCASTING BUDGETS.—The Executive Di-  
2       rector and the grantees identified in sections 308 and 309  
3       shall submit proposed budgets to the Board. The Board  
4       shall forward its recommendations concerning the pro-  
5       posed budget for the Board and broadcasting activities  
6       under this title, the Radio Broadcasting to Cuba Act, and  
7       the Television Broadcasting to Cuba Act to the Office of  
8       Management and Budget.”.

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

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

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

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

18       **SEC. 534. ADMINISTRATIVE PROVISIONS.**

19       The United States International Broadcasting Act of  
20       1994 is amended by striking section 307 and inserting the  
21       following new section:

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

23       “(a) OFFICERS AND EMPLOYEES.—The Board of  
24       Governors may appoint and fix the compensation of such  
25       officers and employees as may be necessary to carry out

1 the functions of the Agency. Except as otherwise provided  
2 by law, such officers and employees shall be appointed in  
3 accordance with the civil service laws and their compensa-  
4 tion shall be fixed in accordance with title 5, United States  
5 Code.

6 “(b) EXPERTS AND CONSULTANTS.—The Board of  
7 Governors, as may be provided in appropriation Acts, may  
8 obtain the services of experts and consultants in accord-  
9 ance with section 3109 of title 5, United States Code, and  
10 may compensate such experts and consultants at rates not  
11 to exceed the daily rate prescribed for level IV of the Exec-  
12 utive Schedule under section 5315 of title 5, United States  
13 Code.

14 “(c) ACCEPTANCE OF VOLUNTARY SERVICES.—

15 “(1) IN GENERAL.—Notwithstanding section  
16 1342 of title 31, United States Code, the Board of  
17 Governors may accept, subject to regulations issued  
18 by the Office of Personnel Management, voluntary  
19 services if such services—

20 “(A) are to be uncompensated; and

21 “(B) are not used to displace any em-  
22 ployee.

23 “(2) TREATMENT.—Any individual who pro-  
24 vides voluntary services under this section shall not  
25 be considered a Federal employee for any purpose

1 other than for purposes of chapter 81 of title 5,  
2 United States Code (relating to compensation for in-  
3 jury) and sections 2671 through 2680 of title 28,  
4 United States Code (relating to tort claims).

5 “(d) DELEGATION.—Except as otherwise provided in  
6 this Act, the Board of Governors may delegate any func-  
7 tion to the Executive Director and such other officers and  
8 employees of the Agency as the Board of Governors may  
9 designate, and may authorize such successive redelega-  
10 tions of such functions within the Agency as may be nec-  
11 essary or appropriate.

12 “(e) CONTRACTS.—

13 “(1) IN GENERAL.—Subject to the Federal  
14 Property and Administrative Services Act of 1949  
15 and other applicable Federal law, the Board of Gov-  
16 ernors may make, enter into, and perform such con-  
17 tracts, grants, leases, cooperative agreements, and  
18 other similar transactions with Federal or other pub-  
19 lic agencies (including State and local governments)  
20 and private organizations and persons, and to make  
21 such payments, by way of advance or reimburse-  
22 ment, as the Board of Governors may determine  
23 necessary or appropriate to carry out functions of  
24 the Board of Governors or the Agency.



1 ployee, or component of such entities, under any statute,  
2 reorganization plan, Executive order, or other provision of  
3 law, are transferred to the Agency established under this  
4 title effective on that date.

5 (b) DETERMINATION OF CERTAIN FUNCTIONS.—If  
6 necessary, the Office of Management and Budget shall  
7 make any determination of the functions that are trans-  
8 ferred under this title.

9 (c) TRANSITION PROVISIONS.—

10 (1) EXERCISE OF AUTHORITIES.—Except as  
11 otherwise provided by law, the Board of Governors  
12 may, for purposes of performing a function that is  
13 transferred to the Agency by this title, exercise all  
14 authorities under any other provision of law that  
15 were available with respect to the performance of  
16 that function to the official responsible for the per-  
17 formance of that function on the day before the ef-  
18 fective date specified in section 540.

19 (2) AUTHORITIES TO WIND UP AFFAIRS.—

20 (A) The Director of the Office of Manage-  
21 ment and Budget may take such actions as the  
22 Director of the Office of Management and  
23 Budget considers necessary to wind up any out-  
24 standing affairs of the Broadcasting Board of  
25 Governors and the International Broadcasting

1 Bureau associated with the functions that are  
2 transferred pursuant to subsection (a).

3 (B) The Director of the Office of Manage-  
4 ment and Budget may take such actions as the  
5 Director of the Office of Management and  
6 Budget considers necessary to wind up any out-  
7 standing affairs of the Broadcasting Board of  
8 Governors and the International Broadcasting  
9 Bureau associated with the functions that are  
10 transferred pursuant to subsection (a).

11 (3) TRANSFER OF ASSETS.—Any property,  
12 records, unexpended balances of appropriations, allo-  
13 cations, and other funds employed, used, held, avail-  
14 able, or to be made available in connection with a  
15 function transferred to the Agency by this Act are  
16 transferred on the effective date specified in section  
17 540.

18 **SEC. 537. CONFORMING AMENDMENTS.**

19 (a) UNITED STATES INTERNATIONAL BROAD-  
20 CASTING ACT OF 1994.—The United States International  
21 Broadcasting Act of 1994 is amended as follows:

22 (1) Section 308 (22 U.S.C. 6207) is amended—  
23 (A) in subsection (a)—  
24 (i) by striking “The Board” and in-  
25 sserting “The Agency”; and

1 (ii) in paragraph (1) by striking  
2 “Broadcasting Board of Governors” and  
3 inserting “Board Governors of the Inter-  
4 national Broadcasting Agency”;

5 (B) in subsection (b)—

6 (i) by striking paragraph (2);

7 (ii) by striking “(1)”; and

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

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

13 (D) in subsection (g)(4) by striking “Inter-  
14 national Broadcasting Bureau” and inserting  
15 “Agency”; and

16 (E) in subsections (i) and (j) by striking  
17 “and the Foreign Service” each place it ap-  
18 pears.

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

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

23 (B) by striking subsection (e);

1 (C) in subsections (f) and (g) by striking  
2 “Board” each place it appears and inserting  
3 “Agency”; and

4 (D) in subsection (g) by striking “Chair-  
5 man of the Board” and inserting “Agency”.

6 (3) By striking section 311 (22 U.S.C. 6210).

7 (4) In section 313 (22 U.S.C. 6212) by striking  
8 “Board” and inserting “Agency”.

9 (5) In section 314 (22 U.S.C. 6213) by striking  
10 paragraph (2).

11 (6) By striking section 315.

12 (b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY  
13 (LIBERTAD) ACT OF 1996.—Section 107 of the Cuban  
14 Liberty and Democratic Solidarity (LIBERTAD) Act of  
15 1996 (22 U.S.C. 6037) is amended in subsections (a) and  
16 (b) by striking “International Broadcasting Bureau” each  
17 place it appears and inserting “United States Inter-  
18 national Broadcasting Agency”.

19 (c) RADIO BROADCASTING TO CUBA ACT.—The  
20 Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.)  
21 is amended as follows:

22 (1) In section 3 (22 U.S.C. 1465a) as follows:

23 (A) In the section heading by striking  
24 “BROADCASTING BOARD OF GOV-  
25 ERNORS” and inserting “UNITED STATES

1           INTERNATIONAL           BROADCASTING  
2           AGENCY”.

3           (B) In subsection (a) by striking “the  
4           ‘Board’)” and inserting “the ‘Agency)’”.

5           (C) In subsections (a), (d), and (f) by  
6           striking “Broadcasting Board of Governors”  
7           and inserting “United States International  
8           Broadcasting Agency”.

9           (2) In section 4 (22 U.S.C. 1465b) as follows:

10           (A) In the first sentence by striking “The”  
11           and all that follows through “Bureau” and in-  
12           serting: “The Board of Governors of the United  
13           States International Broadcasting Agency shall  
14           establish within the Agency”.

15           (B) In the third sentence by striking  
16           “Broadcasting Board of Governors” and insert-  
17           ing “Board of Governors of the United States  
18           International Broadcasting Agency”.

19           (C) In the fourth sentence by striking  
20           “Board of the International Broadcasting Bu-  
21           reau” and inserting “Board of Governors of the  
22           United States International Broadcasting Agen-  
23           cy”.

24           (3) In section 5 (22 U.S.C. 1465c) as follows:

1           (A) In subsection (b) by striking “Broad-  
2           casting Board of Governors” and inserting  
3           “Board of Governors of the United States  
4           International Broadcasting Agency”.

5           (B) By striking “Board” each place it ap-  
6           pears and inserting “Advisory Board”.

7           (4) In section 6 (22 U.S.C. 1465d) as follows:

8           (A) In subsection (a) by striking “Broad-  
9           casting Board of Governors” and inserting  
10          “United States International Broadcasting  
11          Agency” and by striking “Board” and inserting  
12          “Board of Directors of the United States Inter-  
13          national Broadcasting Agency”.

14          (B) In subsection (b) by striking “Board”  
15          and inserting “United States International  
16          Broadcasting Agency”.

17          (5) In section 7 (22 U.S.C. 1465e) by striking  
18          “Board” in subsections (b) and (d) and inserting  
19          “United States International Broadcasting Agency”.

20          (6) In section 8(a) (22 U.S.C. 1465f(a)), by  
21          striking “Broadcasting Board of Governors” and in-  
22          serting “United States International Broadcasting  
23          Agency”.

1 (d) TELEVISION BROADCASTING TO CUBA ACT.—  
2 The Television Broadcasting to Cuba Act (22 U.S.C.  
3 1465aa note) is amended as follows:

4 (1) Section 243(a) (22 U.S.C. 1465bb) is  
5 amended by striking “Broadcasting Board of Gov-  
6 ernors” and inserting “United States International  
7 Broadcasting Agency”.

8 (2) Section 244 (22 U.S.C. 1465cc) is amended  
9 as follows:

10 (A) In subsection (a) by amending the  
11 third sentence to read as follows: “The Board  
12 of Governors of the United States International  
13 Broadcasting Agency shall appoint a head of  
14 the Service who shall report directly to the  
15 Board of Governors.”.

16 (B) In subsection (b) by striking “Board”  
17 and inserting “United States International  
18 Broadcasting Agency”.

19 (C) In subsection (c) by striking “The  
20 Board” and inserting “The Agency” and by  
21 striking “Board determines” and inserting  
22 “Board of Governors of the United States  
23 International Broadcasting Agency deter-  
24 mines”.

1           (3) In section 246 (22 U.S.C. 1465dd) by strik-  
2           ing “United States Information Agency” and insert-  
3           ing “United States International Broadcasting  
4           Agency” and by striking “Board” and inserting  
5           “Board of Governors of the United States Inter-  
6           national Broadcasting Agency”.

7           (e) UNITED STATES INFORMATION AND EDU-  
8           CATIONAL EXCHANGE ACT OF 1948.—The United States  
9           Information and Educational Exchange Act of 1948 (22  
10          U.S.C. 1431 et seq.) is amended—

11           (1) in section 505 (22 U.S.C. 1464a), by strik-  
12           ing “Broadcasting Board of Governors” each place  
13           it appears and inserting “United States Inter-  
14           national Broadcasting Agency”; and

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

16           (A) by striking “Broadcasting Board of  
17           Governors” and inserting “United States Inter-  
18           national Broadcasting Agency”; and

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

21          (f) FOREIGN SERVICE ACT OF 1980.—The Foreign  
22          Service Act of 1980 (22 U.S.C. 3901 et seq.) is amend-  
23          ed—

24           (1) in section 202(a)(1) (22 U.S.C.  
25          3922(a)(1)), by striking “Broadcasting Board of

1       Governors” and inserting “United States Inter-  
2       national Broadcasting Agency”;

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

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

10              (4) in section 1101(e) (22 U.S.C. 4131(e)), by  
11       striking “Broadcasting Board of Governors,” and in-  
12       serting “the United States International Broad-  
13       casting Agency,”.

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

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

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

22                      (A) by striking “Broadcasting Board of  
23       Governors” and inserting “United States Inter-  
24       national Broadcasting Agency”; and

1 (B) by striking “the Board and the Agen-  
2 cy” and inserting “their respective agencies”;

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

4 (A) by striking ‘Broadcasting Board of  
5 Governors,’ and inserting “United States Inter-  
6 national Broadcasting Agency”; and

7 (B) by striking “the Board and the Agen-  
8 cy” and inserting “their respective agencies”;

9 and

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

13 (h) TITLE 5, UNITED STATES CODE.—

14 (1) Section 5314 of title 5, United States Code,  
15 is amended by adding at the end the following: “Ex-  
16 ecutive Director, United States International Broad-  
17 casting Agency.”.

18 (2) Section 5315 of title 5, United States Code,  
19 is amended by striking “Director of the Inter-  
20 national Broadcasting Bureau.”.

21 **SEC. 538. REFERENCES.**

22 Except as otherwise provided in this subtitle or an  
23 amendment made by this subtitle, any reference in any  
24 statute, reorganization plan, Executive order, regulation,  
25 agreement, determination, or other official document or

1 proceeding to the Broadcasting Board of Governors and  
2 the International Broadcasting Bureau or any other offi-  
3 cer or employee of the Broadcasting Board of Governors  
4 or the International Broadcasting Bureau shall be deemed  
5 to refer to the United States International Broadcasting  
6 Agency or the Board of Governors of the United States  
7 International Broadcasting Agency established under this  
8 subtitle.

9 **SEC. 539. BROADCASTING STANDARDS.**

10 Section 303(a) of the United States International  
11 Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is amend-  
12 ed—

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

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

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

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

23 **SEC. 540. EFFECTIVE DATE.**

24 Except as otherwise provided, this subtitle and the  
25 amendments made by this subtitle shall take effect on the

1 last day of the 6-month period beginning on the date of  
2 the enactment of this Act.

3       **TITLE VI—INTERNATIONAL**  
4       **FREE MEDIA ACT OF 2003**

5       **SEC. 601. SHORT TITLE.**

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

8       **SEC. 602. DEFINITIONS.**

9       In this title, the term “free media” means individuals  
10 or organizations engaged in the gathering and distribution  
11 of news and information free of direct or indirect govern-  
12 mental control.

13       **SEC. 603. FINDINGS.**

14       The Congress makes the following findings:

15           (1) Freedom of speech and freedom of the press  
16 are fundamental human rights enshrined in inter-  
17 national law.

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

22           (3) Free media is undermined, endangered, or  
23 nonexistent in many repressive and transitional soci-  
24 eties around the world, including in Eurasia, Africa,  
25 and the Middle East.

1           (4) Free media is suppressed by foreign govern-  
2           ments by a variety of means, including state censor-  
3           ship, legal restriction, financial pressure, and phys-  
4           ical intimidation.

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

10          (6) Unprofessional and unethical media in-  
11          cludes media that violate the standards set in the  
12          International Covenant on Civil and Political Rights,  
13          which includes article 20, section 2 of the Covenant  
14          which states that “Any advocacy of national, racial,  
15          or religious hatred that constitutes incitement to dis-  
16          crimination, hostility, or violence shall be prohibited  
17          by law.”.

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

22          (8) Foreign governments have a responsibility  
23          to actively and publicly discourage and rebut unpro-  
24          fessional and unethical media while respecting jour-  
25          nalistic integrity and editorial independence.

1           (9) Past and continuing United States Govern-  
2           ment efforts to promote free media through training  
3           and technical support have advanced United States  
4           national interests by contributing to the promotion  
5           of human rights and democracy worldwide.

6           (10) Support for free media must be an integral  
7           part of United States foreign policy, including public  
8           diplomacy and United States international broad-  
9           casting, and should be coordinated across govern-  
10          ment agencies and with international, bilateral, and  
11          private donor organizations toward achieving the  
12          shared goal of developing professional, ethical, diver-  
13          sified, sustainable, independent, indigenous media  
14          worldwide.

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

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

18               (1) make the promotion of press freedoms and  
19               free media worldwide a priority of United States for-  
20               eign policy and an integral component of United  
21               States public diplomacy;

22               (2) respect the journalistic integrity and edi-  
23               torial independence of free media worldwide; and

1           (3) use widely accepted standards for profes-  
2           sional and ethical journalistic and editorial practices  
3           in assessing international media.

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

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

11           (b) **APPOINTMENT OF COORDINATOR.**—The Coordi-  
12 nator shall be appointed by the President, by and with  
13 the advice and consent of the Senate.

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

17           (1) coordinating United States government poli-  
18 cies, programs, and projects concerning international  
19 press freedoms and free media;

20           (2) monitoring and assessing the status of free  
21 media worldwide in consultation with appropriate  
22 agencies of the United States Government and na-  
23 tional and international organizations;

1           (3) promoting widely accepted standards of pro-  
2           fessional and ethical journalism and editorial prac-  
3           tices;

4           (4) discouraging media from advocating na-  
5           tional, racial, or religious hatred that constitutes in-  
6           citement to discrimination, hostility, or violence con-  
7           sistent with article 20, section 2 of the International  
8           Covenant on Civil and Political Rights;

9           (5) promoting the journalistic integrity and edi-  
10          torial independence of free media worldwide;

11          (6) advising the President and the Secretary of  
12          State regarding matters of international press free-  
13          doms and free media;

14          (7) representing the United States in matters  
15          and cases relevant to international press freedoms  
16          and free media;

17          (8) assisting the Secretary of State in preparing  
18          the portions of the Department of State country re-  
19          ports on human rights that relate to international  
20          press freedoms and free media;

21          (9) consulting with the Broadcasting Board of  
22          Governors and the United States Agency for Inter-  
23          national Development for the purpose of promoting  
24          free media through training of international journal-  
25          ists, producers, editors, and media managers; and

1           (10) administering the International Free  
2 Media Fund (established in section 607) in consulta-  
3 tion with the United States Advisory Commission on  
4 Public Diplomacy and International Media.

5           (d) ASSESSMENT FACTORS.—In making an assess-  
6 ment of media within individual countries pursuant to sub-  
7 section (c)(2), the Coordinator shall take into account—

8           (1) the number and diversity of media;

9           (2) access to and consumption of media by pop-  
10 ulations;

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

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

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

18           (6) domestic laws addressing press freedoms;

19           (7) instances in which the media have incited  
20 discrimination, hostility, or violence consistent with  
21 article 20, section 2 of the International Covenant  
22 on Civil and Political Rights;

23           (8) physical threats, intimidation or inappro-  
24 priate pressure by government on free media;

1           (9) the number of journalists, editors, pro-  
2           ducers, and media managers receiving training from  
3           programs of the Department of State, the Broad-  
4           casting Board of Governors, grantees of the United  
5           States Agency for International Development, or  
6           other organizations qualified to provide such train-  
7           ing; and

8           (10) the activity of local and international non-  
9           governmental organizations promoting press free-  
10          doms and free media and obstacles to their activity.

11          (e) CONSULTATION REQUIREMENT.—The Coordi-  
12          nator shall consult with United States public affairs offi-  
13          cers and other United States foreign mission personnel di-  
14          rectly engaged in interacting with indigenous media in car-  
15          rying out the duties specified in subsection (c).

16          (f) FUNDING.—The Secretary of State shall ensure  
17          that the Coordinator has adequate staff and funding for  
18          the conduct of investigations, the administration of the  
19          International Free Media Fund, necessary travel, and oth-  
20          ers activities necessary to carry out the provisions of this  
21          section.

1 **SEC. 606. UNITED STATES ADVISORY COMMISSION ON PUB-**  
2 **LIC DIPLOMACY AND INTERNATIONAL**  
3 **MEDIA.**

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

7 “(1) There is established an advisory commis-  
8 sion to be known as the United States Advisory  
9 Commission on Public Diplomacy and International  
10 Media.”.

11 (b) DUTIES AND RESPONSIBILITIES.—Section 604(c)  
12 of the United States Information and Exchange Act of  
13 1948 (22 U.S.C. 1469) is amended by adding at the end  
14 the following:

15 “(5) The Commission shall—

16 “(A) advise the Coordinator for Inter-  
17 national Free Media on issues relating to the  
18 promotion of international press freedoms and  
19 free media;

20 “(B) assist the Coordinator for Inter-  
21 national Free Media in monitoring and assess-  
22 ing the status of free media worldwide;

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

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

5           (c) REFERENCES.—Except as otherwise provided in  
6 this section or an amendment made by this section, any  
7 reference in any statute, reorganization plan, Executive  
8 order, regulation, agreement, determination, or other offi-  
9 cial document or proceeding to the United States Advisory  
10 Commission on Public Diplomacy or any other officer or  
11 employee of the United States Advisory Commission on  
12 Public Diplomacy shall be deemed to refer to the United  
13 States Advisory Commission on Public Diplomacy and  
14 International Media established under this section.

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

16           (a) ESTABLISHMENT.—There is established an Inter-  
17 national Free Media Fund (in this section referred to as  
18 the “Fund”) at the Department of State.

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

21           (1) to promote the development of free and  
22 independent media worldwide which adhere to widely  
23 accepted standards of professional and ethical jour-  
24 nalism and editorial practice; and

1           (2) to complement current efforts by the De-  
2           partment of State, the United States Agency for  
3           International Development, the Broadcasting Board  
4           of Governors, and other agencies of the United  
5           States Government to support free and independent  
6           media worldwide.

7           (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
8           tion to amounts otherwise authorized to be appropriated  
9           to carry out the purposes specified in subsection (b), there  
10          is authorized to be appropriated to the Fund \$15,000,000  
11          for fiscal year 2004. Such amounts are authorized to re-  
12          main available until expended.

13          (d) NONAPPLICABILITY OF OTHER LAWS.—Notwith-  
14          standing any other provision of law, funds appropriated  
15          pursuant to subsection (c) may be used for the purposes  
16          of this section.

17          (e) ADMINISTRATION.—

18                 (1) The Fund shall be administered by the Co-  
19                 ordinator in consultation with the Commission.

20                 (2) Activities and assistance financed through  
21                 the Fund may be carried out through grants, con-  
22                 tracts, technical assistance, and material support.

23          (f) ELIGIBLE ORGANIZATIONS, PROGRAMS, AND  
24          PROJECTS.—Amounts in the Fund may be used to carry  
25          out activities and provide assistance only for organiza-

1 tions, programs, and projects consistent with the purposes  
2 set forth in subsection (b).

3 (g) PROHIBITIONS.—Amounts in the Fund shall not  
4 be used to carry out activities or provide assistance to or-  
5 ganizations, programs, or projects which advocate na-  
6 tional, racial, or religious hatred that incites discrimina-  
7 tion, hostility, or violence consistent with article 20, sec-  
8 tion 2 of the International Covenant on Civil and Political  
9 Rights.

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

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

16 (2) the importance of enabling free media to be-  
17 come commercially viable and financially inde-  
18 pendent in the long term; and

19 (3) the importance of providing media per-  
20 sonnel whose organizations, programs, or projects  
21 receive assistance under this section for training in  
22 professional and ethical journalism, editorial prac-  
23 tices, and media management by the Department of  
24 State, the Broadcasting Board of Governors, United  
25 States Agency for International Development grant-

1 ees, or other organizations qualified to provide such  
2 training.

3 (i) ANNUAL REPORTS.—Not later than January 31,  
4 of 2005 and in each subsequent year, the Coordinator  
5 shall publish an annual report on the activities of the  
6 Fund, which shall include a comprehensive and detailed  
7 description of the operations, activities, financial condi-  
8 tion, and accomplishments under this section for the pre-  
9 ceding fiscal year. The reports shall also include an assess-  
10 ment of whether the Fund should also provide loans and  
11 guarantees as an additional means to carry out the pur-  
12 poses of this title.

13 (j) CONSULTATION REQUIREMENTS.—

14 (1) The Coordinator shall consult with the  
15 State Department official primarily responsible for  
16 developing and implementing United States policy  
17 with respect to a country prior to carrying out ac-  
18 tivities or providing assistance for such country  
19 through the Fund.

20 (2) Amounts in the Fund shall be used to carry  
21 out activities or provide assistance on the basis of  
22 consultations among all relevant United States Gov-  
23 ernment agencies operating in the country and with  
24 the approval of the chief of mission.

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

3 (a) IN GENERAL.—The Broadcasting Board of Gov-  
4 ernors shall make support for indigenous free media an  
5 integral part of its mission.

6 (b) AFFILIATES.—The Broadcasting Board of Gov-  
7 ernors shall submit a report to the appropriate congres-  
8 sional committees on the prospects and strategy for culti-  
9 vating affiliate relationships with free media in countries  
10 targeted for United States international broadcasting.

11 (c) TRAINING.—The Broadcasting Board of Gov-  
12 ernors shall enhance foreign journalist training programs  
13 in coordination with existing training programs adminis-  
14 tered by the Department of State and the United States  
15 Agency for International Development.

16 (d) AUTHORIZATION FOR APPROPRIATIONS.—In ad-  
17 dition to amounts otherwise authorized to be appropriated,  
18 there is authorized to be appropriated \$2,500,000 for the  
19 fiscal year 2004 and \$2,500,000 for the fiscal year 2005  
20 to support free media in countries in which the Broad-  
21 casting Board of Governors is decreasing or discontinuing  
22 United States international broadcasting activity.

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

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

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

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

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

14                   (3) by striking paragraph (2).

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

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

20       Notwithstanding any other provision of law, for the  
21       fiscal years 2004 and 2005, any report required by law  
22       or otherwise requested to be submitted by the Secretary  
23       of State or the Department of State to any committee of  
24       the Congress shall be submitted also to the Committee on  
25       International Relations of the House of Representatives.

1 **SEC. 703. REPORTS CONCERNING THE CAPTURE AND PROS-**  
2 **ECUTION OF PARAMILITARY AND OTHER**  
3 **TERRORIST LEADERS IN COLOMBIA.**

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

6 (1) As reported in the Department of State re-  
7 port Patterns of Global Terrorism 2001, the United  
8 Self-Defense Forces of Colombia (also referred to as  
9 “AUC” or “paramilitaries”) have been designated as  
10 a foreign terrorist organization by the United States  
11 primarily because of their increasing reliance on ter-  
12 rorist methods, such as the use of massacres, to pur-  
13 posefully displace segments of the population as re-  
14 taliation for allegedly supporting the AUC’s rival or-  
15 ganizations, the Revolutionary Armed Forces of Co-  
16 lombia (FARC) and the National Liberation Army  
17 (ELN) of Colombia. According to the report, the  
18 paramilitaries also use terrorist tactics to compete  
19 for narcotics-trafficking corridors and prime coca-  
20 growing terrain.

21 (2) The Department of State concluded in the  
22 2001 Country Report on Human Rights Practices  
23 that despite increased efforts by the Government of  
24 Colombia to combat and capture members of para-  
25 military groups, security forces sometimes illegally  
26 collaborate with paramilitaries forces and often fail

1 to take action to prevent paramilitary attacks which  
2 lead to serious abuses of human rights.

3 (3) In September 2002, Amnesty International,  
4 Human Rights Watch, and the Washington Office  
5 on Latin America released a report which argued  
6 that the Colombian Government had not made sub-  
7 stantial progress toward suspending officers impli-  
8 cated in human rights abuses, conducting effective  
9 judicial investigations of such abuses, or breaking  
10 the persistent links between some units of the Co-  
11 lombian military and paramilitary groups.

12 (4) In February 2003, the United Nations High  
13 Commissioner for Human Rights in Colombia re-  
14 ported that some units of the Colombian Security  
15 Forces continued to collude openly with illegal para-  
16 military groups in operations which resulted in viola-  
17 tions of human rights.

18 (5) The Consolidated Appropriations Resolu-  
19 tion, 2003 (Public Law 108–7) made available not  
20 less than \$5,000,000 to support a Colombian Armed  
21 Forces unit which is dedicated to apprehending lead-  
22 ers of Colombian paramilitary organizations.

23 (b) REPORTS TO CONGRESS.—Not later than 30 days  
24 after the date of enactment of this Act, and every 180  
25 days thereafter, the Secretary of State, after consulting

1 with internationally recognized human rights organiza-  
2 tions pursuant to the procedures required in section  
3 564(b) of the Consolidated Appropriations Resolution,  
4 2003, shall submit a report, in unclassified form (with a  
5 classified annex if necessary), on the specific measures  
6 that the Colombian authorities are taking to apprehend  
7 effectively and prosecute aggressively leaders of para-  
8 military organizations, to the Committee on International  
9 Relations of the House of Representatives and the Com-  
10 mittee on Foreign Relations of the Senate.

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

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

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

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

21 (4) list the number of detentions, captures, and  
22 arrests of leaders of Colombian paramilitary organi-  
23 zations, disaggregating the number according to  
24 those detentions, captures, and arrests which were

1 carried out by Colombian security forces identified  
2 under paragraph (1);

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

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

15 **SEC. 704. REPORTS RELATING TO MAGEN DAVID ADOM SO-**  
16 **CIETY.**

17 (a) FINDINGS.—Section 690(a) of the Foreign Rela-  
18 tions Authorization Act, Fiscal Year 2003 (Public Law  
19 107–228) is amended by adding at the end the following:

20 “(5) Since the founding of the Magen David  
21 Adom in 1930, the American Red Cross has re-  
22 garded it as a sister national society forging close  
23 working ties between the two societies and has con-  
24 sistently advocated recognition and membership of

1 the Magen David Adom in the International Red  
2 Cross and Red Crescent Movement.

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

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

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

13 (2) by redesignating paragraph (4) as para-  
14 graph (5); and

15 (3) by inserting after paragraph (3) the fol-  
16 lowing new paragraph:

17 “(4) the High Contracting Parties to the Gene-  
18 va Conventions of August 12, 1949, should adopt  
19 the October 12, 2000, draft additional protocol  
20 which would accord international recognition to an  
21 additional distinctive emblem; and”.

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

24 “(c) REPORT.—Not later than 60 days after the date  
25 of the enactment of the Foreign Relations Authorization

1 Act, Fiscal Years 2004 and 2005 and annually thereafter,  
2 the Secretary of State shall submit a report, on a classified  
3 basis if necessary, to the appropriate congressional com-  
4 mittees describing—

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

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

12 “(3) efforts of the High Contracting Parties to  
13 the Geneva Convention of 1949 to adopt the October  
14 12, 2000, draft additional protocol; and

15 “(4) the extent to which the Magen David  
16 Adom of Israel is participating in the activities of  
17 the International Red Cross and Red Crescent Move-  
18 ment.”.

19 **SEC. 705. REPORT CONCERNING THE RETURN OF POR-**  
20 **TRAITS OF HOLOCAUST VICTIMS TO THE**  
21 **ARTIST DINA BABBITT.**

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

24 (1) Dina Babbitt (formerly known as Dinah  
25 Gottliebova), a United States citizen, has requested

1 the return of watercolor portraits she painted while  
2 suffering a one and one-half year long internment at  
3 the Auschwitz death camp during World War II,  
4 where she was ordered to paint portraits by the infa-  
5 mous war criminal Dr. Josef Mengele.

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

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

15 (b) SENSE OF CONGRESS.—The Congress—

16 (1) continues to recognize the moral right of  
17 Dina Babbitt to obtain the artwork she created, and  
18 recognizes her courage in the face of the evils per-  
19 petrated by the Nazi command of the Auschwitz-  
20 Birkenau death camp, including the atrocities com-  
21 mitted by Dr. Josef Mengele;

22 (2) urges the President of the United States to  
23 make all necessary efforts to retrieve the 7 water-  
24 color portraits painted by Dina Babbitt, during her  
25 internment at the Auschwitz death camp; and

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

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

12   **SEC. 706. REPORT TO CONGRESS ON USE OF VESTED AS-**  
13                           **SETS.**

14          Section 203(a) of the International Emergency Eco-  
15          nomic Powers Act (50 U.S.C. 1702(a)) is amended—

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

19               (2) by adding at the end the following:

20               “(4) The authority under paragraph (1)(C) to use  
21               property that has been vested or to use assets that have  
22               been liquidated may not be exercised until 15 days after  
23               the President has notified the Committee on International  
24               Relations of the House of Representatives and the Com-  
25               mittee on Foreign Relations of the Senate of the purpose

1 for which such vested property or liquidated assets will  
2 be so used.”.

3 **SEC. 707. REPORT CONCERNING THE CONFLICT IN UGAN-**

4 **DA.**

5 (a) SENSE OF CONGRESS.—It is the sense of the Con-  
6 gress that the United States should—

7 (1) exhaust all diplomatic means and pressures,  
8 including the creation of a United States role in ne-  
9 gotiating humanitarian access to hitherto inaccess-  
10 sible populations which would offer an opportunity  
11 to bring the warring parties together to build con-  
12 fidence, to support an immediate peaceful resolution  
13 to the 16-year old conflict in Northern Uganda that  
14 has—

15 (A) killed an estimated 23,000 people, in-  
16 cluding 12,000 civilians,

17 (B) resulted in the forced abduction, sex-  
18 ual servitude, and armed recruitment of be-  
19 tween 16,000 to 26,000 Ugandan children by  
20 the Lord’s Resistance Army, a renegade army  
21 that has in the past sought refuge in southern  
22 Sudan and raided villages in northern Uganda,

23 (C) displaced over 800,000 Ugandan citi-  
24 zens and Sudanese refugees,

1 (D) resulted in the death and abduction of  
2 humanitarian aid workers, and

3 (E) gravely inhibited the delivery of emer-  
4 gency assistance and food aid to nearly 1 mil-  
5 lion northern Ugandan civilians dependent on  
6 such assistance for survival;

7 (2) urge rebel forces to stop the abduction of  
8 children, urge all forces to stop the use of child sol-  
9 diers, and seek the release of all forcibly-held chil-  
10 dren;

11 (3) make available technical assistance re-  
12 sources to seek, track, and stop funding for the  
13 Lord's Resistance Army (LRA) from all sources and  
14 condemn all governments and organizations who do  
15 assist the LRA;

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

23 (5) continue supporting the Sudan Peace Proc-  
24 ess and Danforth Initiative, which includes peace  
25 talks, donor coordination, regional support, civilian

1 protection and monitoring, and cease-fire verification  
2 and consider modeling aspects of this process in  
3 northern Uganda;

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

8 (7) make available increased resources for as-  
9 sistance to released and returned abducted children  
10 and child soldiers and ensure that amnesty is pro-  
11 vided when appropriate;

12 (8) work with other donors and the Ugandan  
13 Government to increase resources and technical sup-  
14 port to the Uganda Amnesty Commission for the in-  
15 creased demobilization of rebel combatants;

16 (9) examine ways in which development assist-  
17 ance can help those living in protective villages in  
18 northern Uganda return to and cultivate farmland;  
19 and

20 (10) condition military assistance to Uganda on  
21 its international compliance with sustained troop  
22 withdrawals from the Democratic Republic of Congo  
23 where the presence of Ugandan armies has contrib-  
24 uted to the violence and instability in the region.

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

## 10 **Subtitle B—Other Matters**

### 11 **SEC. 721. SENSE OF CONGRESS RELATING TO EAST TIMOR, 12 JUSTICE, AND REHABILITATION.**

13 The Congress—

14 (1) recalls that the United Nations Inter-  
15 national Commission of Inquiry concluded in Janu-  
16 ary 2000 that “the Indonesian Army was responsible  
17 for the intimidation, terror, killings and other acts  
18 of violence” during East Timor’s vote for independ-  
19 ence in 1999;

20 (2) reiterates that justice for crimes against hu-  
21 manity and war crimes committed in East Timor  
22 during the vote for independence in 1999 is crucial  
23 for peace, reconciliation, and the ongoing nation-  
24 building process in East Timor and Indonesia;

1           (3) finds that the ad hoc Human Rights Court  
2           on East Timor established by the Indonesian Gov-  
3           ernment in 2001 has inadequately brought to justice  
4           the perpetrators of these crimes as eleven of four-  
5           teen defendants have been acquitted as a result of  
6           poor indictments and the absence of an adequate  
7           witness protection program, and four of the five sen-  
8           tences imposed have been less than the minimum al-  
9           lowed under the Indonesian Human Rights Law;

10           (4) supports the work of the Joint United Na-  
11           tions-East Timor Serious Crimes Unit (SCU), which  
12           filed indictments against high-ranking Indonesian  
13           officers who were allegedly involved in the crimes,  
14           including Gen. Wiranto, Maj. Gen. Kiki Syahnakri,  
15           Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Adam  
16           Damiri, Col. Suratman, Col. Noer Muis, Col. Yayat  
17           Sudrajat and former Governor Abilio Soares, and ex-  
18           presses its strong disappointment that the Indo-  
19           nesian Government has stated its intention to ignore  
20           the indictments;

21           (5) calls on the State Department and the  
22           United States Mission to the United Nations to push  
23           for a comprehensive United Nations review of the  
24           Indonesian ad hoc Human Rights Court on East  
25           Timor, including a review of the conduct of trials,

1 the indictment strategy by the prosecutors and its  
2 adherence to the international standards, and urges  
3 the State Department to consider alternative mecha-  
4 nisms of justice for East Timor, including the estab-  
5 lishment of an ad hoc international tribunal; and

6 (6) urges the Indonesian Government to fully  
7 cooperate with the joint United Nations-East Timor  
8 Serious Crimes Unit (SCU) and encourages the  
9 United States to urge the Indonesian Government to  
10 fully cooperate with the SCU.

11 **SEC. 722. SENSE OF CONGRESS CONCERNING HUMAN**  
12 **RIGHTS AND JUSTICE IN INDONESIA.**

13 The Congress—

14 (1) notes with grave concern that members of  
15 the Indonesian security forces, particularly the Army  
16 Special Forces (Kopassus) and the Police Mobile  
17 Brigade (Brimob), continue to commit many serious  
18 human rights violations, including extrajudicial  
19 killings, torture, rape, and arbitrary detention, par-  
20 ticularly in areas of conflict such as Aceh, Papua,  
21 the Moluccas, and Central Sulawesi;

22 (2) notes with grave concern that the Govern-  
23 ment of Indonesia largely fails to hold soldiers and  
24 police accountable for extrajudicial killings and other  
25 serious human rights abuses, both past and present;

1           (3) condemns the intimidation and harassment  
2 of human rights and civil society organizations and  
3 activists by members of Indonesian security forces  
4 and by military-backed militia groups, particularly in  
5 Aceh and Papua;

6           (4) notes with concern the Indonesian military's  
7 resistance to civilian control and oversight, its lack  
8 of budgetary transparency, and its continuing em-  
9 phasis on internal security within Indonesia;

10          (5) urges the Indonesian government and mili-  
11 tary to provide full, active, and unfettered coopera-  
12 tion with the investigation of the Federal Bureau of  
13 Investigation of the United States Department of  
14 Justice into the August 31, 2002 attack near  
15 Timika, Papua, which killed three people (including  
16 two Americans, Rick Spier and Ted Burgon), and  
17 injured 12 others, and which appears likely to have  
18 been perpetrated at least in part by members of the  
19 Indonesian military;

20          (6) commends the December 2002 signing of  
21 the Framework Agreement on Cessation of Hos-  
22 tilities in Aceh, but condemns the recent outbreaks  
23 of violence and militia activity that appear calculated  
24 to subvert that cease-fire agreement;

1           (7) notes with grave concern the continued de-  
2           tention of Muhammad Nazar, and the fact that  
3           those responsible for the murders of other prominent  
4           members of civil society in Aceh, such as Jafar  
5           Siddiq Hamzah, Sukardi, Sulaiman Ahmad, Tengku  
6           Safwan Idris, Nashiruddin Daud, and Zaini  
7           Sulaiman, still have not been apprehended, pros-  
8           ecuted, or punished;

9           (8) commends the “Zone of Peace” initiative in  
10          Papua, which has brought together civic, religious,  
11          governmental, and police representatives to discuss  
12          productive means of avoiding conflict, but expresses  
13          concern at the refusal of the Indonesian military to  
14          participate in that effort; and

15          (9) encourages the Government of Indonesia to  
16          expedite the reunification of separated East Timor-  
17          ese children with their families, and to hold legally  
18          accountable those individuals and organizations re-  
19          sponsible for taking those children and for obstruct-  
20          ing reunification efforts.

21 **SEC. 723. AMENDMENT TO THE INTERNATIONAL RELI-**  
22 **GIUS FREEDOM ACT OF 1998.**

23          Section 207(a) of the International Religious Free-  
24          dom Act of 1998 (22 U.S.C. 6435(a)) is amended by in-

1 serring “and for each subsequent fiscal year” after  
2 “2003”.

3 **SEC. 724. SENSE OF CONGRESS WITH RESPECT TO HUMAN**  
4 **RIGHTS IN CENTRAL ASIA.**

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

7 (1) The Central Asian nations of Kazakhstan,  
8 Kyrgyzstan, Tajikistan, Turkmenistan, and  
9 Uzbekistan are providing the United States with as-  
10 sistance in the war in Afghanistan, from military  
11 basing and overflight rights to the facilitation of hu-  
12 manitarian relief.

13 (2) In turn, the United States victory over the  
14 Taliban in Afghanistan provides important benefits  
15 to the Central Asian nations by removing a regime  
16 that threatened their security and by significantly  
17 weakening the Islamic Movement of Uzbekistan, a  
18 terrorist organization that had previously staged  
19 armed raids from Afghanistan into the region.

20 (3) The United States has consistently urged  
21 the nations of Central Asia to open their political  
22 systems and economies and to respect human rights,  
23 both before and since the attacks of September 11,  
24 2001.

1           (4) Kazakhstan, Kyrgyzstan, Tajikistan,  
2 Turkmenistan, and Uzbekistan are members of the  
3 United Nations and the Organization for Security  
4 and Cooperation in Europe (OSCE), both of which  
5 confer a range of obligations with respect to human  
6 rights on their members.

7           (5) While the United States recognizes marked  
8 differences among the social structures and commit-  
9 ments to democratic and economic reform of the  
10 Central Asian nations, the United States notes nev-  
11 ertheless, according to the State Department Coun-  
12 try Reports on Human Rights Practices, that all five  
13 governments of such nations, to differing degrees,  
14 restrict freedom of speech and association, restrict  
15 or ban the activities of human rights organizations  
16 and other nongovernmental organizations, harass or  
17 prohibit independent media, imprison political oppo-  
18 nents, practice arbitrary detention and arrest, and  
19 engage in torture and extrajudicial executions.

20           (6) By continuing to suppress human rights  
21 and to deny citizens peaceful, democratic means of  
22 expressing their convictions, the nations of Central  
23 Asia risk fueling popular support for violent and ex-  
24 tremist movements, thus undermining the goals of  
25 the war on terrorism.

1           (7) President George W. Bush has made the  
2           defense of human dignity, the rule of law, limits on  
3           the power of the state, respect for women and pri-  
4           vate property, free speech, equal justice, religious  
5           tolerance strategic goals of United States foreign  
6           policy in the Islamic world, arguing that “a truly  
7           strong nation will permit legal avenues of dissent for  
8           all groups that pursue their aspirations without vio-  
9           lence”.

10           (8) Congress has expressed its desire to see  
11           deeper reform in Central Asia in past resolutions  
12           and other legislation, most recently conditioning as-  
13           sistance to Uzbekistan and Kazakhstan on their  
14           progress in meeting commitments to the United  
15           States on human rights and democracy.

16           (b) SENSE OF CONGRESS.—It is the sense of the  
17 Congress that—

18           (1) the governments of Kazakhstan,  
19           Kyrgyzstan, Tajikistan, Turkmenistan, and  
20           Uzbekistan should accelerate democratic reforms  
21           and fulfill their human rights obligations, including,  
22           where appropriate, by—

23                   (A) releasing from prison anyone jailed for  
24                   peaceful political activism or the nonviolent ex-  
25                   pression of their political or religious beliefs;

1 (B) fully investigating any credible allega-  
2 tions of torture and prosecuting those respon-  
3 sible;

4 (C) permitting the free and unfettered  
5 functioning of independent media outlets, inde-  
6 pendent political parties, and nongovernmental  
7 organizations, including by easing registration  
8 processes;

9 (D) permitting the free exercise of reli-  
10 gious beliefs and ceasing the persecution of  
11 members of religious groups and denominations  
12 that do not engage in violence or political  
13 change through violence;

14 (E) holding free, competitive, and fair elec-  
15 tions; and

16 (F) making publicly available documenta-  
17 tion of their revenues and punishing those en-  
18 gaged in official corruption;

19 (2) the President, the Secretary of State, and  
20 the Secretary of Defense should—

21 (A) continue to raise at the highest levels  
22 with the governments of the nations of Central  
23 Asia specific cases of political and religious per-  
24 secution, and to urge greater respect for human

1 rights and democratic freedoms at every diplo-  
2 matic opportunity;

3 (B) take progress in meeting the goals  
4 specified in paragraph (1) into account when  
5 determining the scope and nature of United  
6 States diplomatic and military relations and as-  
7 sistance with each of such governments;

8 (C) ensure that the provisions of foreign  
9 operations appropriations Acts are fully imple-  
10 mented to ensure that no United States assist-  
11 ance benefits security forces in Central Asia  
12 that are implicated in violations of human  
13 rights;

14 (D) press the Government of  
15 Turkmenistan to implement the helpful rec-  
16 ommendations contained in the 2003 resolution  
17 on Turkmenistan of the United Nations Com-  
18 mission on Human Rights and the so-called  
19 “Moscow Mechanism” Report of the Organiza-  
20 tion for Security and Cooperation in Europe  
21 (OSCE), respect the right of all prisoners to  
22 due process and a fair trial and release demo-  
23 cratic activists and their family members from  
24 prison;

1           (E) urge the Government of Russia not to  
2 extradite to Turkmenistan members of the po-  
3 litical opposition of Turkmenistan;

4           (F) work with the Government of  
5 Kazakhstan to create a political climate free of  
6 intimidation and harassment, including releas-  
7 ing political prisoners and permitting the return  
8 of political exiles, and to reduce official corrup-  
9 tion, including by urging the Government of  
10 Kazakhstan to cooperate with the ongoing  
11 United States Department of Justice investiga-  
12 tion;

13           (G) support through United States assist-  
14 ance programs individuals, nongovernmental or-  
15 ganizations, and media outlets in Central Asia  
16 working to build more open societies, to support  
17 the victims of human rights abuses, and to ex-  
18 pose official corruption; and

19           (H) press the Government of Uzbekistan  
20 to implement fully the recommendations made  
21 to the Government of Uzbekistan by the United  
22 Nations' Special Rapporteur on Torture; and

23           (3) increased levels of United States assistance  
24 to the governments of the nations of Central Asia  
25 made possible by their cooperation in the war in Af-

1 ghanistan can be sustained only if there is substan-  
 2 tial and continuing progress toward meeting the  
 3 goals specified in paragraph (1).

4 **SEC. 725. TECHNICAL CORRECTION TO AUTHORIZATION OF**  
 5 **APPROPRIATIONS FOR FISCAL YEAR 2003**  
 6 **FOR CENTER FOR CULTURAL AND TECH-**  
 7 **NICAL INTERCHANGE BETWEEN EAST AND**  
 8 **WEST.**

9 Section 112(3) of the Foreign Relations Authoriza-  
 10 tion Act, Fiscal Year 2003 (116 Stat. 1358; Public Law  
 11 107–228) is amended by striking “\$15,000,000” and in-  
 12 serting “\$18,000,000”.

13 **DIVISION B—DEFENSE TRADE**  
 14 **AND SECURITY ASSISTANCE**  
 15 **REFORM ACT OF 2003**  
 16 **TITLE X—GENERAL PROVISIONS**

17 **SEC. 1001. SHORT TITLE.**

18 This division may be cited as the “Defense Trade and  
 19 Security Assistance Reform Act of 2003”.

20 **SEC. 1002. DEFINITIONS.**

21 Except as otherwise provided, in this division:

22 (1) **DEFENSE ARTICLES.**—The term “defense  
 23 articles” has the meaning given the term in section  
 24 47(7)(A) of the Arms Export Control Act (as  
 25 amended by section 1107(d) of this Act).

1           (2) DEFENSE SERVICES.—The term “defense  
2 services” has the meaning given the term in section  
3 47(7)(B) of the Arms Export Control Act (as  
4 amended by section 1107(d) of this Act).

5           (3) DUAL USE.—The term “dual use” means,  
6 with respect to goods or technology, those goods or  
7 technology that are specifically designed or devel-  
8 oped for civil purposes but which also may be used  
9 or deployed in a military mode.

10          (4) EXPORT ADMINISTRATION REGULATIONS.—  
11 The term “Export Administration Regulations”  
12 means those regulations contained in sections 730–  
13 774 of title 15, Code of Federal Regulations (or suc-  
14 cessor regulations).

15          (5) GOOD.—The term “good” has the meaning  
16 given the term in section 16(3) of the Export Ad-  
17 ministration Act of 1979 (50 U.S.C. App. 2415(3)).

18          (6) INTERNATIONAL TRAFFIC IN ARMS REGULA-  
19 TIONS.—The term “International Traffic in Arms  
20 Regulations” means those regulations contained in  
21 sections 120–130 of title 22, Code of Federal Regu-  
22 lations (or successor regulations).

23          (7) MISSILE TECHNOLOGY CONTROL REGIME;  
24 MTCR.—The term “Missile Technology Control Re-  
25 gime” or “MTCR” has the meaning given the term

1 in section 11B(c)(2) of the Export Administration  
2 Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

3 (8) MISSILE TECHNOLOGY CONTROL REGIME  
4 ANNEX; MTCR ANNEX.—The term “Missile Tech-  
5 nology Control Regime Annex” or “MTCR Annex”  
6 has the meaning given the term in section 11B(c)(4)  
7 of the Export Administration Act of 1979 (50  
8 U.S.C. App. 2401b(c)(4)).

9 (9) OPERATION IRAQI FREEDOM.—The term  
10 “Operation Iraqi Freedom” means operations of  
11 United States Armed Forces, the armed forces of  
12 the United Kingdom, and the armed forces of other  
13 coalition member countries initiated on or about  
14 March 19, 2003—

15 (A) to disarm Iraq of its weapons of mass  
16 destruction;

17 (B) to enforce United Nations Security  
18 Council Resolution 1441 (November 8, 2002)  
19 and other relevant Security Council resolutions  
20 with respect to Iraq; and

21 (C) to liberate the people of Iraq from the  
22 regime of Saddam Hussein.

23 (10) TECHNOLOGY.—The term “technology”  
24 has the meaning given the term in section 16(4) of

1 the Export Administration Act of 1979 (50 U.S.C.  
2 App. 2415(4)).

3 **SEC. 1003. REFERENCES TO ARMS EXPORT CONTROL ACT.**

4 Except as otherwise specifically provided, whenever in  
5 this division an amendment is expressed in terms of an  
6 amendment to a section or other provision, the reference  
7 shall be considered to be made to that section or other  
8 provision of the Arms Export Control Act (22 U.S.C. 2751  
9 et seq.).

10 **TITLE XI—TERRORIST-RELATED**  
11 **PROHIBITIONS AND EN-**  
12 **FORCEMENT MEASURES**

13 **SEC. 1101. ELIGIBILITY PROVISIONS.**

14 (a) INELIGIBILITY FOR TERRORIST RELATED  
15 TRANSACTIONS.—Section 3(e)(1) (22 U.S.C. 2753(e)(1))  
16 is amended—

17 (1) in each of subparagraphs (A) and (B), by  
18 striking “or any predecessor Act,” and inserting “,  
19 any predecessor Act, or licensed or approved under  
20 section 38 of this Act, to carry out a transaction  
21 with a country, the government of which the Sec-  
22 retary of State has determined is a state sponsor of  
23 international terrorism for purposes of section  
24 6(j)(1) of the Export Administration Act of 1979

1 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such  
2 defense articles or defense services”; and

3 (2) by adding at the end the following:

4 “(C) In this section, the term ‘transaction’ means the  
5 taking of any action, directly or indirectly, by a foreign  
6 country that would be a transaction prohibited by section  
7 40 of this Act with respect to the United States Govern-  
8 ment and United States persons.”.

9 (b) REPORTING REQUIREMENT.—Section 3(e) (22  
10 U.S.C. 2753(e)) is amended by inserting after “the For-  
11 eign Assistance Act of 1961,” the following: “regardless  
12 of whether the article or service has been sold or otherwise  
13 furnished by the United States Government or licensed  
14 under section 38 of this Act,”.

15 **SEC. 1102. WEAPONS TRANSFERS TO FOREIGN PERSONS IN**  
16 **THE UNITED STATES.**

17 Section 38(a)(1) (22 U.S.C. 2778(a)(1)) is amended  
18 in the first sentence by inserting after “import and the  
19 export of defense articles and defense services” the fol-  
20 lowing: “, or the transfer of such articles, other than fire-  
21 arms (or ammunition, components, parts, accessories, or  
22 attachments for firearms), and services within the United  
23 States to foreign persons,”.

1 **SEC. 1103. COORDINATION OF LICENSE EXEMPTIONS WITH**  
2 **UNITED STATES LAW ENFORCEMENT AGEN-**  
3 **CIES.**

4 (a) SENSE OF CONGRESS.—In view of the historic  
5 difficulties in the enforcement of the Arms Export Control  
6 Act (22 U.S.C. 2751 et seq.) associated with violations  
7 involving exports of defense articles and defense services  
8 that have been exempted by regulation from the licensing  
9 requirements of section 38 of such Act, it is the sense of  
10 Congress that the establishment of new exemptions by reg-  
11 ulation should only be undertaken after careful coordina-  
12 tion with the appropriate United States law enforcement  
13 agencies.

14 (b) AMENDMENT.—Section 38(b)(2) (22 U.S.C.  
15 2778(b)(2)) is amended by adding at the end the following  
16 new sentences: “In promulgating regulations under sub-  
17 section (a)(1) in accordance with the preceding sentence,  
18 any provision in such regulations that permits the export  
19 of defense articles or defense services without a license  
20 shall include a determination by the Attorney General, in  
21 consultation with the Secretary of Homeland Security and  
22 the Director of the Federal Bureau of Investigation, that  
23 the compilation and maintenance of sufficient documenta-  
24 tion relating to the export without a license of the articles  
25 or services is ensured, notwithstanding the absence of a  
26 license, to facilitate law enforcement efforts to detect, pre-

1 vent, and prosecute criminal violations of any provision of  
2 this section, section 39, or section 40 of this Act, including  
3 the efforts on the part of countries and factions engaged  
4 in international terrorism to illicitly acquire defense arti-  
5 cles and defense services. No defense article or defense  
6 service designated by the President under subsection  
7 (a)(1) may be exported without a license pursuant to a  
8 regulation under subsection (a)(1) that is promulgated on  
9 or after January 1, 2003, until 30 days after the date  
10 on which the President provides notice of the proposed  
11 regulation to the Committee on International Relations of  
12 the House of Representatives and to the Committee on  
13 Foreign Relations of the Senate in accordance with the  
14 procedures applicable to reprogramming notifications  
15 under section 634A(a) of the Foreign Assistance Act of  
16 1961, including a description of the criteria that would  
17 be used to permit the export of the article or service and  
18 any measures to facilitate law enforcement efforts associ-  
19 ated with the Attorney General's determination required  
20 by the preceding sentence.”.

21 **SEC. 1104. MECHANISMS TO IDENTIFY PERSONS IN VIOLA-**  
22 **TION OF CERTAIN PROVISIONS OF LAW.**

23 Section 38(g)(1)(A) (22 U.S.C. 2778(g)(1)(A)) is  
24 amended—

25 (1) in clause (iii)—

1 (A) by striking “or section 2339A” and in-  
2 serting “, section 2339A”; and

3 (B) by inserting at the end before the  
4 comma the following: “, or section 2339C of  
5 such title (relating to financing terrorism)”;

6 (2) in clause (x), by striking “or” at the end;

7 (3) in clause (xi), by striking the semicolon at  
8 the end and inserting a comma; and

9 (4) by adding at the end the following:

10 “(xii) subclause (I) or (II) of section  
11 1956(c)(7)(B)(v) of title 18, United States  
12 Code;

13 “(xiii) section 329 of the Uniting and  
14 Strengthening America by Providing Appro-  
15 priate Tools Required to Intercept and Obstruct  
16 Terrorism (USA PATRIOT ACT) Act of 2001;

17 “(xiv) section 5332 of title 31, United  
18 States Code;

19 “(xv) section 1960 of title 18, United  
20 States Code;

21 “(xvi) section 175(b), 175b, 1993, 2339 of  
22 title 18, United States Code;

23 “(xvii) section 2332a, 2332b, or 2332f of  
24 title 18, United States Code; or

1                   “(xviii) section 175 of title 18, United  
2                   States Code;”.

3 **SEC. 1105. COMPREHENSIVE NATURE OF UNITED STATES**

4                   **ARMS EMBARGOES.**

5                   (a) FINDINGS; SENSE OF CONGRESS.—

6                   (1) FINDINGS.—Congress finds that—

7                   (A) governments to which the United  
8                   States Government prohibits by law or policy  
9                   the transfer of implements of war, including  
10                  material, components, parts, and other defense  
11                  articles and defense services (as defined in  
12                  paragraphs (3) and (4) of section 47 of the  
13                  Arms Export Control Act, respectively) continue  
14                  to seek to evade these embargoes through in-  
15                  creasingly sophisticated illegal acquisitions via  
16                  the “international gray arms market” and by  
17                  seeking to exploit weaknesses in the export con-  
18                  trol system of the United States and its friends  
19                  and allies; and

20                  (B) the strict and comprehensive applica-  
21                  tion of arms embargoes referred to in subpara-  
22                  graph (A) including those embargoes estab-  
23                  lished by the United Nations Security Council  
24                  is of fundamental importance to the security

1           and foreign policy interests of the United  
2           States.

3           (2) SENSE OF CONGRESS.—It is the sense of  
4           Congress that the United States Government should  
5           continue to provide a leadership role internationally  
6           in ensuring the effectiveness of arms embargoes re-  
7           ferred to in paragraph (1).

8           (b) SCOPE OF EMBARGOES.—Section 38 (22 U.S.C.  
9           2778) is amended by adding at the end the following:

10          “(k) Whenever the United States maintains an arms  
11          embargo pursuant to United States law, or through public  
12          notice by the President or Secretary of State pursuant to  
13          the authorities of this Act, no defense article or defense  
14          service subject to sections 120–130 of title 22, Code of  
15          Federal Regulations (commonly known as the ‘Inter-  
16          national Traffic in Arms Regulations’) and no dual use  
17          good or technology subject to sections 730–774 of title 15,  
18          Code of Federal Regulations (commonly known as the ‘Ex-  
19          port Administration Regulations’) shall be sold or trans-  
20          ferred to the military, police, or intelligence services of the  
21          embargoed government, including any associated govern-  
22          mental agency, subdivision, entity, or other person acting  
23          on their behalf, unless, at a minimum and without preju-  
24          dice to any additional requirements established in United  
25          States law or regulation, the Secretary of State and the

1 Secretary of Defense have concurred in the sale or trans-  
2 fer through issuance of a license.”.

3 (c) ESTABLISHMENT OF CONTROLS.—The Secretary  
4 shall consult with the Secretary of Commerce to ensure  
5 the establishment of appropriate foreign policy and na-  
6 tional security controls and license requirements under the  
7 Export Administration Regulations in order to ensure the  
8 effective implementation of section 38(k) of the Arms Ex-  
9 port Control Act, as added by subsection (b).

10 (d) REPORT.—Not later than 120 days after the date  
11 of the enactment of this Act, the Secretary shall submit  
12 to the appropriate congressional committees a report that  
13 describes the actions taken to implement the requirements  
14 of subsection (c).

15 **SEC. 1106. TRANSACTIONS WITH COUNTRIES SUPPORTING**  
16 **ACTS OF INTERNATIONAL TERRORISM.**

17 Section 40(l)(1) (22 U.S.C. 2780(l)(1)) is amended  
18 by striking “any item enumerated on the United States  
19 Munitions List” and inserting “a defense article or de-  
20 fense service (as defined in subparagraph (A) or (B) of  
21 section 47(7), respectively), an item enumerated on the  
22 United States Munitions List (as designated by the Presi-  
23 dent pursuant to section 38(a)), or any other activity for  
24 which a license or other approval is required pursuant to  
25 the regulations promulgated under subsection (a)(1)”.

1 **SEC. 1107. AMENDMENTS TO CONTROL OF ARMS EXPORTS**  
2 **AND IMPORTS.**

3 (a) REVISION OF STANDARD FOR VIOLATION;  
4 AMOUNT OF PENALTIES.—Section 38(c) (22 U.S.C.  
5 2778(c)) is amended—

6 (1) by striking “willfully” each place it appears  
7 and inserting “knowingly”;

8 (2) by striking “this section or section 39” and  
9 inserting “this section, section 39, or section 40”;  
10 and

11 (3) by striking “\$1,000,000” and inserting  
12 “\$1,000,000 (in the case of a violation of this sec-  
13 tion or section 39), \$2,000,000 (in the case of a vio-  
14 lation involving any country covered by section 40),  
15 and \$1,500,000 (in the case of a violation involving  
16 any country other than a country covered by section  
17 40 that is subject by United States law or policy to  
18 an arms embargo)”.

19 (b) CIVIL PENALTIES.—Section 38(e) (22 U.S.C.  
20 2778(e)) is amended in the third sentence by striking  
21 “under this section may not exceed \$500,000” and insert-  
22 ing “or any other activities subject to control under this  
23 section, section 39, or section 40, may not exceed  
24 \$500,000 for each violation of section 38 or section 39,  
25 \$1,000,000 for each violation involving any country cov-  
26 ered by section 40, and \$750,000 for each violation relat-

1 ing to an arms embargo (other than a violation covered  
2 by section 40)”.

3 (c) REVISION OF STANDARD FOR VIOLATION; CRIMI-  
4 NAL PENALTY; CIVIL PENALTIES; ENFORCEMENT.—Sec-  
5 tion 40 (22 U.S.C. 2780) is amended—

6 (1) in subsection (j)—

7 (A) by striking “willfully” and inserting  
8 “knowingly”; and

9 (B) by striking “\$1,000,000” and insert-  
10 ing “\$2,000,000”; and

11 (2) in subsection (k), by striking “\$500,000”  
12 and inserting “\$1,000,000”.

13 (d) DEFINITIONS.—Section 47(7) (22 U.S.C.  
14 2794(7)) is amended to read as follows:

15 “(7)(A) ‘defense articles’, with respect to ex-  
16 ports subject to sections 38, 39, and 40 of this Act,  
17 has the meaning given such term in sections 120–  
18 130 of title 22, Code of Federal Regulations (com-  
19 monly known as the ‘International Traffic in Arms  
20 Regulations’), as such regulations were in effect on  
21 January 1, 2003, and includes such additional arti-  
22 cles as may be designated by the President under  
23 section 38(a)(1); and

24 “(B) ‘defense services’, with respect to exports  
25 subject to sections 38, 39, and 40 of this Act, has

1 the meaning given such term in sections 120–130 of  
2 title 22, Code of Federal Regulations (commonly  
3 known as the ‘International Traffic in Arms Regula-  
4 tions’), as such regulations were in effect on Janu-  
5 ary 1, 2003, and includes—

6 “(i) the provision of assistance (including  
7 aiding, abetting, or training) to foreign persons;  
8 and

9 “(ii) such other activities as may be des-  
10 ignated by the President pursuant to section  
11 38(a)(1).”.

12 **SEC. 1108. HIGH RISK EXPORTS AND END USE**  
13 **VERIFICATION.**

14 Section 38(g)(7) (22 U.S.C. 2778) is amended by  
15 adding at the end the following new sentence: “Such  
16 standards shall be coordinated biennially with the Sec-  
17 retary of Homeland Security, the Attorney General, the  
18 Director of the Federal Bureau of Investigation, the Di-  
19 rector of Central Intelligence, and the heads of other Fed-  
20 eral departments or agencies, as appropriate.”.

21 **SEC. 1109. CONCURRENT JURISDICTION OF THE FEDERAL**  
22 **BUREAU OF INVESTIGATION.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that, in view of the responsibilities of the Federal  
25 Bureau of Investigation for protecting the United States

1 against terrorist attack, foreign intelligence operations,  
2 high technology crimes, and transnational criminal organi-  
3 zations and enterprises, the Federal Bureau of Investiga-  
4 tion should be provided authority to investigate and en-  
5 force violations of the Arms Export Control Act without  
6 adversely affecting the existing authority of the Bureau  
7 of Customs and Border Protection of the Department of  
8 Homeland Security.

9 (b) COPY OF REGISTRATION.—Section 38(b)(1) (22  
10 U.S.C. 2778(b)) is amended—

11 (1) by redesignating the second subparagraph  
12 (B) as subparagraph (C); and

13 (2) in subparagraph (B)—

14 (A) in the first sentence, by inserting “and  
15 the Director of the Federal Bureau of Inves-  
16 tigation” after “Secretary of Treasury”; and

17 (B) in the second sentence, by inserting  
18 “and the Director” after “The Secretary”.

19 (c) JURISDICTION OF FBI AND BUREAU OF CUS-  
20 TOMS.—Section 38(e) (22 U.S.C. 2778(e)) is amended in  
21 the first sentence by adding at the end before the period  
22 the following: “, and except further, that the Federal Bu-  
23 reau of Investigation and the Bureau of Customs and Bor-  
24 der Protection of the Department of Homeland Security

1 shall have concurrent jurisdiction for criminal violations  
2 and enforcement of this Act”.

3 (d) MECHANISMS TO IDENTIFY PERSONS IN VIOLA-  
4 TION OF CERTAIN PROVISIONS OF LAW.—Section 38(g)  
5 (22 U.S.C. 2778(g)) is amended in the second sentence  
6 of paragraph (3), in paragraph (4), and in paragraph (8)  
7 by inserting “and the Director of the Federal Bureau of  
8 Investigation” after “Secretary of Treasury”.

9 **SEC. 1110. REPORT ON FOREIGN-SUPPLIED DEFENSE ARTI-**  
10 **CLES, DEFENSE SERVICES, AND DUAL USE**  
11 **GOODS AND TECHNOLOGY DISCOVERED IN**  
12 **IRAQ.**

13 (a) REPORT.—

14 (1) IN GENERAL.—Not later than 180 days  
15 after the date of the enactment of this Act, and on  
16 annual basis thereafter as appropriate, the President  
17 shall prepare and transmit to the congressional com-  
18 mittees specified in paragraph (2) a written report  
19 on foreign-supplied defense articles, defense services,  
20 and dual use goods and technology supplied to Iraq  
21 since the adoption of United Nations Security Coun-  
22 cil Resolution 687 (April 3, 1991) and discovered in  
23 Iraq since the inception of Operation Iraqi Freedom  
24 or identified as having been in Iraq at any time  
25 since April 3, 1991, and not destroyed or otherwise

1       accounted for by the United Nations Special Com-  
2       mission (UNSCOM) or the United Nations Moni-  
3       toring, Verification and Inspection Commission  
4       (UNMOVIC).

5               (2) CONGRESSIONAL COMMITTEES SPECI-  
6       FIED.—The congressional committees referred to in  
7       paragraph (1) are—

8               (A) the Committee on International Rela-  
9       tions and the Committee on Armed Services of  
10       the House of Representatives; and

11              (B) the Committee on Foreign Relations  
12       and the Committee on Armed Services of the  
13       Senate.

14       (b) CONTENTS.—The report required by subsection  
15 (a) shall include information on defense articles, defense  
16 services, and dual use goods and technology discovered in  
17 accordance with such subsection, including a description  
18 of such articles, services, and goods and technology by cat-  
19 egory or type, quantity, country of origin (if known), man-  
20 ufacturer (if known), date of acquisition (if known), and,  
21 in the case of dual use goods and technology, the use or  
22 intended use or deployment (if known) and whether the  
23 goods or technology are covered by any arms control  
24 agreement or nonproliferation arrangement to which the  
25 United States is a party.

1 (c) FORM.—The report required by subsection (a)  
2 shall be transmitted in unclassified form to the maximum  
3 extent practicable, but may contain a classified annex if  
4 necessary.

5 **TITLE XII—STRENGTHENING**  
6 **MUNITIONS EXPORT CONTROLS**

7 **SEC. 1201. CONTROL OF ITEMS ON MISSILE TECHNOLOGY**

8 **CONTROL REGIME ANNEX.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress that all proposals to export or transfer to foreign  
11 persons by other means, whether in the United States or  
12 abroad, and any other activities subject to regulation  
13 under section 38, 39, or 40 of the Arms Export Control  
14 Act, relating to items on the Missile Technology Control  
15 Regime Annex, should be accorded stringent control and  
16 scrutiny consistent with the purposes of section 71 of the  
17 Arms Export Control Act (22 U.S.C. 2797).

18 (b) CONTROL OF ITEMS ON MTCR ANNEX.—The  
19 Secretary, in coordination with the Secretary of Com-  
20 merce, the Attorney General, and the Secretary of De-  
21 fense, shall ensure that all items on the MTCR Annex are  
22 subject to stringent control by the United States Govern-  
23 ment pursuant to the International Traffic in Arms Regu-  
24 lations and the Export Administration Regulations.

1 (c) CERTIFICATION.—Not later than March 1 of each  
2 year, the Secretary, in coordination with the Secretary of  
3 Commerce, the Attorney General and the Secretary of De-  
4 fense, shall prepare and submit to the appropriate con-  
5 gressional committees a report that contains—

6 (1) a certification that the requirement of sub-  
7 section (b) has been met for the prior year, or if the  
8 requirement has not been met, the reasons therefor;  
9 and

10 (2) a description of the updated coverage, if  
11 any, of the regulations referred to in subsection (b)  
12 with respect to all items on the MTCR Annex and  
13 an explanation of any areas of overlap or omissions,  
14 if any, among the regulations.

15 **SEC. 1202. CERTIFICATIONS RELATING TO EXPORT OF CER-**  
16 **TAIN DEFENSE ARTICLES AND SERVICES.**

17 Section 36(c) (22 U.S.C. 2776(c)) is amended—

18 (1) in the first sentence of paragraph (1), by  
19 inserting after “\$1,000,000 or more” the following:  
20 “, or, notwithstanding section 27(g) of this Act, for  
21 any special comprehensive authorization under sec-  
22 tions 120–130 of title 22, Code of Federal Regula-  
23 tions (commonly known as the ‘International Traffic  
24 in Arms Regulations’) for the export of defense arti-

1       cles or defense services in an aggregate amount of  
2       \$100,000,000 or more”;

3               (2) in paragraph (2)—

4                       (A) by striking subparagraph (B); and

5                       (B) by redesignating subparagraph (C) as  
6       subparagraph (B); and

7               (3) in the matter preceding subparagraph (A)  
8       of paragraph (5), by inserting “or paragraph (2)”  
9       after “paragraph (1)”.

10 **SEC. 1203. NOTIFICATION REQUIREMENTS FOR TECHNICAL**  
11                       **ASSISTANCE AND MANUFACTURING LICENS-**  
12                       **ING AGREEMENTS WITH NATO MEMBER**  
13                       **COUNTRIES, AUSTRALIA, NEW ZEALAND, AND**  
14                       **JAPAN.**

15       Section 36(d) (22 U.S.C. 2776(d)) is amended by  
16 adding at the end the following:

17       “(6) In the case of a commercial technical assistance  
18 or manufacturing license agreement with a member coun-  
19 try of the North Atlantic Treaty Organization (NATO)  
20 or Australia, Japan, or New Zealand that does not author-  
21 ize a new sales territory that includes any country other  
22 than such countries, the requirements contained in para-  
23 graphs (2) and (4) shall apply only if—

24               “(A) the agreement involves—

1           “(i) major defense equipment in the  
2           amount of \$7,000,000 or more; or

3           “(ii) significant military equipment in the  
4           amount of \$25,000,000 or more; and

5           “(B) the amount referred to in clause (i) or (ii)  
6           of subparagraph (A), as the case may be, includes  
7           the estimated value of all defense articles and de-  
8           fense services to be manufactured or transferred  
9           throughout the duration of the approval period.”.

10 **SEC. 1204. STRENGTHENING DEFENSE COOPERATION WITH**  
11 **AUSTRALIA AND THE UNITED KINGDOM.**

12           (a) SENSE OF CONGRESS.—It is the sense of Con-  
13 gress that the expeditious consideration of munitions li-  
14 cense applications that meet the policy and eligibility cri-  
15 teria established in section 38 of the Arms Export Control  
16 Act (22 U.S.C. 2778) for export or transfer of defense  
17 items (as such term is defined in subsection (j)(4)(A) of  
18 such section) to Australia and the United Kingdom is fully  
19 consistent with United States security and foreign policy  
20 interests and the objectives of world peace and security.

21           (b) ESTABLISHMENT OF FAST TRACK MUNITIONS  
22 LICENSING FOR AUSTRALIA AND THE UNITED KING-  
23 DOM.—Section 38(f) (22 U.S.C. 2778(f)) is amended by  
24 adding at the end the following:

1       “(4) In the absence of a binding bilateral agreement  
2 with the Government of Australia or the Government of  
3 the United Kingdom (as the case may be) that meets the  
4 requirements of paragraph (2) and subsection (j), the Sec-  
5 retary of State shall ensure that any application submitted  
6 under this section for the export of defense items to Aus-  
7 tralia or the United Kingdom (as the case may be) that  
8 meets all other requirements of this section (including re-  
9 quirements relating to eligibility of parties to the trans-  
10 action, the absence of risk of diversion to unauthorized  
11 end use and end users, and preservation of United States  
12 intelligence and law enforcement interests), and which are  
13 also transactions involving defense items that would be ex-  
14 empt pursuant to sections 120–130 of title 22, Code of  
15 Federal Regulations (commonly known as the ‘Inter-  
16 national Traffic in Arms Regulations’) from export licens-  
17 ing or other written approvals if such items were items  
18 to be exported to Canada, are processed by the Depart-  
19 ment of State not later than ten days after the date of  
20 receipt of the application without referral to any other  
21 Federal department or agency, except on an extraordinary  
22 basis upon receipt of a written request from the Attorney  
23 General, the Secretary of Homeland Security, the Director  
24 of Central Intelligence, or the Secretary of Defense.”.

1 **SEC. 1205. TRAINING AND LIAISON FOR SMALL BUSI-**  
2 **NESSES.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that it is increasingly important that the Secretary,  
5 in administering the licensing, registration, compliance,  
6 and other authorities contained in section 38 of the Arms  
7 Export Control Act (22 U.S.C. 2778), should provide up-  
8 to-date training and other educational assistance to small  
9 businesses in the United States aerospace and defense in-  
10 dustrial sector.

11 (b) SMALL BUSINESS LIAISON.—Not later than 180  
12 days after the date of the enactment of this Act, the Sec-  
13 retary shall designate, within the Office of Defense Trade  
14 Controls of the Department of State, a coordinator for  
15 small business affairs. The coordinator shall serve as a  
16 liaison for small businesses in the United States aerospace  
17 and defense industrial sector with respect to licensing and  
18 registration requirements in order to facilitate the compli-  
19 ance and other forms of participation by such small busi-  
20 nesses in the United States munitions control system, in-  
21 cluding by providing training, technical assistance, and  
22 through other efforts as may be appropriate.

1 **SEC. 1206. STUDY AND REPORT RELATING TO CO-LOCATING**  
2 **MUNITIONS CONTROL FUNCTIONS OF THE**  
3 **DEPARTMENTS OF STATE, DEFENSE, AND**  
4 **HOMELAND SECURITY.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that the administrative, licensing, and compliance-  
7 related functions associated with the export of defense ar-  
8 ticles and defense services under section 38 of the Arms  
9 Export Control Act (22 U.S.C. 2778), which are generally  
10 administered by the Department of State in conjunction  
11 with the Department of Homeland Security and the De-  
12 partment of Defense, should be expedited consistent with  
13 United States security, law enforcement, and foreign pol-  
14 icy requirements by a reduction in the those matters ne-  
15 cessitating inter-agency referral outside of the Depart-  
16 ment of State, or by co-locating related functions of the  
17 Department of Homeland Security and the Department  
18 of Defense with those functions of the Department of  
19 State in order to minimize the time and administrative  
20 tasks to government and industry involved in inter-agency  
21 referrals, while also providing a convenient, central loca-  
22 tion for United States defense companies, especially small  
23 businesses.

24 (b) STUDY AND REPORT.—

25 (1) STUDY.—The Secretary, in consultation  
26 with the Secretary of Homeland Security and the

1 Secretary of Defense, and through the Federal advi-  
2 sory committee structure with the public, shall con-  
3 duct a study to examine the relative advantages and  
4 disadvantages to the United States Government, the  
5 United States defense industry, including United  
6 States small businesses, and to other public constitu-  
7 encies of co-locating relevant functions and per-  
8 sonnel of the Department of State, the Department  
9 of Homeland Security, and the Department of De-  
10 fense with the Office of Defense Trade Controls of  
11 the Department of State at a central location con-  
12 venient to the public and United States defense in-  
13 dustry, without prejudice to the responsibilities and  
14 prerogatives of the Secretary, the Secretary of  
15 Homeland Security, and the Secretary of Defense  
16 under existing law.

17 (2) REPORT.—Not later than 180 days after  
18 the date of the enactment of this Act, the Secretary  
19 shall prepare and submit to the appropriate congress-  
20 sional committees a report that contains the results  
21 of study conducted under paragraph (1).

1 **TITLE XIII—SECURITY ASSIST-**  
2 **ANCE AND RELATED PROVI-**  
3 **SIONS**

4 **Subtitle A—Foreign Military Sales**  
5 **and Financing Authorities**

6 **SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Presi-  
8 dent for grant assistance under section 23 of the Arms  
9 Export Control Act (22 U.S.C. 2763) and for the subsidy  
10 cost, as defined in section 502(5) of the Federal Credit  
11 Reform Act of 1990, of direct loans under such section  
12 \$4,414,000,000 for fiscal year 2004.

13 **SEC. 1302. PROVISION OF CATALOGING DATA AND SERV-**  
14 **ICES.**

15 Section 21(h)(2) (22 U.S.C. 2761(h)(2)) is amended  
16 by striking “or to any member government of that Organi-  
17 zation if that Organization or member government” and  
18 inserting “, to any member of that Organization, or to  
19 the Governments of Australia, New Zealand, or Japan if  
20 that Organization, member government, or the Govern-  
21 ments of Australia, New Zealand, or Japan”.

22 **SEC. 1303. ANNUAL ESTIMATE AND JUSTIFICATION FOR**  
23 **SALES PROGRAM.**

24 Section 25(a)(1) (22 U.S.C. 2765(a)(1)) is amended  
25 by inserting after “\$7,000,000 or more” the following

1 “(or, in the case of a member country of the North Atlan-  
2 tic Treaty Organization (NATO), Australia, New Zealand,  
3 or Japan, \$25,000,000 or more)”.

4 **SEC. 1304. ADJUSTMENT TO ADVANCE NOTIFICATION RE-**  
5 **QUIREMENT FOR TRANSFER OF CERTAIN EX-**  
6 **CESS DEFENSE ARTICLES.**

7 Section 516(f)(1) of the Foreign Assistance Act of  
8 1961 (22 U.S.C. 2321i) is amended by striking “signifi-  
9 cant military equipment (as defined in section 47(9) of  
10 the Arms Export Control Act)” and inserting “major de-  
11 fense equipment (as defined in section 47(6) of the Arms  
12 Export Control Act)”.

13 **Subtitle B—International Military**  
14 **Education and Training**

15 **SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Presi-  
17 dent \$91,700,000 for fiscal year 2004 to carry out chapter  
18 5 of part II of the Foreign Assistance Act of 1961 (22  
19 U.S.C. 2347 et seq.).

20 **SEC. 1312. ANNUAL FOREIGN MILITARY TRAINING REPORT-**  
21 **ING.**

22 Section 656(a)(1) of the Foreign Assistance Act of  
23 1961 (22 U.S.C. 2416(a)(1)) is amended—

24 (1) by striking “January 31” and inserting  
25 “March 1”; and

1           (2) by striking “and all such training proposed  
2           for the current fiscal year”.

3           **Subtitle C—Assistance for Select**  
4           **Countries**

5           **SEC. 1321. ASSISTANCE FOR ISRAEL.**

6           Section 513 of the Security Assistance Act of 2000  
7           (Public Law 106–280) is amended—

8           (1) in subsection (b)(1), by striking “2002 and  
9           2003” and inserting “2003 through 2005”;

10          (2) in subsection (c)(1), by striking “2002 and  
11          2003” and inserting “2003 through 2005”;

12          (3) in subsection (c)(3)—

13               (A) by striking “fiscal years 2002 and  
14               2003” and inserting “fiscal years 2004 and  
15               2005”;

16               (B) by striking “fiscal year 2002” and in-  
17               serting “fiscal year 2004”; and

18               (C) by striking “fiscal year 2003, or” and  
19               inserting “fiscal year 2005, or”; and

20          (4) in subsection (c)(4)—

21               (A) by striking “2002 and 2003” and in-  
22               serting “2003 through 2005”; and

23               (B) by striking “\$535,000,000 for fiscal  
24               year 2002” and all that follows through “fiscal  
25               year 2003” and inserting “\$550,000,000 for

1           fiscal year 2003, not less than \$565,000,000  
2           for fiscal year 2004, and not less than  
3           \$580,000,000 for fiscal year 2005”.

4 **SEC. 1322. ASSISTANCE FOR EGYPT.**

5           Section 514 of the Security Assistance Act of 2000  
6 (Public Law 106–280) is amended—

7           (1) by striking “2002 and 2003” each place it  
8           appears and inserting “2003 through 2005”; and

9           (2) in subsection (e)—

10           (A) by striking “fiscal years 2002 and  
11           2003” and inserting “fiscal years 2004 and  
12           2005”;

13           (B) by striking “fiscal year 2002” and in-  
14           serting “fiscal year 2004”; and

15           (C) by striking “fiscal year 2003, or” and  
16           inserting “fiscal year 2005, or”.

17 **Subtitle D—International Narcotics**  
18 **Control Assistance**

19 **SEC. 1331. ADDITIONAL AUTHORITIES RELATING TO INTER-**  
20 **NATIONAL NARCOTICS CONTROL ASSIST-**  
21 **ANCE.**

22           Notwithstanding any other provision of law, assist-  
23           ance provided by the United States Government to sup-  
24           port international efforts to combat aerial trafficking of  
25           illicit narcotics under chapter 8 of part I of the Foreign

1 Assistance Act of 1961 or under any other provision of  
2 law shall include the authority to interdict illicit arms in  
3 connection with the trafficking of illicit narcotics.

4 **SEC. 1332. UNITED STATES OPIUM ERADICATION PROGRAM**  
5 **IN COLOMBIA.**

6 Not later than 180 days after the date of the enact-  
7 ment of this Act, the Secretary of State, acting through  
8 the Department of State's Narcotics Affairs Section  
9 (NAS) in Bogota, Colombia, shall ensure that all pilots  
10 participating in the United States opium eradication pro-  
11 gram in Colombia are Colombians and are fully trained,  
12 qualified, and experienced pilots, with preference provided  
13 to individuals who are members of the Colombian National  
14 Police.

15 **Subtitle E—Miscellaneous**  
16 **Provisions**

17 **SEC. 1341. UNITED STATES WAR RESERVE STOCKPILES FOR**  
18 **ALLIES.**

19 Section 514(b)(2) of the Foreign Assistance Act of  
20 1961 (22 U.S.C. 2321h(b)(2)) is amended—

21 (1) in subparagraph (A), by striking “for fiscal  
22 year 2003” and inserting “for each of fiscal years  
23 2003 and 2004”; and

1           (2) in subparagraph (B), by striking “for fiscal  
2           year 2003” and inserting “for each of fiscal years  
3           2003 and 2004”.

4 **SEC. 1342. TRANSFER TO ISRAEL OF CERTAIN DEFENSE AR-**  
5 **TICLES IN THE UNITED STATES WAR RE-**  
6 **SERVE STOCKPILES FOR ALLIES.**

7           (a) AUTHORIZATION.—Notwithstanding section 514  
8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),  
9 the President is authorized to transfer to Israel, in return  
10 for concessions to be negotiated by the Secretary of De-  
11 fense, with the concurrence of the Secretary, defense arti-  
12 cles, including armor, artillery, ammunition for automatic  
13 weapons, missiles, and other munitions that are—

14           (1) obsolete or surplus items;

15           (2) in the inventory of the Department of De-  
16 fense;

17           (3) intended for use as reserve stocks in Israel;

18           and

19           (4) are located in a stockpile in Israel as of the  
20 date of enactment of this Act.

21           (b) CONCESSIONS.—The value of concessions nego-  
22 tiated pursuant to subsection (a) shall be at least equal  
23 to the fair market value of the items transferred. The con-  
24 cessions may include cash compensation, services, waiver

1 of charges otherwise payable by the United States, and  
2 other items of value.

3 (c) ADVANCE NOTIFICATION OF TRANSFER.—

4 (1) IN GENERAL.—Not less than 30 days before  
5 making a transfer under the authority of this sec-  
6 tion, the President shall transmit a notification de-  
7 scribing the items to be transferred to Israel and the  
8 concessions to be received by the United States to  
9 the congressional committees specified in paragraph  
10 (2).

11 (2) CONGRESSIONAL COMMITTEES SPECI-  
12 FIED.—The congressional committees referred to in  
13 paragraph (1) are—

14 (A) the Committee on International Rela-  
15 tions and the Committee on Armed Services of  
16 the House of Representatives; and

17 (B) the Committee on Foreign Relations  
18 and the Committee on Armed Services of the  
19 Senate.

20 (d) EXPIRATION OF AUTHORITY.—No transfer may  
21 be made under the authority of this section following the  
22 expiration of the five-year period beginning on the date  
23 of enactment of this Act.

1 **SEC. 1343. EXPANSION OF AUTHORITIES FOR LOAN OF MA-**  
2 **TERIAL, SUPPLIES, AND EQUIPMENT FOR RE-**  
3 **SEARCH AND DEVELOPMENT PURPOSES.**

4 Section 65 (22 U.S.C. 2796d) is amended—

5 (1) in subsection (a)(1), by inserting “or a  
6 friendly foreign country” after “ally” each place  
7 such term appears; and

8 (2) in subsection (d) to read as follows:

9 “(d) For purposes of this section—

10 “(1) the term ‘NATO ally’ means a member  
11 country of the North Atlantic Treaty Organization  
12 (other than the United States); and

13 “(2) the term ‘friendly foreign country’ means  
14 any non-NATO member country determined by the  
15 President to be eligible for a cooperative project  
16 agreement with the United States pursuant to sec-  
17 tion 27(j) of this Act.”.

18 **SEC. 1344. ASSISTANCE FOR DEMINING AND RELATED AC-**  
19 **TIVITIES.**

20 (a) ASSISTANCE.—The Secretary is authorized to  
21 provide grants to, or enter into contracts or cooperative  
22 agreements with, public-private partnerships for the pur-  
23 pose of establishing and carrying out demining, clearance  
24 of unexploded ordnance, and related activities in foreign  
25 countries.

1 (b) LIMITATION.—Except as otherwise provided, the  
2 total amount provided on a grant basis to public-private  
3 partnerships under subsection (a) for a fiscal year may  
4 not exceed \$450,000.

5 (c) FUNDING.—Amounts made available to carry out  
6 “Nonproliferation, Anti-Terrorism, Demining, and Re-  
7 lated Programs” for fiscal year 2004 are authorized to  
8 be made available to carry out this section.

9 **SEC. 1345. COOPERATIVE DEVELOPMENT PROGRAM.**

10 Of the amounts made available for development as-  
11 sistance under the Foreign Assistance Act of 1961, not  
12 less than \$2,000,000 for each of the fiscal years 2004 and  
13 2005 are authorized to be made available to finance  
14 projects among the United States, Israel, and developing  
15 countries in Africa under the Cooperative Development  
16 Program.

17 **SEC. 1346. WEST BANK AND GAZA PROGRAM.**

18 (a) OVERSIGHT.—For fiscal year 2004, the Secretary  
19 of State shall certify to the appropriate committees of  
20 Congress not later than 30 days prior to the initial obliga-  
21 tion of funds for the West Bank and Gaza that procedures  
22 have been established to assure the Comptroller General  
23 will have access to appropriate United States financial in-  
24 formation in order to review the use of United States as-  
25 sistance for the West Bank and Gaza funded under chap-

1 ter 4 of part II of the Foreign Assistance Act of 1961  
2 (“Economic Support Fund”).

3 (b) VETTING.—Prior to any obligation of funds au-  
4 thorized to be appropriated to carry out chapter 4 of part  
5 II of the Foreign Assistance Act of 1961 for assistance  
6 for the West Bank and Gaza, the Secretary of State shall  
7 take all appropriate steps to ensure that such assistance  
8 is not provided to or through any individual or entity that  
9 the Secretary knows, or has reason to believe, advocates,  
10 plans, sponsors, engages in, or has engaged in, terrorist  
11 activity. The Secretary of State shall, as appropriate, es-  
12 tablish procedures specifying the steps to be taken in car-  
13 rying out this subsection.

14 (c) AUDITS.—

15 (1) IN GENERAL.—The Administrator of the  
16 United States Agency for International Development  
17 shall ensure that independent audits of all contrac-  
18 tors and grantees, and significant subcontractors  
19 and subgrantees, under the West Bank and Gaza  
20 Program, are conducted at least on an annual basis  
21 to ensure, among other things, compliance with this  
22 section.

23 (2) AUDITS BY INSPECTOR GENERAL OF  
24 USAID.—Of the funds authorized to be appropriated  
25 by this Act to carry out chapter 4 of part II of the

1 Foreign Assistance Act of 1961 that are made avail-  
2 able for assistance for the West Bank and Gaza, up  
3 to \$1,000,000 may be used by the Office of the In-  
4 spector General of the United States Agency for  
5 International Development for audits, inspections,  
6 and other activities in furtherance of the require-  
7 ments of paragraph (1). Such funds are in addition  
8 to funds otherwise available for such purposes.

9 **SEC. 1347. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON**  
10 **INCITEMENT TO ACTS OF DISCRIMINATION.**

11 (a) COUNTRIES RECEIVING ECONOMIC ASSIST-  
12 ANCE.—Section 116(d) of the Foreign Assistance Act of  
13 1961 (22 U.S.C. 2151n(d)) is amended—

14 (1) in paragraph (9), by striking “and” at the  
15 end;

16 (2) in paragraph (10), by striking the period at  
17 the end and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(11)(A) wherever applicable, in a separate sec-  
20 tion with a separate heading, a description of the  
21 nature and extent of—

22 “(i) propaganda in government and gov-  
23 ernment-controlled media and other sources, in-  
24 cluding government-produced educational mate-  
25 rials and textbooks, that attempt to justify or

1 promote racial hatred or incite acts of violence  
2 against any race or people; and

3 “(ii) complicity or involvement in the cre-  
4 ation of such propaganda or incitement of acts  
5 of violence against any race; and

6 “(B) a description of the actions, if any, taken  
7 by the government of the country to eliminate such  
8 propaganda or incitement.”.

9 (b) COUNTRIES RECEIVING SECURITY ASSIST-  
10 ANCE.—Section 502B(b) of the Foreign Assistance Act of  
11 1961 (22 U.S.C. 2304(b)) is amended by inserting after  
12 the eighth sentence the following: “Each report under this  
13 section shall also include wherever applicable, in a sepa-  
14 rate section with a separate heading, a description of (i)  
15 the nature and extent of (I) propaganda in government  
16 and government-controlled media and other sources, in-  
17 cluding government-produced educational materials and  
18 textbooks, that attempt to justify or promote racial hatred  
19 or incite acts of violence against any race, and (II) com-  
20 plicity or involvement in the creation of such propaganda  
21 or incitement of acts of violence against any race or peo-  
22 ple, and (ii) a description of the actions, if any, taken by  
23 the government of the country to eliminate such propa-  
24 ganda or incitement.”.

1 **SEC. 1348. ASSISTANCE TO EAST TIMOR.**

2 Section 632(b)(1) of the Foreign Relations Author-  
3 ization Act, Fiscal Year 2003 (Public Law 107–277) is  
4 amended by striking “the fiscal year 2003” and inserting  
5 “each of the fiscal years 2003, 2004, and 2005”.

6 **SEC. 1349. SUPPORT FOR DEMOCRACY-BUILDING EFFORTS**  
7 **FOR CUBA.**

8 (a) STATEMENT OF POLICY.—It is the policy of the  
9 United States to support those individuals and groups who  
10 struggle for freedom and democracy in Cuba, including  
11 human rights dissidents, independent journalists, inde-  
12 pendent labor leaders, and other opposition groups.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be  
15 appropriated to the President to carry out section  
16 109(a) of Public Law 104–114 (22 U.S.C. 6039(a))  
17 \$15,000,000 for each of the fiscal years 2004 and  
18 2005.

19 (2) ADDITIONAL AUTHORITIES.—Amounts ap-  
20 propriated pursuant to the authorization of appro-  
21 priations under subsection (a)—

22 (A) are authorized to remain available  
23 until expended; and

24 (B) are in addition to amounts otherwise  
25 available for such purposes.

1 **SEC. 1350. AMENDMENT TO THE AFGHANISTAN FREEDOM**  
2 **SUPPORT ACT OF 2002.**

3 The Afghanistan Freedom Support Act of 2002 (22  
4 U.S.C. 7501 et seq.) is amended—

5 (1) in section 103(a) by striking “section 512  
6 of Public Law 107–115 or any similar” and insert-  
7 ing “any other”; and

8 (1) in section 207(b) by striking “section 512  
9 of Public Law 107–115 or any similar” and insert-  
10 ing “any other”.

11 **SEC. 1351. CONGO BASIN FOREST PARTNERSHIP.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There  
13 are authorized to be appropriated to the President to carry  
14 out the Congo Basin Forest Partnership (CBFP) program  
15 \$18,600,000 for each of the fiscal years 2004 and 2005.  
16 Of the amounts appropriated pursuant to the authoriza-  
17 tion of appropriations under the preceding sentence for  
18 a fiscal year, \$16,000,000 is authorized to be made avail-  
19 able to the Central Africa Regional Program for the Envi-  
20 ronment (CARPE) of the United States Agency for Inter-  
21 national Development.

22 (b) **AVAILABILITY.**—Amounts appropriated pursuant  
23 to the authorization of appropriations under subsection (a)  
24 are authorized to remain available until expended.

1 **SEC. 1352. COMBATING THE PIRACY OF UNITED STATES**  
2 **COPYRIGHTED MATERIALS.**

3 In addition to such amounts as may otherwise be au-  
4 thorized to be appropriated for such purpose, there are  
5 authorized to be appropriated for the Department of  
6 State, \$10,000,000 to carry out the following activities in  
7 countries that are not members of the Organization for  
8 Economic Cooperation and Development (OECD):

9 (1) Provision of equipment and training for for-  
10 eign law enforcement officials.

11 (2) Training for judges and prosecutors.

12 (3) Assistance in complying with obligations  
13 under appropriate international copyright and intel-  
14 lectual property treaties and agreements.

15 **SEC. 1353. REPORTS RELATING TO TREATY BETWEEN THE**  
16 **UNITED STATES AND THE RUSSIAN FEDERA-**  
17 **TION ON STRATEGIC OFFENSIVE REDUC-**  
18 **TIONS.**

19 The President shall submit to the Committee on  
20 International Relations of the House of Representatives  
21 all reports submitted to the Committee on Foreign Rela-  
22 tions pursuant to section 2 of the Senate Resolution of  
23 Ratification to Accompany Treaty Document 107-8,  
24 Treaty Between the United States of America and the  
25 Russian Federation on Strategic Offensive Reductions.

1 **SEC. 1354. STATEMENT OF HOUSE OF REPRESENTATIVES**  
2 **REGARDING THE TREATY BETWEEN THE**  
3 **UNITED STATES AND THE RUSSIAN FEDERA-**  
4 **TION ON STRATEGIC OFFENSIVE REDUC-**  
5 **TIONS.**

6 The House of Representatives—

7 (1) concurs with the declarations of the  
8 Senate in section 3 of the Resolution of Ratifi-  
9 cation to Accompany Treaty Document 107–8,  
10 Treaty Between the United States of America  
11 and the Russian Federation on Strategic Offen-  
12 sive Reductions;

13 (2) encourages the President to continue  
14 strategic offensive reductions to the lowest pos-  
15 sible levels consistent with national security re-  
16 quirements and alliance obligations of the  
17 United States;

18 (3) urges the President to engage the Rus-  
19 sian Federation with the objectives of estab-  
20 lishing cooperative measures to give each party  
21 to the Treaty Between the United States of  
22 America and the Russian Federation on Stra-  
23 tegic Offensive Reductions improved confidence  
24 regarding the accurate accounting and security  
25 of nonstrategic nuclear weapons maintained by  
26 the other party; and

1           (4) encourages the President to accelerate  
2           United States strategic force reductions, to the  
3           extent feasible and consistent with the treaty, in  
4           order that the reductions required by Article I  
5           of the Treaty Between the United States of  
6           America and the Russian Federation on Stra-  
7           tegic Offensive Reductions may be achieved  
8           prior to December 31, 2012.

9 **SEC. 1355. NONPROLIFERATION AND DISARMAMENT FUND.**

10       (a) AUTHORIZATION OF APPROPRIATIONS.—

11           (1) IN GENERAL.—There are authorized to be  
12           appropriated to the President to carry out section  
13           504 of the Freedom for Russia and Emerging Eur-  
14           asian Democracies and Open Markets Support Act  
15           of 1992 (22 U.S.C. 5854; relating to the “Non-  
16           proliferation and Disarmament Fund”) \$60,000,000  
17           for each of the fiscal years 2004 and 2005.

18           (2) AVAILABILITY.—Amounts appropriated pur-  
19           suant to the authorization of appropriations under  
20           paragraph (1) are authorized to remain available  
21           until expended.

22       (b) NONPROLIFERATION OF HIGHLY ENRICHED  
23       URANIUM.—

24           (1) FINDINGS.—Congress finds the following:

1           (A) Highly enriched uranium is the most  
2 likely source material for terrorist or other out-  
3 law organizations that seek to acquire a nuclear  
4 weapon.

5           (B) Such organizations are not likely to  
6 produce this source material on their own, but  
7 will instead look to divert highly enriched ura-  
8 nium from some of the many vulnerable stock-  
9 piles in numerous facilities around the world.

10          (C) There is a need for a coordinated  
11 United States Government initiative to secure  
12 and dispose of highly enriched uranium stock-  
13 piles in these vulnerable facilities around the  
14 world.

15          (D) The Nonproliferation and Disar-  
16 mament Fund (NDF) is a unique and flexible  
17 entity that is well-suited to carry out the initia-  
18 tive described in subparagraph (C), in coopera-  
19 tion with other Federal departments and agen-  
20 cies, including the Department of Energy.

21          (2) INITIATIVE.—The Secretary of State is au-  
22 thorized to establish and carry out an initiative to  
23 secure and dispose of highly enriched uranium stock-  
24 piles in foreign countries, including the provision of

1 such assistance as may be required to secure host  
2 country cooperation under the initiative.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—Of  
4 the amounts made available to carry out section 504  
5 of the Freedom for Russia and Emerging Eurasian  
6 Democracies and Open Markets Support Act of  
7 1992 (22 U.S.C. 5854) for fiscal years 2004 and  
8 2005, there are authorized to be appropriated to the  
9 Secretary to carry out paragraph (2) \$25,000,000  
10 for each such fiscal year.

11 **SEC. 1356. MARITIME INTERDICTION PATROL BOATS FOR**  
12 **MOZAMBIQUE.**

13 (a) IN GENERAL.—Of the amounts made available to  
14 carry out section 23 of the Arms Export Control Act for  
15 fiscal year 2004, there is authorized to be appropriated  
16 \$1,000,000 for refurbishment, delivery, operational train-  
17 ing, and related costs associated with the provision of not  
18 more than four excess coastal patrol boats to the Govern-  
19 ment of Mozambique for maritime patrol and interdiction  
20 activities.

21 (b) AVAILABILITY.—Amounts appropriated pursuant  
22 to the authorization of appropriations under subsection (a)  
23 are authorized to remain available until September 30,  
24 2006.

1       **TITLE XIV—MISSILE THREAT**  
2               **REDUCTION ACT OF 2003**

3   **SEC. 1401. SHORT TITLE.**

4       This title may be cited as the “Missile Threat Reduc-  
5   tion Act of 2003”.

6   **Subtitle A—Strengthening Inter-**  
7       **national Missile Nonprolifera-**  
8       **tion Law**

9   **SEC. 1411. FINDINGS.**

10       Congress makes the following findings:

11           (1) The spread of offensive ballistic missiles  
12       suitable for launching nuclear, chemical, and biologi-  
13       cal warheads is accelerating across the globe.

14           (2) According to the Carnegie Endowment for  
15       International Peace, more than 25 countries possess  
16       missiles with ranges in excess of 300 kilometers and  
17       capable of delivering a nuclear warhead.

18           (3)(A) Many of the countries now possessing  
19       such missiles, and engaging in the sale and transfer  
20       of such missiles and their production technology to  
21       other countries, are directly hostile to the United  
22       States, its interests, and its allies.

23           (B) Of particular concern in this regard is  
24       North Korea, which regularly sells ballistic missiles

1 and technology to countries in regions of instability  
2 and concern to the United States.

3 (4) The Central Intelligence Agency has stated  
4 in its most recent report on the foreign ballistic mis-  
5 sile threat the following:

6 “Emerging ballistic missile states continue  
7 to increase the range, reliability, and accuracy  
8 of the missile systems in their inventories—pos-  
9 ing ever greater risks to U.S. forces, interests,  
10 and allies throughout the world. A decade ago,  
11 U.S. and allied forces abroad faced threats  
12 from SRBM’s [Short Range Ballistic Mis-  
13 siles]—primarily the Scud and its variants.  
14 Today, countries have deployed or are on the  
15 verge of deploying MRBM’s [Medium Range  
16 Ballistic Missiles], placing greater numbers of  
17 targets at risk.

18 “Proliferation of ballistic missile-related  
19 technologies, materials, and expertise—espe-  
20 cially by Russian, Chinese, and North Korean  
21 entities—has enabled emerging missile states to  
22 accelerate the development timelines for their  
23 existing programs, acquire turnkey systems to  
24 gain previously non-existent capabilities—in the  
25 case of the Chinese sale of the M-11 SRBM to

1           Pakistan—and lay the groundwork for the ex-  
2           pansion of domestic infrastructures to poten-  
3           tially accommodate even more capable and  
4           longer range future systems.”.

5           (5) The same CIA report also noted the fol-  
6           lowing: “North Korea has assumed the role as the  
7           missile and manufacturing technology source for  
8           many programs. North Korean willingness to sell  
9           complete systems and components has enabled other  
10          states to acquire longer range capabilities earlier  
11          than otherwise would have been possible—notably  
12          the sale of the No Dong MRBM to Pakistan. The  
13          North also has helped countries to acquire tech-  
14          nologies to serve as the basis for domestic develop-  
15          ment efforts—as with Iran’s reverse-engineering of  
16          the No Dong in the Shahab-3 program. Meanwhile,  
17          Iran is expanding its efforts to sell missile tech-  
18          nology.”.

19          (6) Since 1987, 33 countries have committed to  
20          abide by a voluntary set of guidelines known as the  
21          Missile Technology Control Regime (MTCR), where-  
22          by adherents agreed to refrain from the transfer to  
23          nonadherents of certain categories of whole missiles,  
24          their constituent parts, and the facilities to manu-  
25          facture them, especially “Category I” missiles, which

1 at a range of 300 kilometers or more and a payload  
2 capacity of 500 kilograms or more are especially  
3 suited for delivering nuclear weapons.

4 (7) In October 2002, 93 countries committed to  
5 observe a nonbinding code of conduct derived from,  
6 but less restrictive than, the nonbinding MTCR.  
7 While this is a welcome achievement, it does not pro-  
8 vide a legal obligation on its adherents to refrain  
9 from the trade in missiles or missile technology.

10 (8) On December 10, 2002, the White House  
11 released its “National Strategy to Combat Weapons  
12 of Mass Destruction”, wherein it is stated that  
13 strengthening international nonproliferation controls  
14 on weapons of mass destruction (WMD) and upon  
15 the missiles that can deliver them is the second of  
16 three principal pillars of the National Strategy. The  
17 National Strategy also states that “effective inter-  
18 diction is a critical part of the U.S. strategy to com-  
19 bat WMD and their delivery means”.

20 (9) On December 11, 2002, the United States  
21 took control of an unflagged freighter that was at-  
22 tempting clandestinely to ship, from North Korea to  
23 Yemen, SCUD missiles of a type that would be gen-  
24 erally prohibited from transfer as Category I mis-  
25 siles.

1           (10) Neither North Korea nor Yemen is an ad-  
2 herent to the MTCR guidelines, which in any case  
3 are not legally binding, and there is no binding  
4 international legal instrument that would prohibit  
5 shipments of the missiles referred to in paragraph  
6 (9).

7           (11) At Yemen's request, the United States re-  
8 leased the shipment of North Korean Scud missiles  
9 to Yemen.

10           (12) Also on December 11, 2002, the White  
11 House press spokesman stated that existing inter-  
12 national law regarding halting the spread of missile  
13 proliferation could be strengthened. The new Na-  
14 tional Strategy to Combat Weapons of Mass De-  
15 struction also commits the United States to support  
16 those regimes that are currently in force, and to  
17 work to improve the effectiveness of, and compliance  
18 with, those regimes, and identifies the MTCR as a  
19 regime that the United States will seek to strength-  
20 en.

21           (13) Secretary of Defense Donald Rumsfeld,  
22 testifying on February 12, 2003, before the Com-  
23 mittee on Armed Services of the Senate, stated the  
24 following: "...[I]t's pretty clear that the prolifera-  
25 tion regimes that exist in the world worked pretty

1 well before, [but] they're not working very well right  
2 now.... [U]nless the world wakes up and says this  
3 is a dangerous thing and creates a set of regimes  
4 that will in fact get cooperation to stop those weap-  
5 ons, we're going to be facing a very serious situation  
6 in the next five years.”.

7 (14) The MTCR has made an invaluable con-  
8 tribution to restraint in the international trade of of-  
9 fensive ballistic missiles. Strengthening international  
10 controls on ballistic missiles, however, will require a  
11 dramatic expansion of adherents that rigorously  
12 abide by the MTCR's guidelines, and a binding legal  
13 basis for the United Nations and countries devoted  
14 to nonproliferation to prevent, and when necessary  
15 act to prevent, further proliferation of offensive bal-  
16 listic missiles around the world.

17 (15) Therefore, it should be the policy of the  
18 United States to promote the creation of new inter-  
19 national mechanisms that would, in all future cir-  
20 cumstances, allow the peace-loving and law-abiding  
21 nations of the world the authority to interdict and  
22 prevent the transfer of such missiles.

23 **SEC. 1412. POLICY OF THE UNITED STATES.**

24 It shall be the policy of the United States to seek  
25 a binding international instrument or instruments to re-

1 strict the trade in offensive ballistic missiles with ranges  
2 of 300 kilometers or more that have a payload capacity  
3 of 500 kilograms or more. Such a binding international  
4 instrument may take the form of a multilateral treaty, a  
5 United Nations Security Council resolution, or other in-  
6 strument of international law, and should provide for en-  
7 forcement measures including interdiction, seizure, and  
8 impoundment of illicit shipments of offensive ballistic mis-  
9 siles and related technology, equipment, and components.

10 **SEC. 1413. SENSE OF CONGRESS.**

11 It is the sense of the Congress that the United States  
12 should immediately introduce a resolution in the United  
13 Nations Security Council to prohibit all members of the  
14 United Nations from purchasing, receiving, assisting or al-  
15 lowing the transfer of, and to authorize the subsequent  
16 interdiction, seizure, and impoundment of, any missile,  
17 missile-related equipment, means of producing missiles, or  
18 missile-related technology from North Korea.

19 **Subtitle B—Strengthening United**  
20 **States Missile Nonproliferation**  
21 **Law**

22 **SEC. 1421. PROBATIONARY PERIOD FOR FOREIGN PER-**  
23 **SONS.**

24 (a) IN GENERAL.—Notwithstanding any other provi-  
25 sion of law, upon the expiration, or the granting of a waiv-

1 er, on or after January 1, 2003, of sanctions against a  
2 foreign person imposed under section 73(a) of the Arms  
3 Export Control Act (22 U.S.C. 2797b(a)) or under section  
4 11B(b)(1) of the Export Administration Act of 1979 (50  
5 U.S.C. App. 2410b(b)(1)), as continued in effect under  
6 the International Emergency Economic Powers Act, a li-  
7 cense shall be required, for a period of not less than 3  
8 years, for the export to that foreign person of all items  
9 controlled for export under section 5 or 6 of the Export  
10 Administration Act of 1979 (50 U.S.C. App. 2404, 2405),  
11 as continued in effect under the International Emergency  
12 Economic Powers Act, in accordance with the Export Ad-  
13 ministration Regulations.

14 (b) TERMINATION.—Subsection (a) shall not apply to  
15 a foreign person 30 days after the President notifies the  
16 Committee on International Relations of the House of  
17 Representatives and the Committee on Banking, Housing,  
18 and Urban Affairs and the Committee on Foreign Rela-  
19 tions of the Senate that he has determined that—

20 (1) the foreign person has—

21 (A) ceased all activity related to the origi-  
22 nal imposition of sanctions under section 73(a)  
23 of the Arms Export Control Act or section  
24 11B(b)(A) of the Export Administration Act of  
25 1979, as the case may be; and

1 (B) has instituted a program of trans-  
2 parency measures whereby the United States  
3 will be able to verify for at least a period of 3  
4 years that the foreign person is not engaging in  
5 prohibited activities under those provisions of  
6 law referred to in paragraph (1); and

7 (2) there has been an appropriate resolution of  
8 the original violation or violations, such as financial  
9 penalties, incarceration, destruction of prohibited  
10 items, or other appropriate measures taken to pre-  
11 vent a recurrence of the violation or violations.

12 **SEC. 1422. STRENGTHENING UNITED STATES MISSILE PRO-**  
13 **LIFERATION SANCTIONS ON FOREIGN PER-**  
14 **SONS.**

15 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)(2)  
16 (22 U.S.C. 2797b(a)(2)) is amended by striking “2 years”  
17 each place it appears and inserting “4 years”.

18 (b) PUBLIC INFORMATION.—Section 73(e)(2) (22  
19 U.S.C. 2797b(e)(2)) is amended by adding at the end the  
20 following new sentence: “Such report may be classified  
21 only to the extent necessary to protect intelligence sources  
22 and methods. If the report is so classified, the President  
23 shall make every effort to acquire sufficient alternative in-  
24 formation that would allow a subsequent unclassified  
25 version of the report to be issued.”.

1 (c) EXPORT ADMINISTRATION ACT OF 1979.—Any  
2 sanction imposed on a foreign person under section  
3 11B(b)(1) of the Export Administration Act of 1979 (50  
4 U.S.C. App. 2410b(b)(1)), as continued in effect under  
5 the International Emergency Economic Powers Act, shall  
6 be in effect for a period of 4 years beginning on the date  
7 on which the sanction was imposed.

8 (d) APPLICABILITY.—The amendments made by sub-  
9 sections (a) and (b) and the provisions of subsection (c)  
10 shall apply to all sanctions imposed under section 73(a)  
11 of the Arms Export Control Act or section 11B(b)(1) of  
12 the Export Administration Act of 1979, as continued in  
13 effect under the International Emergency Economic Pow-  
14 ers Act, by reason of acts giving rise to such sanctions  
15 that were committed by foreign persons on or after Janu-  
16 ary 1, 2003.

17 **SEC. 1423. COMPREHENSIVE UNITED STATES MISSILE PRO-**  
18 **LIFERATION SANCTIONS ON ALL RESPON-**  
19 **SIBLE PERSONS.**

20 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)  
21 (22 U.S.C. 2797b(a)) is amended by adding at the end  
22 the following new paragraph:

23 “(3)(A) Sanctions imposed upon a foreign person  
24 under paragraph (2) shall also be imposed on any govern-  
25 mental entity that the President determines exercises ef-

1 fective control over, benefits from, or directly or indirectly  
2 facilitates the activities of that foreign person.

3 “(B) When a sanction is imposed on a foreign person  
4 under paragraph (2), the President may also impose that  
5 sanction on any other person or entity that the President  
6 has reason to believe has or may acquire items that may  
7 not be exported to that foreign person on account of the  
8 sanction imposed on that foreign person, with the intent  
9 to transfer to that foreign person, or provide to that for-  
10 eign person access to, such items.

11 “(C) The President may also prohibit, for such period  
12 of time as he may determine, any transaction or dealing,  
13 by a United States person or within the United States,  
14 with any foreign person on whom sanctions have been im-  
15 posed under this subsection.

16 “(D) The President shall report on an annual basis  
17 to the Committee on International Relations of the House  
18 of Representatives and the Committee on Foreign Rela-  
19 tions of the Senate the identity of any foreign person that  
20 engages in any transaction or activity with a foreign per-  
21 son on whom sanctions have been imposed under this sub-  
22 section that either—

23 “(i) would be the basis for imposing sanctions  
24 under subparagraph (B) but for which sanctions  
25 have not been imposed; or

1           “(ii) would be the basis for imposing sanctions  
2           under subparagraph (C) if the transaction or activity  
3           had been carried out by a United States person or  
4           by a person in the United States.

5 Such report shall be unclassified to the maximum extent  
6 feasible, but may include a classified annex.”.

7           (b) DEFINITION OF PERSON.—Section 74(a)(8)(A)  
8 (22 U.S.C. 2797c(a)(8)(A)) is amended to read as follows:

9           “(8)(A) the term ‘person’ means—

10                   “(i) a natural person;

11                   “(ii) a corporation, business association,  
12                   partnership, society, trust, transnational cor-  
13                   poration, or transnational joint venture, any  
14                   other nongovernmental entity, organization, or  
15                   group, and any governmental entity;

16                   “(iii) any subsidiary, subunit, or parent en-  
17                   tity of any business enterprise or other organi-  
18                   zation or entity listed in clause (ii); and

19                   “(iv) any successor of any business enter-  
20                   prise or other organization or entity listed in  
21                   clause (ii) or (iii); and”.

22           (c) EXPORT ADMINISTRATION ACT OF 1979.—

23                   (1) SANCTIONS IMPOSED ON GOVERNMENT EN-  
24                   TITIES.—Any sanction imposed on a foreign person  
25                   under section 11B(b)(1)(B) of the Export Adminis-

1       tration Act of 1979 (50 U.S.C. App.  
2       2410b(b)(1)(B)), as continued in effect under the  
3       International Emergency Economic Powers Act (in  
4       this subsection referred to as a “dual use sanction”),  
5       shall also be imposed on any governmental entity  
6       that the President determines exercises effective con-  
7       trol over, benefits from, or directly or indirectly fa-  
8       cilitates the activities of that foreign person.

9               (2) OTHER ENTITIES.—When a dual use sanc-  
10       tion is imposed on a foreign person, the President  
11       may also impose that sanction on any other person  
12       or entity that the President has reason to believe  
13       has or may acquire items that may not be exported  
14       to that foreign person on account of the dual use  
15       sanction imposed on that foreign person, with the in-  
16       tent to transfer to that foreign person, or provide to  
17       that foreign person access to, such items.

18               (3) TRANSACTIONS BY THIRD PARTIES.—The  
19       President may also prohibit, for such period of time  
20       as he may determine, any transaction or dealing, by  
21       a United States person or within the United States,  
22       with any foreign person on whom dual use sanctions  
23       have been imposed.

24               (4) REPORT.—The President shall submit on  
25       an annual basis to the appropriate congressional

1 committees a report that contains the identity of any  
2 foreign person that engages in any transaction or  
3 activity with a foreign person on whom dual use  
4 sanctions have been imposed that either—

5 (A) would be the basis for imposing dual  
6 use sanctions under paragraph (2) but for  
7 which such sanctions have not been imposed; or

8 (B) would be the basis for imposing dual  
9 use sanctions under paragraph (3) if the trans-  
10 action or activity had been carried out by a  
11 United States person or by a person in the  
12 United States.

13 Such report shall be unclassified to the maximum  
14 extent feasible, but may include a classified annex.

15 (5) DEFINITIONS.—In this subsection:

16 (A) PERSON.—The term “person”  
17 means—

18 (i) a natural person;

19 (ii) a corporation, business associa-  
20 tion, partnership, society, trust,  
21 transnational corporation, or transnational  
22 joint venture, any other nongovernmental  
23 entity, organization, or group, and any  
24 governmental entity;

1 (iii) any subsidiary, subunit, or parent  
2 entity of any business enterprise or other  
3 organization or entity listed in clause (ii);  
4 and

5 (iv) any successor of any business en-  
6 terprise or other organization or entity list-  
7 ed in clause (ii) or (iii).

8 (B) In the case of countries where it may  
9 be impossible to identify a specific governmental  
10 entity referred to in subparagraph (A), the  
11 term “person” means—

12 (i) all activities of that government re-  
13 lating to the development or production of  
14 any missile equipment or technology; and

15 (ii) all activities of that government  
16 affecting the development or production of  
17 aircraft, electronics, and space systems or  
18 equipment.

19 (C) UNITED STATES PERSON.—The term  
20 “United States person” has the meaning given  
21 that term in section 16(2) of the Export Ad-  
22 ministration Act of 1979 (50 U.S.C. App.  
23 2415(2)).

24 (D) MISSILE EQUIPMENT OR TECH-  
25 NOLOGY.—The term “missile equipment or

1           technology” has the meaning given that term in  
2           section 11B(c) of the Export Administration  
3           Act of 1979 (50 U.S.C. App. 2410b(c)).

4           (d) EFFECTIVE DATE.—The amendments made by  
5           subsections (a) and (b) shall apply with respect to sanc-  
6           tions imposed on or after January 1, 2003, on foreign per-  
7           sons under section 73(a)(2) of the Arms Export Control  
8           Act, and the provisions of subsection (c) shall apply with  
9           respect to sanctions imposed on or after January 1, 2003,  
10          on foreign persons under section 11B(b) of the Export Ad-  
11          ministration Act of 1979 (50 U.S.C. App. 2410b(b)), as  
12          continued in effect under the International Emergency  
13          Economic Powers Act.

## 14           **Subtitle C—Incentives for Missile** 15           **Threat Reduction**

### 16           **SEC. 1431. FOREIGN ASSISTANCE.**

17          (a) TYPES OF ASSISTANCE.—The President is au-  
18          thorized to provide, on such terms as the President deems  
19          appropriate, the following assistance to countries that  
20          agree to destroy their ballistic missiles, and their facilities  
21          for producing ballistic missiles, that have a payload capac-  
22          ity of 500 kilograms or more over a distance of 300 kilo-  
23          meters or more:

24                  (1) Assistance under section 23 of the Arms  
25                  Export Control Act (22 U.S.C. 2763).

1           (2) Assistance under chapter 4 of part II of the  
2           Foreign Assistance Act of 1961 (22 U.S.C. 2346 et  
3           seq.), notwithstanding section 531(e) or 660(a) of  
4           that Act (22 U.S.C. 2346(e) or 2420(a)).

5           (3) Drawdown of defense articles, defense serv-  
6           ices, and military education and training under sec-  
7           tion 506 of the Foreign Assistance Act of 1961 (22  
8           U.S.C. 2318).

9           (b) CONGRESSIONAL NOTIFICATION.—Assistance au-  
10          thorized under subsection (a) may not be provided until  
11          30 days after the date on which the President has pro-  
12          vided notice thereof to the appropriate congressional com-  
13          mittees in accordance with the procedures applicable to  
14          reprogramming notifications under section 634A(a) of the  
15          Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)).

16          (c) LIMITATION.—Any assistance provided to a coun-  
17          try under subsection (a) may not be provided in more than  
18          3 fiscal years.

19          **SEC. 1432. AUTHORIZATION OF APPROPRIATIONS.**

20          (a) AUTHORIZATION.—There is authorized to be ap-  
21          propriated to the President to carry out section 1431 the  
22          sum of \$250,000,000.

23          (b) AVAILABILITY.—Amounts appropriated pursuant  
24          to the authorization of appropriations under subsection (a)  
25          are authorized to remain available until expended.

1 **SEC. 1433. AUTHORIZATION OF TECHNICAL ASSISTANCE IN**  
2 **MISSILE DISARMAMENT.**

3       The President is authorized to provide technical as-  
4 sistance in the destruction of any missile or facility for  
5 producing ballistic missiles, in any country that requests  
6 such assistance.

○