IN THE SENATE OF THE UNITED STATES

JULY 22, 2005

Received; read twice and placed on the calendar

AN ACT

To authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Years 2006 and 2007”.

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SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) DEPARTMENT.—The term “Department” means the Department of State.

(3) SECRETARY.—The term “Secretary” means the Secretary of State.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

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

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For “Diplomatic and Consular Programs”, $3,769,118,000 for fiscal year 2006 and $3,896,611,500 for fiscal year 2007.
(B) Worldwide security upgrades.—

In addition to amounts authorized to be appropriated under subparagraph (A), $689,523,000 for fiscal year 2006 and $710,208,690 for fiscal year 2007 are authorized to be appropriated for worldwide security upgrades.

(C) Public diplomacy.—Of the amounts authorized to be appropriated under subparagraph (A), $333,863,000 for fiscal year 2006 and $343,699,000 for fiscal year 2007 are authorized to be appropriated for public diplomacy.

(D) Bureau of democracy, human rights, and labor.—Of the amounts authorized to be appropriated under subparagraph (A), $20,000,000 for fiscal year 2006 and $20,000,000 for fiscal year 2007 are authorized to be appropriated for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(E) Organization for security and cooperation and Europe.—Of the amounts authorized to be appropriated under subparagraph (A), the following amounts are authorized to be appropriated for the following activi-
ties of the Organization for Security and Co-
operation in Europe (OSCE):

(i)ANTI-SEMITISM.—For necessary
expenses to fund secondments, hiring of
staff, and support targeted projects of the
Office of Democratic Institutions and
Human Rights (ODIHR) regarding anti-
Semitism and intolerance and for the
OSCE/ODIHR Law Enforcement Officers
Hate Crimes Training Program, $225,000
for fiscal year 2006 and $225,000 for fis-
cal year 2007.

(ii) OSCE PROJECTS AND ACTIVITIES
REGARDING RELIGIOUS FREEDOM.—For
necessary expenses to fund secondments,
hiring of staff, and support targeted
projects of ODIHR regarding religious
freedom and for the OSCE/ODIHR Panel
of Experts on Freedom of Religion or Be-
lief, $125,000 for fiscal year 2006 and
$125,000 for fiscal year 2007.

(iii) OSCE MISSIONS RELATED TO RE-
LIGIOUS FREEDOM.—For OSCE Missions
in Armenia, Azerbaijan, Georgia,
Kazakhstan, Kyrgyzstan, Tajikistan,
Turkmenistan, and Uzbekistan for activities to address issues relating to religious freedom and belief and to fund the hiring of new staff who are dedicated to religious freedom and belief, $80,000 for fiscal year 2006 and $80,000 for fiscal year 2007.

(F) Charles B. Rangel International Affairs Program.—Of the amounts authorized to be appropriated under subparagraph (A), $1,500,000 for fiscal year 2006 and $1,500,000 for fiscal year 2007 are authorized to be appropriated for the Charles B. Rangel International Affairs Program at Howard University.

(G) Minority Recruitment.—Of the amounts authorized to be appropriated under subparagraph (A), $3,000,000 for fiscal year 2006 and $3,000,000 for fiscal year 2007 are authorized to be appropriated for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

(H) Dissemination of Names of Fugitives Residing in Cuba.—Of the amounts authorized to be appropriated under subparagraph (A), an appropriate amount of such funds for
each of the fiscal years 2006 and 2007 are au-

thorized to be appropriated for the U.S. Inter-

ests Section, Havana, to disseminate the names

of fugitives, such as Joanne Chesimard and

William Morales, who are residing in Cuba, and

any rewards for their capture.

(2) CAPITAL INVESTMENT FUND.—For “Cap-

ital Investment Fund”, $131,000,000 for fiscal year

2006 and $131,000,000 for fiscal year 2007.

(3) EMBASSY SECURITY, CONSTRUCTION AND

MAINTENANCE.—For “Embassy Security, Construc-

tion and Maintenance”, $1,526,000,000 for fiscal

year 2006 and $1,550,000,000 for fiscal year 2007.

(4) EDUCATIONAL AND CULTURAL EXCHANGE

PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIA-

TIONS.—For “Educational and Cultural Ex-

change Programs”, $428,900,000 for fiscal

year 2006 and $438,500,000 for fiscal year

2007.

(B) SUMMER INSTITUTES FOR KOREAN

STUDENT LEADERS.—Of the amounts author-

ized to be appropriated under subparagraph

(A), $750,000 for fiscal year 2006 and

$750,000 for fiscal year 2007 are authorized to
be appropriated for summer academic study programs in the United States (focusing on United States political systems, government institutions, society, and democratic culture) for college and university students from the Republic of Korea, to be known as the “United States Summer Institutes for Korean Student Leaders”.

(C) Sudanese Scholarships.—Of the amounts authorized to be appropriated under subparagraph (A), $500,000 for fiscal year 2006 and $500,000 for fiscal year 2007 are authorized to be appropriated for scholarships for students from southern Sudan for secondary or postsecondary education in the United States, to be known as “Sudanese Scholarships”.

(D) Scholarships for Indigenous Peoples of Mexico and Central and South America.—Of the amounts authorized to be appropriated under subparagraph (A), $250,000 for fiscal year 2006 and $250,000 for fiscal year 2007 are authorized to be appropriated for scholarships for secondary and postsecondary education in the United States for students from Mexico and the countries of Central and
South America who are descended from the indigenous peoples of Mexico or such countries.

(E) SOUTH PACIFIC EXCHANGES.—Of the amounts authorized to be appropriated under subparagraph (A), $650,000 for fiscal year 2006 and $650,000 for fiscal year 2007 are authorized to be appropriated for South Pacific Exchanges.

(F) TIBETAN SCHOLARSHIP PROGRAM.—Of the amounts authorized to be appropriated under subparagraph (A), $750,000 for fiscal year 2006 and $800,000 for fiscal year 2007 are authorized to be appropriated to carry out the Tibetan scholarship program established under section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note).

(G) NGAWANG CHOEPEL EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under subparagraph (A), $500,000 for fiscal year 2006 and $500,000 for fiscal year 2007 are authorized to be appropriated for the “Ngawang Choepel Exchange Programs” (formerly known as “programs of educational

(H) HIV/AIDS INITIATIVE.—Of the amounts authorized to be appropriated under subparagraph (A), $1,000,000 for fiscal year 2006 and $1,000,000 for fiscal year 2007 are authorized to be appropriated for HIV/AIDS research and mitigation strategies.

(I) PROJECT CHILDREN AND COOPERATION WITH IRELAND.—Of the amounts authorized to be appropriated under subparagraph (A), $500,000 for fiscal year 2006 and $500,000 for fiscal year 2007 are authorized to be appropriated for people-to-people activities (with a focus on young people) to support the Northern Ireland peace process involving Catholic and Protestant participants from the Republic of Ireland, the United Kingdom, and the United States, to be known as “Project Children”.

(5) REPRESENTATION ALLOWANCES.—For “Representation Allowances”, $8,281,000 for fiscal year 2006 and $8,281,000 for fiscal year 2007.
(6) Protection of Foreign Missions and Officials.—

(A) For “Protection of Foreign Missions and Officials”, $15,000,000 for fiscal year 2006 and $15,000,000 for fiscal year 2007.

(B) In addition to amounts authorized to be appropriated under subparagraph (A), there are authorized to be appropriated $19,580,000 for “Protection of Foreign Missions and Officials” only to reimburse the City of New York for necessary expenses incurred since 2002 for the protection of foreign missions and officials.

(7) Emergencies in the Diplomatic and Consular Service.—For “Emergencies in the Diplomatic and Consular Service”, $12,143,000 for fiscal year 2006 and $12,143,000 for fiscal year 2007.

(8) Repatriation Loans.—For “Repatriation Loans”, $1,319,000 for fiscal year 2006 and $1,319,000 for fiscal year 2007.

(9) Payment to the American Institute in Taiwan.—For “Payment to the American Institute in Taiwan”, $19,751,000 for fiscal year 2006 and $20,146,020 for fiscal year 2007.

for fiscal year 2006, and $29,983,000 for fiscal year 2007.

SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

(a) Assessed Contributions to International Organizations.—There are authorized to be appropriated for “Contributions to International Organizations”, $1,296,500,000 for fiscal year 2006 and $1,322,430,000 for fiscal year 2007, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

(b) Contributions for International Peacekeeping Activities.—There are authorized to be appropriated for “Contributions for International Peacekeeping Activities”, $1,035,500,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007, for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes. Amounts appropriated pursuant to this subsection are authorized to remain available until expended.
(c) Foreign Currency Exchange Rates.—

(1) Authorization of Appropriations.—In addition to amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 and 2007 to offset adverse fluctuations in foreign currency exchange rates.

(2) Availability of Funds.—Amounts appropriated under this subsection shall remain available for obligation and expenditure only to the extent that the Director of the Office of Management and Budget determines and certifies to Congress that such amounts are necessary due to such fluctuations.

(d) Withholding of Contributions for Certain United Nations Commissions, Organizations, or Any Affiliated Agencies.—Notwithstanding any other provision of law, funds available to the Department of State or any other Federal department or agency may not be used for United States contributions to any United Nations commission, organization, or affiliated agency that is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) has repeatedly pro-
vided support for acts of international terrorism, until such time as the President determines that such commis-
sion, organization, or agency is no longer chaired or pre-
sided over by such country and the commission, organiza-
tion, or agency has established appropriate electoral re-
forms, including minimum standards for leadership posi-
tions and the elimination of automatic rotation of such leadership positions.

SEC. 103. INTERNATIONAL COMMISSIONS.

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

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

(A) for “Salaries and Expenses”, $28,200,000 for fiscal year 2006 and $28,200,000 for fiscal year 2007; and

(B) for “Construction”, $6,100,000 for fis-
cal year 2006 and $6,100,000 for fiscal year 2007.
(2) INTERNATIONAL BOUNDARY COMMISSION,
UNITED STATES AND CANADA.—For “International
Boundary Commission, United States and Canada”,
$1,429,000 for fiscal year 2006 and $1,429,000 for
fiscal year 2007.

(3) INTERNATIONAL JOINT COMMISSION.—For
“International Joint Commission”, $6,320,000 for
fiscal year 2006 and $6,320,000 for fiscal year
2007.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For “International Fisheries Commissions”,
$25,123,000 for fiscal year 2006 and $25,123,000
for fiscal year 2007.

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.
(a) IN GENERAL.—There are authorized to be appro-
priated for the Department of State for “Migration and
Refugee Assistance” for authorized activities,
$955,000,000 for fiscal year 2006 and $983,650,000 for
fiscal year 2007.

(b) REFUGEES RESettLING IN ISRAEL.—Of the
amounts authorized to be appropriated under subsection
(a), there are authorized to be appropriated $40,000,000
for fiscal year 2006 and $40,000,000 for fiscal year 2007
for resettlement of refugees in Israel.
(c) PILOT PROGRAM FOR LONG-TERM REFUGEE POPULATIONS.—

(1) PILOT PROGRAM.—Of the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated $2,500,000 for fiscal year 2006 and $2,500,000 for fiscal year 2007 for the establishment and implementation of a two-year pilot program to improve conditions for long-term refugee populations that are currently assisted in camps or other segregated settlements.

(2) REQUIREMENTS.—In carrying out the pilot program under paragraph (1), the Secretary of State shall—

(A) seek to protect and ensure basic rights granted to refugees under the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees;

(B) seek innovative modules or methods to assist long-term refugee populations both within and outside traditional camp settings, as appropriate, that support refugees living or working in local communities, such as integration of refugees into local schools and services, resource conservation and livelihood projects designed to
diminish conflict between refugee hosting communities and refugees, and engagement of civil society components of refugee hosting communities in a policy dialogue with the United Nations High Commissioner for Refugees (UNHCR) and international and nongovernmental refugee assistance organizations to enhance options to assist refugees and promote the rights to which refugees may be entitled under the 1951 Convention and 1967 Protocol;

(C) provide a United States voluntary contribution to UNHCR to conduct the pilot program in cooperation with nongovernmental organizations with expertise in the protection of refugee rights, one or more major operational humanitarian assistance agencies, and in consultation with host countries, the United States, and other donor countries; and

(D) urge UNHCR to select not less than three host countries in which to conduct the pilot program.

(3) REPORT.—Not later than one year after the date on which the first pilot program is established pursuant to paragraph (2), the Secretary shall submit to the appropriate congressional committees a
report on the implementation of this subsection, the
development of innovative models to protect and as-
sist refugees, and recommendations for ensuring ref-
ugee rights are respected in countries of temporary
asylum.

(d) Internally Displaced Persons in Eastern
Burma.—Of the amounts authorized to be appropriated
under subsection (a), there are authorized to be appro-
priated $3,000,000 for fiscal year 2006 and $3,000,000
for fiscal year 2007 for assistance to Thailand-based non-
governmental organizations operating along the border be-
tween Thailand and Burma to provide food, medical, and
other humanitarian assistance to internally displaced per-
sons in eastern Burma.

SEC. 105. CENTERS AND FOUNDATIONS.

(a) Asia Foundation.—There are authorized to be
appropriated for “The Asia Foundation” for authorized
activities, $18,000,000 for fiscal year 2006 and
$18,000,000 for fiscal year 2007.

(b) National Endowment for Democracy.—
There are authorized to be appropriated for the “National
Endowment for Democracy” for authorized activities,$80,000,000 for fiscal year 2006 and $80,000,000 for fis-
cal year 2007.
(c) CENTER FOR CULTURAL AND TECHNICAL INTER-
CHANGE BETWEEN EAST AND WEST.—There are author-
ized to be appropriated for the “Center for Cultural and 
Technical Interchange Between East and West” for au-
thorized activities, $13,024,000 for fiscal year 2006 and 
$13,024,000 for fiscal year 2007.

SEC. 106. UNITED STATES INTERNATIONAL BROADCASTING
ACTIVITIES.

The following amounts are authorized to be appro-
priated to carry out United States Government inter-
national broadcasting activities under the United States 
Information and Educational Exchange Act of 1948, the 
Radio Broadcasting to Cuba Act, the Television Broad-
casting to Cuba Act, the United States International 
Broadcasting Act of 1994, and the Foreign Affairs Re-
form and Restructuring Act of 1998, and to carry out 
other authorities in law consistent with such purposes:

(1) INTERNATIONAL BROADCASTING OPER-
ATIONS.—For “International Broadcasting Oper-
ations”, $603,394,000 for fiscal year 2006 and 
$621,495,820 for fiscal year 2007. Of the amounts 
authorized to be appropriated under this paragraph, 
$5,000,000 is authorized to be appropriated for fis-
cal year 2006 and $5,000,000 is authorized to be
appropriated for fiscal year 2007 for increased broadcasting to Belarus.

(2) Broadcasting capital improvements.—

For “Broadcasting Capital Improvements”, $10,893,000 for fiscal year 2006 and $10,893,000 for fiscal year 2007.

(3) Broadcasting to Cuba.—For “Broadcasting to Cuba”, $37,656,000 for fiscal year 2006 and $29,931,000 for fiscal year 2007, to remain available until expended, for necessary expenses to enable the Broadcasting Board of Governors to carry out broadcasting to Cuba, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and the purchase, lease, and installation of necessary equipment, including aircraft, for radio and television transmission and reception.

(4) Radio Free Asia.—In addition to such amounts as are otherwise authorized to be appropriated for the Broadcasting Board of Governors, there are authorized to be appropriated $9,100,000 for fiscal years 2006 and 2007 to overcome the jamming of Radio Free Asia by Vietnam.

(5) Broadcasting to Venezuela.—For broadcasting to Venezuela, such sums as may be
necessary for fiscal year 2006 and such sums as
may be necessary for fiscal year 2007, to remain
available until expended, to allow the Broadcasting
Board of Governors to carry out broadcasting to
Venezuela for at least 30 minutes per day of bal-
anced, objective, and comprehensive television news
programming, radio news programming, or both.

SEC. 107. ENHANCING PROTECTION OF INTELLECTUAL
PROPERTY RIGHTS.

In addition to such amounts as may otherwise be au-
thorized to be appropriated for such purpose, there are
authorized to be appropriated for the Department of
State, $5,000,000 to carry out the following activities to
enhance intellectual property laws and enforcement in
countries that are not members of the Organization for
Economic Cooperation and Development (OECD):

(1) Provision of equipment and training for for-
eign law enforcement, including in the interpretation
of intellectual property laws.

(2) Training for judges and prosecutors, includ-
ing in the interpretation of intellectual property
laws.

(3) Assistance in complying with obligations
under appropriate international copyright and intel-
lectual property treaties and agreements.
TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SEC. 201. CONSOLIDATION OF LAW ENFORCEMENT POWERS; NEW CRIMINAL OFFENSE.

(a) In General.—Chapter 203 of title 18, United States Code, is amended by adding at the end the following new section:

“§ 3064. Powers of special agents in the Department of State and the Foreign Service

“Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 or by section 103 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 shall be fined under this title or imprisoned not more than one year, or both.”.

(b) Table of Sections Amendment.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by adding at the end the following new item:

“3064. Powers of special agents in the Department of State and the Foreign Service.”.
SEC. 202. INTERNATIONAL LITIGATION FUND.

Section 38(d)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amended—

(1) by inserting “as a result of a decision of an international tribunal,” after “received by the Department of State”; and

(2) by inserting a comma after “United States Government”.

SEC. 203. RETENTION OF MEDICAL REIMBURSEMENTS.

Section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4084) is amended by adding at the end the following new subsection:

“(g) Reimbursements paid to the Department of State for funding the costs of medical care abroad for employees and eligible family members shall be credited to the currently available applicable appropriation account. Notwithstanding any other provision of law, such reimbursements shall be available for obligation and expenditure during the fiscal year in which they are received or for such longer period of time as may be provided in law.”.

SEC. 204. AUTHORITY TO ADMINISTRATIVELY AMEND SURCHARGES.

(a) IN GENERAL.—Beginning in fiscal year 2006 and thereafter, the Secretary of State is authorized to amend administratively the amounts of the surcharges related to
consular services in support of enhanced border security
(provided for in the last paragraph under the heading
“DIPLOMATIC AND CONSULAR PROGRAMS” under title IV
of division B of the Consolidated Appropriations Act, 2005
(Public Law 108–447)) that are in addition to the pass-
port and immigrant visa fees in effect on January 1, 2004.

(b) REQUIREMENTS.—In carrying out subsection (a)
and the provision of law described in such subsection, the
Secretary shall meet the following requirements:

(1) The amounts of the surcharges shall be rea-
sonably related to the costs of providing services in
connection with the activity or item for which the
surcharges are charged.

(2) The aggregate amount of surcharges col-
lected may not exceed the aggregate amount obli-
gated and expended for the costs related to consular
services in support of enhanced border security in-
curred in connection with the activity or item for
which the surcharges are charged.

(3) A surcharge may not be collected except to
the extent the surcharge will be obligated and ex-
pended to pay the costs related to consular services
in support of enhanced border security incurred in
connection with the activity or item for which the
surcharge is charged.
(4) A surcharge shall be available for obligation and expenditure only to pay the costs related to consular services in support of enhanced border security incurred in providing services in connection with the activity or item for which the surcharge is charged.

SEC. 205. ACCOUNTABILITY REVIEW BOARDS.

Section 301(a) of the Diplomatic Security Act (22 U.S.C. 4831(a)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(2) by adding at the end the following new paragraph:

“(3) FACILITIES IN AFGHANISTAN AND IRAQ.—

“(A) LIMITED EXEMPTIONS FROM REQUIREMENT TO CONVENE BOARD.—The Secretary of State is not required to convene a Board in the case of an incident that—

“(i) involves serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission in Afghanistan or Iraq; and

“(ii) occurs during the period beginning on July 1, 2004, and ending on September 30, 2009.
“(B) REPORTING REQUIREMENTS.—In the case of an incident described in subparagraph (A), the Secretary shall—

“(i) promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the incident;

“(ii) conduct an inquiry of the incident; and

“(iii) upon completion of the inquiry required by clause (ii), submit to each such Committee a report on the findings and recommendations related to such inquiry and the actions taken with respect to such recommendations.”.

SEC. 206. DESIGNATION OF COLIN L. POWELL RESIDENTIAL PLAZA.

(a) DESIGNATION.—The Federal building in Kingston, Jamaica, formerly known as the Crowne Plaza and currently a staff housing facility for the Embassy of the United States in Jamaica, shall be known and designated as the “Colin L. Powell Residential Plaza”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United

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States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the “Colin L. Powell Residential Plaza”.

SEC. 207. REMOVAL OF CONTRACTING PROHIBITION.

Section 406(c) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99–399) (relating to the ineligibility of persons doing business with Libya to be awarded a contract) is repealed.

SEC. 208. TRANSLATION OF REPORTS OF THE DEPARTMENT OF STATE.

(a) Translation.—Not later than 30 days after the date of issuance of each of the reports listed in subsection (c), the appropriate United States mission in a foreign country shall translate into the official languages of such country the respective country report from each of such reports.

(b) Posting on Website.—Not later than five days after each of the translations required under subsection (a) are completed, the appropriate United States mission shall post each of such translations on the website of the United States Embassy (or other appropriate United States mission) for such country.

(c) Reports.—The reports referred to in subsection (a) are the following:


(4) The annual Trafficking in Persons Report prepared by the Office to Monitor and Combat Trafficking in Persons of the Department of State, required under section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107(b)).

SEC. 209. ENTRIES WITHIN PASSPORTS.

(a) FINDINGS.—Congress finds the following:

(1) The power of the executive branch to issue passports or other travel documents to United States citizens is derived solely from law.

(2) The Secretary of State has caused entries to be made in passports of United States citizens who were born in Jerusalem, Israel, that are incon-
sistent with the usual practice of entering the name of a country and not a city as a place of birth.

(b) Sense of Congress.—It is the sense of Congress that United States citizens who have passports should not be required to carry passports which inaccurately or inconsistently represent their personal details.

(c) Authority.—This section is passed in exercise of the power of Congress, pursuant to Article 1, Section 8 of the Constitution of the United States “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.”.

(d) Requirement That Accurate Entries Be Made on Request of Citizen.—The first section of “An Act to regulate the issue and validity of passports, and for other purposes”, approved July 3, 1926, (22 U.S.C. 211a; 44 Stat. 887), is amended by inserting after the first sentence the following new sentence: “For purposes of the issuance of a passport to a United States citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen’s legal guardian, record the place of birth as Israel.”.
SEC. 210. UNITED STATES ACTIONS WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

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

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

SEC. 211. AVAILABILITY OF UNCLASSIFIED TELECOMMUNICATIONS FACILITIES.

The Secretary of State shall make available to the appropriate congressional committees the use of unclassified telecommunications facilities of the Department of State that are located in an embassy, consulate, or other facility of the United States in a foreign country to allow such committees to receive testimony or other communication from an individual in any such country.

SEC. 212. REPORTING FORMATS.

(a) IN GENERAL.—The Secretary of State shall, with respect to a report that the Secretary is required to submit
to the appropriate congressional committees, submit each such report on suitable media in machine-readable format, including in plain text and in hypertext mark-up language (commonly referred to as “HTML”), in addition to submission in written format.

(b) Effective Date.—The requirement specified under subsection (a) shall apply beginning with the first report that the Secretary is required to submit to the appropriate congressional committees after the date that is not later than 90 days after the date of the enactment of this Act.

SEC. 213. EXTENSION OF REQUIREMENT FOR SCHOLARSHIPS FOR TIBETANS AND BURMESE.


SEC. 214. AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT.

Section 3(a) of the American Institute in Taiwan Facilities Enhancement Act (Public Law 106–212) is amended by striking “the sum of $75,000,000” and inserting “such sums as may be necessary”.

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SEC. 215. ACTIVITIES RELATED TO CUBA.

(a) ACTIVITIES.—Of the funds made available for fiscal year 2006 for the Bureau of Educational and Cultural Affairs of the Department of State, $5,000,000 shall be used for activities related to Cuba under—

(1) the J. William Fulbright Educational Exchange Program;

(2) the Hubert Humphrey Fellowship Program;

(3) the International Visitors Program;

(4) the Benjamin A. Gilman International Scholarship Program;

(5) the EducationUSA Program; and

(6) professional, cultural, and youth programs operated by the Office of Citizen Exchanges of the Bureau.

(b) PRIORITY.—The Secretary of State shall give priority to human rights dissidents, pro-democracy activists, and independent civil society members for participation in the activities described in subsection (a).

(c) CONGRESSIONAL NOTIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall notify the appropriate congressional committees on efforts to identify eligible participants for activities described in subsection (a). Not later than 15 days prior to a final determination of eligible participants for activities described in subsection (a), the Secretary shall
notify the appropriate congressional committees of such
determination and provide a list that contains the names
of such eligible participants.

SEC. 216. ESTABLISHMENT OF THE ACTIVE RESPONSE CORPS.

(a) Establishment.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, is authorized to establish an Active Response Corps (referred to in this section as the “Corps”) to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are in, are in transition from, or are likely to enter into, conflict or civil strife.

(b) Composition.—If the Corps is established in accordance with subsection (a), the Secretary and Administrator shall coordinate in the identification and training, and if necessary, in the recruitment and hiring, of necessary personnel. Such personnel shall be composed of employees of United States civilian agencies or non-Federal employees.

(c) Use of Active Response Corps.—The members of the Active Response Corps shall be available—

(1) if the President determines that it is in the national security interests of the United States to engage in stabilization and reconstruction activities
in a country or region that is in, is in transition
from, or is likely to enter into, conflict or civil strife;
and
(2) if not engaged in such stabilization and re-
construction activities, for assignment in the United
States, at diplomatic missions of the United States,
and at missions of the United States Agency for
International Development.

(d) Training and Education Programs.—

(1) In General.—The Coordinator for Sta-
bilization and Reconstruction is authorized to con-
duct and arrange for training and education of the
Active Response Corps.

(2) Emphasis.—Training and education shall
emphasize acquisition of general skills needed to op-
erate in a post-conflict environment and training
specific to the job skill set for which the member has
been identified to participate in the Active Response
Corps.

(3) Contents.—Training and education may
consist of—

(A) conducting inter-agency training, in-
cluding training related to inter-agency deci-
sionmaking, operational planning, and execution
simulations, for mid-level government officials
and managers to prepare such officials and managers to address stabilization and reconstruction operations;

(B) conducting advanced training related to stabilization and reconstruction operations for members of the Active Response Corps;

(C) conducting pre-deployment training related to stabilization and reconstruction operations for civilians and military-civil affairs personnel;

(D) conducting exercises related to stabilization and reconstruction operations for United States and international experts;

(E) developing a uniform set of operating procedures for stabilization and reconstruction operations; and

(F) conducting ongoing evaluations and after-action reviews of stabilization and reconstruction operations.

(e) FACILITIES.—Training and education programs should be coordinated with and utilize to the extent possible existing programs and facilities such as the George P. Shultz National Foreign Affairs Training Center (commonly referred to as the “Foreign Service Institute”), the National Defense University, the Center for Stabilization
and Reconstruction Studies at the Naval Postgraduate School, and the United States Institute for Peace.

(f) ADDITIONAL AUTHORITIES.—

(1) ESTABLISHMENT AND PURPOSE OF RESERVE COMPONENT OF ACTIVE RESPONSE CORPS.—

The Secretary, in consultation with the heads of other relevant Executive agencies, is authorized to establish and maintain a roster of personnel who are trained and available as needed to perform services necessary to carry out the purpose of the Corps under subsection (c). The personnel listed on the roster shall constitute a reserve component of the Active Response Corps.

(2) FEDERAL EMPLOYEES.—The reserve component may include employees of the Department of State, including Foreign Service Nationals, employees of the United States Agency for International Development, employees of any other Executive agency (as such term is defined in section 105 of title 5, United States Code), and employees from the legislative and judicial branches who—

(A) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities under this section; and
(B) have volunteered for deployment to carry out such stabilization and reconstruction activities.

(g) USE OF RESERVE COMPONENT.—The Secretary may deploy members of the reserve component in support of stabilization and reconstruction activities in a foreign country or region if the President makes a determination regarding a stabilization and reconstruction crisis. The Secretary is authorized to employ contractor personnel, nongovernmental organization personnel, and State and local government employees, who—

(1) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities under this section; and

(2) have volunteered to carry out such stabilization and reconstruction activities.

(h) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the status of efforts to establish the Active Response Corps. The report shall include recommendations—

(1) for any legislation necessary to implement subsection (a); and

(2) concerning the regulation and structure of the Active Response Corps, including recommenda-
tions related to pay and employment security for, and benefit and retirement matters related to, members of the Corps.

SEC. 217. PASSPORT SECURITY ENHANCEMENT.

(a) Report on Documents Related to Passport Issuance.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that describes existing security weaknesses of identification documents, including birth certificates, required for the issuance of a passport, and that includes, in accordance with paragraph (3), recommended criteria for birth certificates that will be acceptable to establish valid proof of identity and national origin of individuals for the issuance of passports to such individuals.

(2) Consultation.—The Secretary shall consult with appropriate officials of States and cities identified as vital registration jurisdictions in the preparation of such criteria.

(3) Acceptance Criteria.—The criteria referred to in paragraph (1) shall include the establishment of minimum acceptance criteria for identi-
fication documents issued by such jurisdictions, including criteria related to—

(A) vital records security and procedures;

(B) security paper and printing for birth certificates;

(C) customer identification requirements;

(D) issuance of birth certificates, including duplicates;

(E) controlling access to birth certificate records to prevent identity fraud;

(F) data element definitions to facilitate electronic exchange of birth and death registration information with the Department of State for purposes of issuing passports; and

(G) routine matching of all birth and death records.

(b) BACKGROUND INVESTIGATION AND ESTABLISHMENT OF TRAINING PROGRAM FOR PASSPORT ACCEPTANCE AGENTS.—

(1) BACKGROUND INVESTIGATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall establish a mandatory requirement for background investigations of passport acceptance agents.
(2) Establishment of Training Program.—Not later than one year after the date of the enactment of this Act, the Under Secretary for Management of the Department of State, acting through the Bureau of Consular Affairs of the Department, shall—

(A) establish a comprehensive training program for passport acceptance agents that includes instruction and training relating to identification document fraud detection, customer identification authentication, and the penalties for passport fraud by employees, agents, and passport applicants;

(B) establish a database that records when passport acceptance agents complete such training;

(C) require all newly appointed passport acceptance agents to complete such training before initial processing of passport applications; and

(D) establish a training schedule so that all existing passport acceptance agents have completed such training no later than three years after the date of the establishment of the training program under this paragraph.
(c) Expanded Authority of Special Agents.—


(1) in the first sentence, by striking “Special agent positions” and inserting “(a) Special agent positions”; and

(2) by adding at the end the following new subsection:

“(b) In connection with investigations of corruption, waste, fraud, and abuse by officers and employees of the United States Government, including the illegal sale of United States passports and visas and other United States criminal offenses, the Federal District Court for the District of Columbia shall have authority to issue warrants with respect to properties within the special maritime and territorial jurisdiction of the United States, as defined under section 7(9) of title 18, United States Code. Special agents under the direction of the Director of the Diplomatic Security Service shall have authority to execute such warrants.”.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary, or to reprogram funds otherwise obtained
through receipts from the issuance of passports and visas, to carry out this section.

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

**SEC. 301. EDUCATION ALLOWANCES.**

Section 5924(4) of title 5, United States Code, is amended—

(1) in the first sentence of subparagraph (A), by inserting “United States” after “nearest”;

(2) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) The travel expenses of dependents of an employee to and from a secondary or post-secondary educational institution, not to exceed one annual trip each way for each dependent, except that an allowance payment under subparagraph (A) may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph.”; and

(3) by adding at the end the following new subparagraph:
“(D) Allowances provided pursuant to sub-
paragraphs (A) and (B) may include, at the
election of the employee, payment or reimburse-
ment of the costs incurred to store baggage for
the employee’s dependent at or in the vicinity of
the dependent’s school during the dependent’s
annual trip between the school and the employ-
ee’s duty station, except that such payment or
reimbursement may not exceed the cost that the
Government would incur to transport the bag-
gage with the dependent in connection with the
annual trip, and such payment or reimburse-
ment shall be in lieu of transportation of the
baggage.”.

SEC. 302. OFFICIAL RESIDENCE EXPENSES.

Section 5913 of title 5, United States Code, is
amended by adding at the end the following new sub-
section:

“(c) Funds made available under subsection (b) may
be provided in advance to persons eligible to receive reim-
bursements.”.
SEC. 303. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.

(a) REPEAL OF LIMITED-SCOPE EFFECTIVE DATE FOR PREVIOUS INCREASE.—Subsection (c) of section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (division D of Public Law 108–199) is repealed.

(b) POST DIFFERENTIALS.—Section 5925(a) of title 5, United States Code, is amended in the third sentence by striking “25 percent of the rate of basic pay or, in the case of an employee of the United States Agency for International Development,”.

(c) DANGER PAY ALLOWANCES.—Section 5928 of title 5, United States Code, is amended by striking “25 percent of the basic pay of the employee or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development” both places that it appears and inserting “35 percent of the basic pay of the employee”.

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

(c) Study and Report.—Not later than two years after the date of the enactment of this Act, the Secretary of State shall conduct a study assessing the effect of the increases in post differentials and danger pay allowances made by the amendments in subsections (b) and (c), respectively, in filling “hard-to-fill” positions and shall submit a report of such study to the appropriate congressional committees.

SEC. 304. HOME LEAVE.

Chapter 9 of title I of the Foreign Service Act of 1980 (relating to travel, leave, and other benefits) is amended—

(1) in section 901(6) (22 U.S.C. 4081(6)), by striking “unbroken by home leave” both places that it appears; and

(2) in section 903(a) (22 U.S.C. 4083), by striking “18 months” and inserting “12 months”.

SEC. 305. OVERSEAS EQUALIZATION AND COMPARABILITY PAY ADJUSTMENT.

(a) Overseas Comparability Pay Adjustment.—

(1) In general.—Chapter 4 of the Foreign Service Act of 1980 (22 U.S.C. 3961 et seq.) (relat-
ing to compensation) is amended by adding at the end the following new section:

“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

“(a) IN GENERAL.—In accordance with subsection (c), a member of the Service who is designated class 1 or below and who does not have as an official duty station a location in the continental United States or in a non-foreign area shall receive locality-based comparability payments under section 5304 of title 5, United States Code, that would be paid to such member if such member’s official duty station would have been Washington, D.C.

“(b) TREATMENT AS BASIC PAY.—The locality-based comparability payment described in subsection (a) shall—

“(1) be considered to be part of the basic pay of a member in accordance with section 5304 of title 5, United States Code, for the same purposes for which comparability payments are considered to be part of basic pay under such section; and

“(2) be subject to any applicable pay limitations.

“(c) PHASE-IN.—The comparability pay adjustment described under this section shall be paid to a member described in subsection (a) in three phases, as follows:
“(1) In fiscal year 2006, 33.33 percent of the amount of such adjustment to which such member is entitled.

“(2) In fiscal year 2007, 66.66 percent of the amount of such adjustment to which such member is entitled.

“(3) In fiscal year 2008 and subsequent fiscal years, 100.00 percent of the amount of such adjustment to which such member is entitled.”.

(2) **CONFORMING AMENDMENT.**—The table of sections in section 2 of such Act is amended by inserting after the item relating to section 414 the following new item:

“Sec. 415. Overseas comparability pay adjustment.”.

(b) **CONFORMING AMENDMENTS RELATING TO THE RETIREMENT AND DISABILITY SYSTEM OF THE FOREIGN SERVICE.**—

(1) **CONTRIBUTIONS TO THE FUND.**—Section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking “7.25 percent” and inserting “7.00 percent”; and

(ii) in the second sentence, by striking “The contribution by the employing agen-
cy” through “and shall be made” and inserting “An equal amount shall be contributed by the employing agency”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “, plus an amount equal to .25 percent of basic pay”; and

(ii) in subparagraph (B), in the first sentence, by striking “, plus an amount equal to .25 percent of basic pay”; and

(C) in paragraph (3), by striking “, plus .25 percent”.

(2) COMPUTATION OF ANNUITIES.—Section 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is amended—

(A) by striking “is outside” and inserting “was outside”; and

(B) by inserting after “continental United States” the following: “for any period of time from December 29, 2002, to the first day of the first full pay period beginning after the date of applicability of the overseas comparability pay adjustment under section 415”;
(3) Entitlement to Annuity.—Section 855(a)(3) of such Act (22 U.S.C. 4071d(a)(3)) is amended—

(A) by striking “is outside” and inserting “was outside”; and

(B) by inserting after “continental United States” the following: “for any period of time from December 29, 2002, to the first day of the first full pay period beginning after the date of applicability of the overseas comparability pay adjustment under section 415”.

(4) Deductions and Withholdings from Pay.—Section 856(a)(2) of such Act (22 U.S.C. 4071e(a)(2)) is amended to read as follows:

“(2) The applicable percentage under this subsection shall be as follows:

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Time Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5</td>
<td>Before January 1, 1999.</td>
</tr>
</tbody>
</table>

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply beginning on the first day of the first full pay period beginning after such date.
SEC. 306. FELLOWSHIP OF HOPE PROGRAM.

(a) FELLOWSHIP AUTHORIZED.—Chapter 5 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3981 et seq.) is amended by adding at the end the following new section:

"SEC. 506. FELLOWSHIP OF HOPE PROGRAM.

(a) ESTABLISHMENT.—The Secretary is authorized to establish a program to be known as the ‘Fellowship of Hope Program’. Under the Program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee of such country or entity to be assigned to a position with the Department.

(b) SALARY AND BENEFITS.—The salary and benefits of a member of the Service shall be paid as described in subsection (b) of section 503 during a period in which such member is participating in the Fellowship of Hope Program. The salary and benefits of an employee of a designated country or designated entity participating in the Program shall be paid by such country or entity during the period in which such employee is participating in the Program.

(c) DEFINITIONS.—In this section:

(1) The term ‘designated country’ means a member country of—
“(A) the North Atlantic Treaty Organization; or

“(B) the European Union.

“(2) The term ‘designated entity’ means—

“(A) the North Atlantic Treaty Organization; or

“(B) the European Union.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to—

“(1) authorize the appointment as an officer or employee of the United States of—

“(A) an individual whose allegiance is to any country, government, or foreign or international entity other than to the United States; or

“(B) an individual who has not met the requirements of sections 3331, 3332, 3333, and 7311 of title 5, United States Code, and any other provision of law concerning eligibility for appointment as, and continuation of employment as, an officer or employee of the United States; or

“(2) authorize the Secretary to assign a member of the Service to a position with any foreign country whose law, or to any foreign or international
entity whose rules, require such member to give allegiance or loyalty to such country or entity while assigned to such position.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

Such Act is amended—

(1) in section 503 (22 U.S.C. 3983)—

(A) in the section heading, by striking “AND” and inserting “FOREIGN GOVERNMENTS, OR”; and

(B) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting “foreign government,” after “organization,”; and

(ii) in paragraph (1), by inserting “, or with a foreign government under section 506” before the semicolon; and

(2) in section 2, in the table of contents—

(A) by striking the item relating to section 503 and inserting the following new item:

“Sec. 503. Assignments to agencies, international organizations, foreign governments, or other bodies.”;

and

(B) by inserting after the item relating to section 505 the following new item:

“Sec. 506. Fellowship of Hope Program.”.
SEC. 307. REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.

Section 321(f) of the Foreign Relations Authorization Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law 107–228) is amended by inserting “, not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2006 and 2007,” after “regulations”.

SEC. 308. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

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

(b) Effective Date.—The amendment made by subsection (a) shall take effect and apply beginning on January 1, 2010.
SEC. 309. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

“(c)(1) The Secretary may suspend a member of the Service without pay when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed and there is a connection between the conduct and the efficiency of the Foreign Service.

“(2) Any member of the Service for whom a suspension is proposed shall be entitled to—

“(A) written notice stating the specific reasons for the proposed suspension;

“(B) a reasonable time to respond orally and in writing to the proposed suspension;

“(C) representation by an attorney or other representative; and

“(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

“(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.
“(4) In the case of a grievance filed under paragraph (3), the Foreign Service Grievance Board may not exercise the authority provided under section 1106(8).

“(5) In this subsection:

“(A) The term ‘reasonable time’ means 30 days after receiving notice of the proposed suspension.

“(B) The terms ‘suspend’ and ‘suspension’ mean the placing of a member of the Service in a temporary status without duties and pay.”.

(b) Conforming and Clerical Amendments.—

(1) Amendment of section heading.—Such section, as amended by subsection (a), is further amended in the section heading by inserting “; SUSPEND” before the period at the end.

(2) Clerical Amendment.—Section 2 of such Act is amended, in the table of contents, by striking the item relating to section 610 and inserting the following new item:

“Sec. 610. Separation for cause; suspension.”.

SEC. 310. DEATH GRATUITY.

Section 413(a) of the Foreign Service Act of 1980 (22 U.S.C. 3973(a)) is amended in the first sentence by inserting before the period at the end the following: “or $100,000, whichever is greater”.
SEC. 311. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended in the first sentence—

(1) by inserting “the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a)),” after “considering”; and

(2) by striking “the grievant or” and inserting “the grievant, or”.

SEC. 312. REPEAL OF RECERTIFICATION REQUIREMENT FOR MEMBERS OF THE SENIOR FOREIGN SERVICE.

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

SEC. 313. TECHNICAL AMENDMENTS TO TITLE 5, UNITED STATES CODE, PROVISIONS ON RECRUITMENT, RELOCATION, AND RETENTION BONUSES.

Title 5, United States Code, is amended—

(1) in section 5753(a)(2)(A), by inserting before the semicolon at the end the following: “, but does not include members of the Foreign Service other than chiefs of mission and ambassadors-at-large”; and
(2) in section 5754(a)(2)(A), by inserting before the semicolon at the end the following: “, but does not include members of the Foreign Service other than chiefs of mission and ambassadors-at-large”.

SEC. 314. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

Section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949) is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsections (b) or (c)”;

(2) in subsection (b)—

(A) by amending paragraph (3) to read as follows:

“(3) as a career candidate, if—

“(A) continued service is determined appropriate to remedy a matter that would be cognizable as a grievance under chapter 11; or

“(B) the career candidate is called to military active duty pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353; codified in chapter 43 of title 38, United States Code) and the limited appointment expires in the course of such military active duty;”;

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(B) in paragraph (4), by striking “and” at the end;

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following new paragraph:

“(6) in exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment—

“(A) for a period of time not to exceed 12 months, provided such period of time does not permit additional review by the boards under section 306; or

“(B) for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section.”; and

(3) by adding at the end the following new subsection:

“(c) Noncareer specialist employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment provided there is at least a one year break in service before such new appointment. This requirement may be waived by the Director General in cases of special need.”.
SEC. 315. STATEMENT OF CONGRESS REGARDING CAREER DEVELOPMENT PROGRAM FOR SENIOR FOREIGN SERVICE.

Congress declares that the recent changes proposed by the Department of State to the career development program for members of the Senior Foreign Service will help promote well-rounded and effective members of the Senior Foreign Service, and should be implemented as planned in the coming years. Congress fully supports the proposed changes that require that in order to be eligible for promotion into the Senior Foreign Service, a member of the Foreign Service must demonstrate over the course of the career of such member the following:

(1) Operational effectiveness, including a breadth of experience in several regions and over several functions.

(2) Leadership and management effectiveness.

(3) Sustained professional language proficiency.

(4) Responsiveness to Service needs.

SEC. 316. SENSE OF CONGRESS REGARDING ADDITIONAL UNITED STATES CONSULAR POSTS.

It is the sense of Congress that to help advance United States economic, political, and public diplomacy interests, the Secretary of State should make best efforts to establish United States consulates or other appropriate United States diplomatic presence in Pusan, South Korea,
Hat Yai, Thailand, and an additional location in India in an under-served region.

SEC. 317. OFFICE OF THE CULTURE OF LAWFULNESS.

(a) Establishment.—There is established in the Bureau for International Law Enforcement and Narcotics of the Department of State an Office of the Culture of Lawfulness.

(b) Director and Staff.—The Office shall be headed by a Director and staffed by not less than two professional staff.

(c) Duties.—The Director of the Office shall coordinate and increase the effectiveness of existing culture of lawfulness programs in the Department that can directly support foreign efforts to develop a culture of lawfulness, including—

(1) seeking coordination between various programs and activities to support international narcotics and other law enforcement, public diplomacy, foreign assistance, and democracy efforts by the personnel of the Department in Washington, D.C., and in United States embassies in foreign countries;

(2) developing new initiatives to foster a culture of lawfulness through international organizations; and
(3) ensuring that culture of lawfulness education is included in the curricula of all law enforcement and public security academies and training programs that receive assistance from the United States, and in democracy, civic education, and rule of law assistance programs conducted with foreign governments and nongovernmental organizations.

(d) REPORT.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)) is amended by inserting after paragraph (7) the following new paragraph:

“(8) In addition, the efforts of the United States to foster the culture of lawfulness in countries around the world.”.

SEC. 318. REVIEW OF HUMAN RESOURCES POLICIES OF THE DEPARTMENT OF STATE.

(a) BOTTOM-UP REVIEW OF ELEMENTS OF THE DEPARTMENT OF STATE.—The Secretary of State shall conduct ongoing, thorough reviews of the organizational structure and human resource policies of all elements of the Department of State to determine those organizational structures that are most effectively organized and whether personnel with the appropriate skill sets are being hired, trained, and utilized to meet national security challenges, including those posed by international terrorist threats.
(b) Emphasis on Diversity.—The review conducted under subsection (a) shall include an emphasis on improving the ethnic, racial, cultural, and gender diversity of personnel of the Department of State.

(c) Biennial Report.—The Secretary shall submit to the appropriate congressional committees a biennial report on the reviews conducted under this section and efforts to improve diversity of the personnel of the Department of State.

SEC. 319. WORLDWIDE AVAILABILITY.

Section 301(b) of the Foreign Service Act of 1980 (22 U.S.C. 3491(b)) is amended by adding at the end the following new sentence: “At the time of entry into the Service, each member of the Service must be worldwide available, as determined by the Secretary of State through appropriate medical examinations, unless the Secretary determines that a waiver of the worldwide availability requirement is required to fulfill a compelling Service need. The Secretary shall establish an internal administrative review process for medical ineligibility determinations.”.
SEC. 320. TREATMENT OF TERRITORIES AND POSSESSIONS AS PART OF THE GEOGRAPHIC UNITED STATES FOR PURPOSES OF TRANSFER ALLOWANCES.

Notwithstanding any other provision of law, for purposes of transfer allowances for employees of the Department of State under section 5924(2)(B) of title 5, United States Code, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands, shall be considered part of the geographic United States.

TITLE IV—INTERNATIONAL ORGANIZATIONS

SEC. 401. REDI CENTER.

The Secretary of State is authorized to provide for the participation by the United States in the Regional Emerging Disease Intervention ("REDI") Center in Singapore.

SEC. 402. EXTENSION OF AUTHORIZATION OF APPROPRIATION FOR THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM.

(a) In General.—Subsection (a) of section 207 of the International Religious Freedom Act of 1998 (22 U.S.C. 6435) is amended by striking "$3,000,000 for the fiscal year 2003" and inserting "$3,300,000 for each of fiscal years 2006 through 2011".
(b) Technical Amendment.—Subsection (b) of such section is amended by striking “subparagraph” and inserting “subsection”.

SEC. 403. REFORM OF THE INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) Findings with Respect to the International Atomic Energy Agency.—Congress finds the following:

(1) Efforts to prevent the further spread of nuclear weapons capabilities would be enhanced by universal membership in the International Atomic Energy Agency (IAEA).

(2) The enhanced authorities provided by the Additional Protocol to the Safeguards Agreements between the IAEA and Member States of the IAEA are indispensable to the ability of the IAEA to conduct inspections of nuclear facilities to a high degree of confidence.

(3) The national security interests of the United States would be enhanced by the universal ratification and implementation of the Additional Protocol.

(4) The national security interests of the United States would be enhanced by the rapid implementation by all Member States of the United Na-
tions of United Nations Security Council Resolution 1540, which prohibits all Member States from pro-
viding any form of support to non-state actors that attempt to manufacture, acquire, possess, develop,
transport, transfer, or use nuclear, chemical, or bio-
logical weapons and their means of delivery, and re-
quiring all Member States to adopt and enforce ap-
propriate and effective domestic laws criminalizing such acts.

(5) The national security interests of the United States require that the IAEA possess suffi-
cient authorities and resources to comprehensively and efficiently carry out its responsibilities for in-
spections and safeguards of nuclear facilities.

(6) Regularly assessed contributions of Member States to the regular budget of the IAEA are due in the first quarter of each calendar year.

(7) Currently, the United States does not pay its regularly assessed contribution to the regular budget of the IAEA until the last quarter of each calendar year.

(8) This delayed payment results in recurring shortages of funds for the IAEA, thus compromising its ability to conduct safeguards inspections and nu-
clear security activities.
(b) FINDINGS WITH RESPECT TO THE NUCLEAR NONPROLIFERATION TREATY.—Congress finds the following:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) (commonly referred to as the “Nuclear Nonproliferation Treaty” or the “NPT”) is the foundation for international cooperation to prevent the further spread of nuclear weapons capabilities.

(2) The NPT was conceived, written, and ratified by State Parties as a treaty for the specific purpose of preventing the proliferation of nuclear weapons and nuclear explosive devices, as stated in the Preamble and first three Articles of the NPT.

(3) The overriding priority of the NPT is preventing the proliferation of nuclear weapons and nuclear explosive devices.

(4) Article IV of the NPT conditions the “inalienable right to develop research, production and use of nuclear energy for peaceful purposes without discrimination” on conformity with Articles I and II, which obligate signatories “not to manufacture of otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any as-
istance in the manufacture of nuclear weapons or
other nuclear explosive devices”.

(5) Because the processes used for the enrich-
ment of uranium and the reprocessing of plutonium
for peaceful purposes are virtually identical to those
needed for military purposes and thereby inherently
pose an enhanced risk of proliferation, even under
strict international inspections, Article IV of the
NPT cannot be interpreted to recognize the inalien-
able right by every country to enrich uranium or re-
process plutonium.

(6) Because the factors needed for the develop-
ment of nuclear energy for peaceful purposes are vir-
tually identical to those required for the development
of nuclear weapons and devices, Article X cannot be
interpreted to allow a signatory country to develop
a nuclear weapons program based on materials, fa-
cilities, and equipment it has acquired through its
Article IV cooperation.

(c) STATEMENT OF CONGRESS.—Congress declares
that—

(1) all provisions of the NPT must be inter-
preted within the context of preventing the prolifera-
tion of nuclear weapons and nuclear explosive de-
vices;
(2) Article IV of the NPT, interpreted in conformity with the NPT’s purpose, spirit, and freely undertaken obligations by State Parties, does not guarantee every country that is a State Party an inalienable right to enrich uranium or reprocess plutonium; and

(3) if a State Party chooses to exercise its Article X right of withdrawal from the NPT, such State Party must surrender all of the materials, facilities, and equipment it has acquired through its Article IV cooperation, and no State Party will be recognized as having legally exercised its Article X right of withdrawal from the NPT until it has surrendered all such materials, facilities, and equipment.

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Director General of the IAEA should strengthen efforts to secure universal ratification and implementation of the Additional Protocol; and

(2) the IAEA possesses statutory authority, including under Articles II, III, VIII, IX, XI, and XII of the IAEA Statute, to undertake nuclear security activities.
(e) Promotion of Additional Protocol and United Nations Security Council Resolution 1540.—

(1) Universal ratification and implementation; full compliance.—The President shall take such steps as the President determines necessary to encourage—

(A) rapid universal ratification and implementation by Member States of the IAEA of the Additional Protocol to the Safeguards Agreements between the IAEA and Member States; and

(B) full compliance by all foreign countries with United Nations Security Council Resolution 1540, which calls for the adoption and enforcement by all foreign countries of “appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them”.

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(2) Suspension of United States non-humanitarian foreign assistance.—The President is authorized to suspend United States non-humanitarian foreign assistance to any country that—

(A) has not signed and ratified the Additional Protocol; and

(B) has not fully complied with United Nations Security Council Resolution 1540.

(3) Report.—

(A) In general.—Not later than 90 days after the date of the enactment of this Act and annually thereafter until September 31, 2010, the Secretary of State shall submit to the appropriate congressional committees a report on United States efforts to promote full compliance by all countries with United Nations Security Council Resolution 1540, with particular attention to the following:

(i) United States efforts in appropriate international organizations or fora to elaborate and implement international standards for such full compliance.

(ii) Steps taken by the United States to assist other countries to meet their obli-
gations under United Nations Security
Council Resolution 1540.

(B) SUBMISSION.—The report required
under this paragraph may be submitted to-
gether with the report on “Patterns of Global
of Terrorism”.

(f) PAYMENT AT BEGINNING OF CALENDAR YEAR.—
The Secretary of State shall take expeditious action to en-
sure that the United States regularly assessed contribu-
tion to the IAEA is made at the beginning of each cal-
endar year.

(g) AUTHORIZATION OF APPROPRIATIONS.—In addi-
tion to amounts otherwise authorized to be appropriated
to the Secretary of State under this Act, there are author-
ized to be appropriated to the Secretary such sums as may
be necessary to permit the Secretary to ensure that the
United States regularly assessed contribution of its annual
dues to the IAEA is provided to the IAEA at the begin-
ning of each calendar year to compensate for the current
delayed payment described under subsection (b).

SEC. 404. PROPERTY DISPOSITION.
Section 633(e) of the Departments of Commerce,
Justice, and State, the Judiciary, and Related Agencies
Appropriations Act, 2004 (division B of Public Law 108–
199; 22 U.S.C. 2078(e)) is amended—
(1) by striking “The United States, through the
Department of State, shall retain ownership of the
Palazzo Corpi building in Istanbul, Turkey, and the”
and inserting “The”; and

(2) by striking “at such location” and inserting
“at an appropriate location”.

TITLE V—INTERNATIONAL
BROADCASTING

SEC. 501. SHORT TITLE.
This title may be cited as the “International Broad-
casting Authorization Act, Fiscal Years 2006 and 2007”.

SEC. 502. MIDDLE EAST BROADCASTING NETWORKS.
(a) MIDDLE EAST BROADCASTING NETWORKS.—The
United States International Broadcasting Act of 1994 (22
U.S.C. 6201 et seq.) is amended by inserting after section
309 (22 U.S.C. 6208) the following new section:

“SEC. 309A. MIDDLE EAST BROADCASTING NETWORKS.

“(a) Authority.—Grants authorized under section
305 shall be available to make annual grants to the Middle
East Broadcasting Networks for the purpose of carrying
out radio and television broadcasting to the Middle East
region.

“(b) Function.—Middle East Broadcasting Net-
works shall provide radio and television programming con-
sistent with the broadcasting standards and broadcasting
principles set forth in section 303.

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

“(1) The Board may not make any grant to the
non-profit corporation, Middle East Broadcasting
Networks, unless its certificate of incorporation pro-
vides that—

“(A) The Board of Directors of Middle
East Broadcasting Networks shall consist of the
members of the Broadcasting Board of Gov-
ernors established under section 304 and of no
other members.

“(B) Such Board of Directors shall make
all major policy determinations governing the
operation of Middle East Broadcasting Net-
works, and shall appoint and fix the compen-
sation of such managerial officers and employees
of Middle East Broadcasting Networks as it
considers necessary to carry out the purposes of
the grant provided under this title, except that
no officer or employee may be paid basic compen-
sation at a rate in excess of the rate for
level II of the Executive Schedule as provided
under section 5313 of title 5, United States Code.

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

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

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

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

“(d) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—Nothing in this title may be construed to
make—

“(1) the Middle East Broadcasting Networks a
Federal agency or instrumentality; or
“(2) the officers or employees of the Middle
East Broadcasting Networks officers or employees of
the United States Government.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—
Such Act is further amended—

(1) in section 304(g) (22 U.S.C. 6203(g)), by
inserting “, the Middle East Broadcasting Net-
works,” after “Incorporated”;

(2) in section 305 (22 U.S.C. 6204)—

(A) in subsection (a)—

(i) in paragraph (5), by striking “308
and 309” and inserting “308, 309, and
309A”; and

(ii) in paragraph (6), by striking “308
and 309” and inserting “308, 309, and
309A”; and

(B) in subsection (c), by striking “308 and
309” and inserting “308, 309, and 309A”; and
(3) in section 307 (22 U.S.C. 6206)—

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

(B) in subsection (c), in the second sentence, by inserting “the Middle East Broadcasting Networks,” after “Asia,”.

(c) TECHNICAL AND CONFORMING AMENDMENT TO TITLE 5.—Section 8332(b)(11) of title 5, United States Code, is amended by inserting “the Middle East Broadcasting Networks;” after “Radio Free Asia;”.

SEC. 503. IMPROVING SIGNAL DELIVERY TO CUBA.

Section 3 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465a; Public Law 98–111) is amended—

(1) by striking subsection (b);

(2) by striking subsection (c) and inserting the following new subsection:

“(c) To effect radio broadcasting to Cuba, the Board is authorized to utilize the United States International Broadcasting facilities located in Marathon, Florida, and the 1180 AM frequency used at those facilities. In addition to the above facilities, the Board may simultaneously utilize other governmental and nongovernmental broadcasting transmission facilities and other frequencies, including the Amplitude Modulation (AM) band, the Frequency Modulation (FM) band, and the Shortwave (SW)
band. The Board may lease time on commercial or non-commercial educational AM band, FM band, and SW band radio broadcasting stations to carry a portion of the service programs or to rebroadcast service programs.”;

(3) by striking subsection (d);

(4) by striking subsection (e) and inserting the following new subsection:

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

(5) by striking subsection (f); and

(6) by redesignating subsections (c) and (e) (as amended by this section) as subsections (b) and (e), respectively.

SEC. 504. ESTABLISHING PERMANENT AUTHORITY FOR RADIO FREE ASIA.

Section 309 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

(1) in subsection (c)(2), by striking “, and shall further specify that funds to carry out the activities of Radio Free Asia may not be available after September 30, 2009”; and

(2) by striking subsection (f).
SEC. 505. PERSONAL SERVICES CONTRACTING PROGRAM.

Section 504 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended—

1. in the section heading, by striking “PILOT”;
2. (1) in subsection (a)—
3. (A) by striking “pilot”;
4. (B) by striking “(in this section referred to as the ‘program’)”;
5. (C) by striking “producers, and writers” and inserting “and other broadcasting specialists”;
6. (2) in subsection (b)(4), by striking “60” and inserting “100”; and
7. (4) by striking subsection (c).

SEC. 506. COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS EDUCATION BENEFITS.

Section 305(a) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended by inserting after paragraph (18) the following new paragraph:

“(19)(A) To provide for the payment of primary and secondary school expenses for dependents of personnel stationed in the Commonwealth of the Northern Mariana Islands (CNMI) at a cost not to
exceed expenses authorized by the Department of Defense for such schooling for dependents of members of the Armed Forces stationed in the Commonwealth, if the Board determines that schools available in the Commonwealth are unable to provide adequately for the education of the dependents of such personnel.

“(B) To provide transportation for dependents of such personnel between their places of residence and those schools for which expenses are provided under subparagraph (A), if the Board determines that such schools are not accessible by public means of transportation.”.

**TITLE VI—ADVANCE DEMOCRACY ACT OF 2005**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005” or the “ADVANCE Democracy Act of 2005”.

**SEC. 602. FINDINGS.**

Congress finds the following:

(1) All human beings are created equal and possess certain rights and freedoms, including the fundamental right to participate in the political life
and government of their respective countries. These inalienable rights are recognized in the Declaration of Independence of the United States and in the Universal Declaration of Human Rights of the United Nations.

(2) The continued lack of democracy, freedom, and fundamental human rights in some countries is inconsistent with the universal values on which the United States is based and such continued lack of democracy, freedom, and fundamental human rights also poses a national security threat to the United States, its interests, and its friends, as it is in such countries that radicalism, extremism, and terrorism can flourish.

(3) There is also a correlation between non-democratic rule and other threats to international peace and security, including threats from war, genocide, famine, poverty, drug trafficking, corruption, refugee flows, human trafficking, religious persecution, environmental degradation, and discrimination against women.

(4) The transition to democracy must be led from within nondemocratic countries, including by nongovernmental organizations, movements, and individuals, and by nationals of such countries who
live abroad. Nevertheless, democratic countries have
a number of instruments available for supporting
democratic reformers who are committed to pro-
moting effective, nonviolent change in nondemocratic
countries.

(5) United States efforts to promote democracy
and protect human rights in countries where they
are lacking can be strengthened to improve assist-
ce for such reformers. United States ambassadors
and diplomats can play a critical role in such efforts
to promote democracy by publicly demonstrating
support for democratic principles and supporting
democratic reformers. Training and incentives are
needed to assist United States officials in strength-
ening the techniques and skills required to promote
democracy.

(6) A full evaluation of United States funds ex-
pended for the support of democracy is also nec-
essary to ensure an efficient and effective use of the
resources that are dedicated to these efforts.

(7) The promotion of democracy requires a
broad-based effort with collaboration between all
democratic countries, including through the Commu-
nity of Democracies.
(8) The promotion of such universal democracy constitutes a long-term challenge that does not always lead to an immediate transition to full democracy, but through a dedicated and integrated approach can achieve universal democracy.

SEC. 603. STATEMENT OF POLICY.

It shall be the policy of the United States—

(1) to promote freedom and democracy in foreign countries as a fundamental component of United States foreign policy;

(2) to affirm fundamental freedoms and human rights in foreign countries and to condemn offenses against those freedoms and rights as a fundamental component of United States foreign policy;

(3) to use all instruments of United States influence to support, promote, and strengthen democratic principles, practices, and values in foreign countries, including the right to free, fair, and open elections, secret balloting, and universal suffrage;

(4) to protect and promote fundamental freedoms and rights, including the freedoms of association, of expression, of the press, and of religion, and the right to own private property;

(5) to protect and promote respect for and adherence to the rule of law in foreign countries;
(6) to provide appropriate support to organizations, individuals, and movements located in non-democratic countries that aspire to live in freedom and establish full democracy in such countries;

(7) to provide, political, economic, and other support to foreign countries that are willingly undertaking a transition to democracy;

(8) to commit United States foreign policy to the challenge of achieving universal democracy; and

(9) to strengthen alliances and relationships with other democratic countries in order to better promote and defend shared values and ideals.

SEC. 604. DEFINITIONS.

In this title:


(2) Community of democracies and community.—The terms “Community of Democracies” and “Community” mean the association of democratic countries committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.
(3) ELIGIBLE ENTITY.—The term “eligible entity” means any nongovernmental organization, international organization, multilateral institution, private foundation, corporation, partnership, association, or other entity, organization, or group engaged in (or with plans to engage in) the promotion of democracy and fundamental rights and freedoms in foreign countries categorized as “democratic transition countries” or as “nondemocratic” in the most recent Annual Report on Democracy.

(4) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means any individual engaged in, or who intends to engage in, the promotion of democracy and fundamental rights and freedoms in foreign countries categorized as “democratic transition countries” or as “nondemocratic” in the most recent Annual Report on Democracy.

(5) REGIONAL DEMOCRACY HUB AND HUB.—The terms “Regional Democracy Hub” and “Hub” mean the Regional Democracy Hubs established under section 611(c)(2).

(6) SECRETARY.—The term “Secretary” means the Secretary of State.

(7) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of State for
Democracy and Global Affairs established under section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)), as amended by section 611(a)(2) of this Act.

Subtitle A—Department of State Activities

SEC. 611. PROMOTION OF DEMOCRACY IN FOREIGN COUNTRIES.

(a) Codification of Under Secretary of State for Democracy and Global Affairs.—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended—

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

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

“(4) Under Secretary of State for Democracy and Global Affairs.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary of State for Democracy and Global Affairs, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the formulation and implementation of United States policies and activities relating to the transition to and devel-
opment of democracy in nondemocratic countries and to coordinate United States policy on global issues, including issues related to human rights, women’s rights, freedom of religion, labor standards and relations, the preservation of the global environment, the status and protection of the oceans, scientific cooperation, narcotics control, law enforcement, population issues, refugees, migration, war crimes, and trafficking in persons. The Secretary may assign such other responsibilities to the Under Secretary for Democracy and Global Affairs as the Secretary determines appropriate or necessary. In particular, the Under Secretary shall have the following responsibilities:

“(A) Coordinating with the Under Secretary for Public Diplomacy and Public Affairs and officers and employees from the regional bureaus of the Department of State to promote the transition to democracy in nondemocratic countries and strengthen development of democracy in countries that are in transition to democracy.

“(B) Advising the Secretary regarding any recommendation requested by any official of any other agency that relates to the human
rights situation in a foreign country or the ef-
fects on human rights or democracy in a for-
eign country of an agency program of such offi-
cial.”.

(b) ADDITIONAL DUTIES FOR ASSISTANT SEC-
RETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS,
AND LABOR.—Section 1(c)(2)(A) of the State Department
Basic Authorities Act of 1956 (22 U.S.C. 2651a(e)(2)) is
amended by inserting after the first sentence the following
new sentence: “The Assistant Secretary of State for De-
ocracy, Human Rights, and Labor shall also be respon-
sible for matters relating to the transition to and develop-
ment of democracy in nondemocratic countries, including
promoting and strengthening the development of democ-

cacy in foreign countries that are in the early stages of
a transition to democracy and evaluating the effectivenes
of United States programs that promote democracy.”.

(c) DEPARTMENT OF STATE AND UNITED STATES
MISSIONS ABROAD.—

(1) OFFICE RELATED TO DEMOCRATIC MOVE-
MENTS AND TRANSITIONS.—

(A) ESTABLISHMENT.—There shall be
within the Bureau of Democracy, Human
Rights, and Labor of the Department of State
an office that shall be responsible for working
with democratic movements and facilitating the
transition of nondemocratic countries and
democratic transition countries to full democ-

(B) PURPOSE.—In addition to any other
responsibilities conferred on the office, the of-

country that have been categorized as non-
democratic or as democratic transition countries
in the most recent Annual Report on Demo-

cracy required under section 612(a).

(C) RESPONSIBILITIES.—The Deputy As-

Assistant Secretary of State for Democracy,

Human Rights, and Labor described in para-

graph (4) and employees of the office shall—

(i) develop relations with, consult

with, and provide assistance to nongovern-

mental organizations, individuals, and

movements that are committed to the

peaceful promotion of democracy, democ-


cratic principles, practices, and values, and

fundamental rights and freedoms in coun-

dies described in subparagraph (B), in-

ccluding fostering relationships with the
United States Government and the governments of other democratic countries;

(ii) assist officers and employees of regional bureaus to develop strategies and programs to promote peaceful change in such countries;

(iii) foster dialogue, to the extent practicable, between the leaders of such nongovernmental organizations, individuals, and movements and the officials of such countries;

(iv) create narratives and histories required under section 616 for the Internet site for global democracy and human rights and assist in the preparation of the report required under section 612; and

(v) facilitate, in coordination with public affairs officers and offices of the Department of State responsible for public diplomacy programs in such countries, debates and discussions, including among young people in other countries, regarding the values and benefits of democracy and human rights at academic institutions in such countries.
(2) **REGIONAL DEMOCRACY HUBS AT UNITED STATES MISSIONS ABROAD.**

(A) **PILOT PROGRAM.**

(i) **IN GENERAL.**—The Secretary shall establish a Regional Democracy Hub at a United States mission in two of the following geographic regions:

(I) The Western Hemisphere.

(II) Europe.

(III) South Asia.

(IV) The Near East.

(V) East Asia and the Pacific.

(VI) Africa.

(ii) **DIRECTOR.**—Each Regional Democracy Hub shall be headed by a Director. The Director and the associated staff shall be selected by the Secretary of State in consultation with the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(B) **RESPONSIBILITIES.**—Each Regional Democracy Hub shall support the appropriate United States ambassador and United States employees assigned to United States missions in each such geographic region to carry out the re-
responsibilities described in this Act, including as-
sisting Ambassadors and other United States
officials in each nondemocratic country or
democratic transition country in the geographic
region to design and implement strategies for a
transition to democracy in such county, includ-
ing regional strategies as appropriate.

(C) ACCREDITATION.—As appropriate, the
Department should seek accreditation for the
Director to all nondemocratic countries in each
geographic region for which each Hub is re-
sponsible.

(D) TERMINATION.—The Secretary may
terminate each Hub established under this
paragraph five years after each is established.

(E) CONTINUING RESPONSIBILITIES.—
Nothing in this paragraph shall be construed as
removing any responsibility under this or any
other Act of any chief of mission or other em-
ployees of United States diplomatic missions,
including the development and implementation
of strategies to promote democracy.

(F) AUTHORIZATION OF APPROPRIA-
tIONS.—There are authorized to be appro-
priated to the Secretary such sums as may be
necessary to carry out the responsibilities described in subparagraph (B), including hiring additional staff to carry out such responsibilities.

(3) Responsibilities of the Bureau of Intelligence and Research.—The Assistant Secretary of State for Intelligence and Research should coordinate with the Department of the Treasury, the Department of Justice, the Central Intelligence Agency, other appropriate intelligence agencies, and, as appropriate, with foreign governments to—

(A) monitor and document financial assets inside and outside the United States held by leaders of countries determined to be nondemocratic countries or democratic transition countries in the Annual Report on Democracy under section 612(a);

(B) identify close associates of such leaders; and

(C) monitor and document financial assets inside and outside the United States held by such close associates.

(4) Coordination.—

(A) Deputy Assistant Secretary of State for Democracy, Human Rights, and
LABOR.—There should be in the Department of State a Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor. Any such Deputy Assistant Secretary shall be in addition to the current number of Deputy Assistant Secretaries. In addition to considering qualified noncareer candidates, the Secretary of State should seek to recruit senior members of the Senior Foreign Service to serve in such position.

(B) Responsibilities.—In addition to the responsibilities described in paragraph (1)(C) and such other responsibilities as the Secretary or Assistant Secretary of State for Democracy, Human Rights, and Labor may from time to time designate, the Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor should—

(i) coordinate the work of the office described in paragraph (1) with the work of other offices and bureaus at the Department of State and other United States Government agencies that provide grants and other assistance to nongovernmental organizations, individuals, and movements;
(ii) forge connections between the United States and nongovernmental organizations, individuals, and movements committed to the promotion of democracy and democratic principles, practices, and values and seek to embrace the work of such organizations, individuals, and movements; and

(iii) evaluate the effectiveness of United States programs that promote democracy.

(5) RECRUITMENT.—The Secretary shall seek to ensure that, not later than December 31, 2012, not less than 50 percent of the nonadministrative employees serving in the Bureau of Democracy, Human Rights, and Labor are members of the Foreign Service.

SEC. 612. REPORTS.

(a) ANNUAL REPORT ON DEMOCRACY.—

(1) PREPARATION AND DEADLINE FOR SUBMISSION.—The Secretary of State shall prepare an Annual Report on Democracy. The Under Secretary of State for Democracy and Global Affairs, with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor, shall have the
principal responsibility of assisting the Secretary in
the preparation of the Annual Report. The Under
Secretary and Assistant Secretary shall consult with
the regional bureaus of the Department of State in
the preparation of the Annual Report. Not later
than July 1 of each year, the Secretary shall submit
to the appropriate congressional committees the An-
nual Report on Democracy.

(2) CONTENTS.—The Annual Report on De-

cracy shall contain the following:

(A) EXECUTIVE SUMMARY.—An Executive

Summary with a table listing every foreign
country that the Secretary determines to be
“nondemocratic”, and a list of countries the
Secretary determines to be “democratic transi-
tion countries” because they are at the early
stages of their transition to democracy. The Ex-
ecutive Summary shall contain a short narrative
highlighting the status of democracy in each
such country.

(i) DETERMINATION OF CATEGORIZA-

TION.—With respect to a country listed in
the Executive Summary, the Secretary
shall determine which of the categoriza-
tions specified under subparagraph (A) is
appropriate by reference to the principles
enshrined in the United Nations Charter,
the Universal Declaration of Human
Rights, the International Covenant on Civil
and Political Rights, the United Nations
Commission on Human Rights Resolution
1499/57 (entitled “Promotion of the Right
to Democracy”), the assessments used to
determine eligibility for financial assistance
dischased from the Millennium Challenge
Account, the assessments of nongovern-
mental organizations of eligibility to par-
ticipate in the meetings of the Community
of Democracies, and the standards estab-
lished and adopted by the Community of
Democracies. In addition, the categoriza-
tion of a country should be informed by
the general consensus regarding the status
of civil and political rights in such country
by major nongovernmental organizations
that conduct assessments of such condi-
tions in such countries.

(ii) DETERMINATION OF NONDEMO-
CRATIC CATEGORIZATION.—
(I) IN GENERAL.—The Secretary shall categorize a country as non-democratic if such country fails to satisfy any of the following requirements:

(aa) All citizens of such county have the right to, and are not restricted in practice from, fully and freely participating in the political life of such country regardless of gender, race, language, religion, or beliefs.

(bb) The national legislative body of such country and, if directly elected, the head of government of such country, are chosen by free, fair, open, and periodic elections, by universal and equal suffrage, and by secret ballot.

(cc) More than one political party in such country has candidates who seek elected office at the national level and such parties are not restricted in their political activities or their process
for selecting such candidates, except for reasonable administrative requirements commonly applied in countries categorized as fully democratic.

(dd) All citizens in such country have a right to, and are not restricted in practice from, fully exercising the freedoms of thought, conscience, belief, peaceful assembly and association, speech, opinion, and expression, and such country has a free, independent, and pluralistic media.

(ee) The current government of such country did not come to power in a manner contrary to the rule of law.

(ff) Such country possesses an independent judiciary and the government of such country generally respects the rule of law.

(II) Additional Considerations.—Notwithstanding the satis-
faction by a country of the requirements specified under subclause (I),
the Secretary may categorize a country as nondemocratic if the Secretary
determines that such is appropriate after consideration of the principles
specified under clause (i) with respect to such country.

(B) Status of Democracy.—A description of each country on the list described in
subparagraph (A), including—

(i) an evaluation of trends over the preceding 12 months towards improvement
or deterioration in the commitment to and protection of democratic principles, prac-
tices, values, institutions, and processes in each such country;

(ii) an evaluation of the political rights and freedoms enjoyed by individuals
in each such country and an evaluation of the factors that prevent each such country
from being categorized as fully democratic;

and

(iii) for each country previously cat-
egerized as nondemocratic in the Executive
Summary from the preceding 12 months, an evaluation of any progress made over the previous calendar year towards achieving a categorization of democratic transition country.

(C) Strategy for nondemocratic countries.—An in-depth examination of each country categorized as nondemocratic in the Executive Summary, including—

(i) a strategy developed following consultations with nongovernmental organizations, individuals, and movements that promote democratic principles, practices, and values in each such country to promote and achieve transition to full democracy in each such country;

(ii) a summary of any actions taken by the President with respect to any such country, the effects of any such actions, and if no such actions have been taken, a statement explaining why not;

(iii) a summary of any actions taken by the chief of mission and officials of the United States in each such country with which the United States maintains diplo-
matic and consular posts with respect to
promoting such a transition within such
country and any activities of the embassy
or consulate in such country to support in-
dividuals and organizations in such coun-
try that actively advocate for such a transi-
tion;

(iv) a summary of efforts taken by of-
icials of the United States to speak di-
rectly to the people in each such country,
and in particular, a description of any vis-
its taken by the chief of mission and other
officials of the United States in each such
country to the colleges and universities and
other institutions in each such country
where young people congregate and learn;

(v) a summary of any communications
between United States Government offi-
cials, including the chief of mission in each
such country, and the leader and other
high government officials of each such
country concerning respect for liberty, de-
mocracy, and political, social, and eco-
nomic freedoms; and
(vi) a description and evaluation of
the efforts undertaken by other democratic
countries belonging to the Community of
Democracies to advance democracy in each
such county, including through relevant
bodies of the United Nations, regional or-
ganizations and bilateral policies and for-
gn assistance and the extent to which the
United States coordinated United States
actions and policies with such efforts.

(3) CLASSIFIED ADDENDUM.—If the Secretary
determines that it is in the national security inter-
esty of the United States, is necessary for the safety
of individuals identified in the Annual Report on De-
mocracy, or is necessary to further the purposes of
this Act, any information required by paragraph (2),
including policies adopted or actions taken by the
United States, may be summarized in the Annual
Report on Democracy or in the Executive Summary
and submitted to the appropriate congressional com-
mittees in more detail in a classified addendum.

(b) ONE-TIME REPORT ON TRAINING AND GUID-
ELINES FOR FOREIGN SERVICE OFFICERS AND CHIEFS OF
MISSION.—The Secretary of State, in consultation with
the Under Secretary of State for Democracy and Global
Affairs, shall submit to the appropriate congressional committees a one-time report containing a description of the training provided under section 619 for Foreign Service officers, including chiefs of mission serving or preparing to serve in countries categorized as democratic transition countries or nondemocratic in the Annual Report on Democracy required under subsection (a), or chiefs of mission in fully democratic countries whose job performance could benefit from such training, with respect to methods to promote and achieve transition to full democracy in each such country, including nonviolent action. The Secretary shall submit the report together with the first Annual Report on Democracy required under such subsection.

SEC. 613. STRATEGIES TO ENHANCE THE PROMOTION OF DEMOCRACY IN FOREIGN COUNTRIES.

(a) WORKING GROUP ON NONDEMOCRATIC COUNTRIES.—Beginning in the year after the second Annual Report on Democracy required under section 612(a) is submitted and not less than once each year thereafter, the Under Secretary of State for Democracy and Global Affairs should convene a working group under subsection (c) focused on each country categorized as nondemocratic in the most recent such report in order to—
(1) review progress on the action plan with respect to each such country to promote and achieve the transition to full democracy in such country; and

(2) receive recommendations regarding further action that should be taken with respect to such plan.

(b) Working Group on Democratic Transition Countries.—Beginning in the year after the second Annual Report on Democracy required under section 612(a) is submitted and not less than once each year thereafter, the Under Secretary of State for Democracy and Global Affairs should also convene a working group under subsection (c) focused on the progress towards a fully democratic form of governance in each country categorized as a democratic transition country in the most recent Annual Report that was categorized as nondemocratic in any previous Annual Report.

(c) Members of Working Groups.—The working groups referred to in subsections (a) and (b) should include officers and employees of the Department of State and appropriate representatives from other relevant government agencies, including the United States Agency for International Development, the Department of the Treasury, and the Department of Defense.
(d) Consultations With Chiefs of Missions.—The chief of mission for each country categorized as non-democratic or a democratic transition country in the most recent Annual Report on Democracy shall meet with the Under Secretary of State for Democracy and Global Affairs at least once each year to discuss the transition to full democracy in such country, including any actions the chief of mission has taken to implement the action plan for such country included in such report.

SEC. 614. ACTIVITIES BY THE UNITED STATES TO PROMOTE DEMOCRACY AND HUMAN RIGHTS IN FOREIGN COUNTRIES.

(a) Freedom Investment Act of 2002.—The Freedom Investment Act of 2002 (subtitle E of title VI of Public Law 107–228) is amended—

(1) in section 663(a), (relating to human rights activities at the Department of State)—

(A) in paragraph (1), by striking “and” at the end;

(B) by redesignating paragraph (2) as paragraph (4);

(C) by inserting after paragraph (1) the following new paragraphs:

“(2) a United States mission abroad in a country that has been categorized as nondemocratic in
the most recent Annual Report on Democracy (as required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005) should have at least one political officer who shall have primary responsibility for monitoring and promoting democracy and human rights in such country;

“(3) the level of seniority of any such political officer should be in direct relationship to the severity of the problems associated with the establishment of full democracy and respect for human rights in such country; and”; and

(D) in paragraph (4), as so redesignated, by striking “monitoring human rights developments” and all that follows through “recommendation” and inserting the following: “monitoring and promoting democracy and human rights, including a political officer described in paragraphs (2) and (3), in a foreign country should be made after consultation with and upon the recommendation”; and

(2) in section 665(c) (relating to reports on actions taken by the United States to encourage respect for human rights), by striking the second sentence and adding at the end the following new sen-
tences: “If the Secretary elects to submit such information as a separate report, such report may be submitted as part of the Annual Report on Democracy required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005. If the Secretary makes such an election, such report shall be organized so as to contain a separate section for each country to which such information applies, together with a short narrative describing the extrajudicial killing, torture, or other serious violations of human rights that are indicated to have occurred in each such country.”.

(b) FOREIGN ASSISTANCE ACT OF 1961.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended—

(1) in section 116(d) (22 U.S.C. 2151n(d)), by striking paragraph (10) and inserting the following new paragraph:

“(10) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, a strategy, including a specific list of priorities and an action plan, to end such practices in the country, and any actions taken
in the previous year to end such practices in the

country; and”, and

(2) in section 502B(b) (22 U.S.C. 2304(b)), by

striking the sixth sentence and inserting the fol-

lowing new sentence: “Such report shall also include,

for each country with respect to which the report in-

dicates that extrajudicial killings, torture, or other

serious violations of human rights have occurred in

the country, a strategy, including a specific list of

priorities and an action plan, to end such practices

in the country, and any actions taken in the previous

year to end such practices in the country.”.

SEC. 615. DEMOCRACY PROMOTION AND HUMAN RIGHTS

ADVISORY BOARD.

(a) ESTABLISHMENT.—There is established a De-

mocracy Promotion and Human Rights Advisory Board.

(b) PURPOSE AND DUTIES.—The Board shall advise

and provide recommendations to the Secretary of State,

the Under Secretary of State for Democracy and Global

Affairs, the Assistant Secretary of State for Democracy,

Human Rights, and Labor, the Director of the Office for

Reconstruction and Stabilization of the Department of

State, and the Assistant Administrator for the Bureau of

Democracy, Conflict and Humanitarian Assistance of the

United States Agency for International Development con-
cerning United States policies regarding the promotion of democracy, the means of coordinating United States policies and programs related to the promotion of democracy, and United States policies regarding the establishment of universal democracy, including the following:

(1) Reviewing and making recommendations regarding the overall United States strategy for promoting democracy and human rights in partly democratic and nondemocratic countries, including methods for incorporating the promotion of democracy and human rights into United States diplomacy, the use of international organizations to further United States democracy promotion goals, and ways in which the United States can work with other countries and the Community of Democracies to further such purposes.

(2) Recommendations regarding specific strategies to promote democracy in countries categorized as nondemocratic or as democratic transition countries in the most recent Annual Report on Democracy under section 612(a) and methods for consulting and coordinating with individuals (including expatriates) and nongovernmental organizations that promote democratic principles, practices, and values.

(3) Recommendations regarding the use of—
(A) programs related to the promotion of
democracy and human rights administered by
the United States Agency for International De-
velopment; and

(B) the Human Rights and Democracy
Fund, established under section 664 of the
Freedom Investment Act of 2002 (subtitle E of
title VI of Public Law 107–228).

(4) Recommendations regarding regulations to
be promulgated concerning—

(A) the standards of performance to be
met by members of the Foreign Service, includ-
ing chiefs of mission, under section 405(d) of
the Foreign Service Act of 1980 (22 U.S.C.
3965(d)); and

(B) the development of programs to pro-
mote democracy in foreign countries under sec-
tion 614, relating to programs undertaken by
United States missions in foreign countries and
the activities of chiefs of mission.

(c) STUDY ON DEMOCRACY ASSISTANCE.—

(1) IN GENERAL.—Not later than 18 months
after the appointment of five members of the Board,
the Board shall submit to the President, appropriate
congressional committees, and the Secretary a study on United States democracy assistance.

(2) CONTENTS.—The study shall include—

(A) a comprehensive review and an overall evaluation of the efficiency and effectiveness of United States appropriations for the promotion of democracy, including—

(i) information regarding the amount of money dedicated to such purpose each fiscal year;

(ii) an identification of the international organizations, nongovernmental organizations, multilateral institutions, individuals, private groups (including corporations and other businesses), and government agencies and departments receiving such funds for such purpose;

(iii) information regarding the efficiency and effectiveness of the use of such funds to promote a transition to democracy in nondemocratic countries with a special emphasis on activities related to the promotion of democracy under subsection (b)(3)(B), relating to the Human Rights and Democracy Fund; and
(iv) information regarding the efficiency and effectiveness of the use of such funds to promote and sustain democracy in countries that are already fully democratic or democratic transition countries;

(B) a review of—

(i) whether United States international broadcasts influence citizens of countries categorized as nondemocratic in the most recent Annual Report on Democracy and the impact of increasing such broadcasts to such countries relative to the cost of such increases, including information relating to an assessment of programming on the means of nonviolent protest and democratic change; and

(ii) the advantages and disadvantages of supporting private media sources that are not controlled or owned by the United States to reach citizens of such countries and the mechanisms that should be used to provide such support;

(C) policy recommendations to the President and appropriate congressional committees regarding ways to improve United States pro-
grams for the promotion of democracy, including coordination of such programs; and

(D) recommendations for reform of United States Government agencies involved in the promotion of democracy.

(d) MEMBERSHIP.—

(1) APPOINTMENT.—The Board shall be composed of nine members, who shall be citizens of the United States and who shall not be officers or employees of the United States. The Secretary shall appoint all such members. Not more than five members may be affiliated with the same political party.

(2) SELECTION.—Members of the Board shall be selected from among distinguished individuals noted for their knowledge and experience in fields relevant to the issues to be considered by the Board, including issues related to the promotion of democracy, international relations, management and organization of foreign assistance or comparable programs, methods and means of nonviolent protest, academic study and debate of democracy, human rights, and international law.

(3) TIME FOR APPOINTMENT.—The appointment of members to the Board under paragraph (1)
shall be made not later than 120 days after the date of the enactment of this Act.

(4) **Term of service and sunset.**—Each member shall be appointed to the Board for a term that shall expire on the date that is one year after the date of the submission of the study under subsection (c) or for any additional period determined by the Secretary pursuant to paragraph (5).

(5) **Sunset.**—The Board shall terminate on the date that is one year after the date of the submission of the study under such subsection unless the Secretary determines that it is in the interest of the Department to extend the Board for a period of an additional five years.

(6) **Security clearances.**—The Secretary shall ensure that all members of the Board, and appropriate experts and consultants under paragraph (7)(E), obtain relevant security clearances in an expeditious manner.

(7) **Operation.**—

(A) **Chair.**—The Secretary shall appoint one member of the Board to chair the Board.

The Board shall meet at the call of the Chair.

(B) **Travel expenses.**—Members of the Board shall be allowed travel expenses, includ-
ing per diem in lieu of subsistence, at rates au-

thorized for employees of agencies under sub-
chapter I of chapter 57 of title 5, United States
Code, while away from their homes or regular
places of business in the performance of service
for the Board.

(C) Office space and administrative
assistance.—Upon the request of the chair-
person of the Board, the Secretary shall provide
reasonable and appropriate office space, sup-
plies, and administrative assistance.

(D) Applicability of certain other
laws.—Nothing in this section shall be con-
strued to cause the Board to be considered an
agency or establishment of the United States,
or to cause members of the Board to be consid-
ered officers or employees of the United States.
Executive branch agencies may conduct pro-
grams and activities and provide services in
support of the activities duties of the Board,
notwithstanding any other provision of law. The
Federal Advisory Committee Act (5 U.S.C.
App.) shall not apply to the Board.

(E) Experts and consultants.—The
Board may procure temporary and intermittent
services under section 3109(b) of title 5, United States Code.

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Board such sums as may be necessary for each of fiscal years 2006, 2007, and 2008.

SEC. 616. ESTABLISHMENT AND MAINTENANCE OF INTERNET SITE FOR GLOBAL DEMOCRACY AND HUMAN RIGHTS.

(a) Establishment.—In order to facilitate access by individuals and nongovernmental organizations in foreign countries to documents, streaming video and audio, and other media regarding democratic principles, practices, and values, and the promotion and strengthening of democracy, the Secretary of State, in cooperation with the Under Secretary of State for Democracy and Global Affairs, the Under Secretary for Public Diplomacy and Public Affairs, and the Assistant Secretary of State for Democracy, Human Rights, and Labor, shall establish and maintain an Internet site for global democracy and human rights.

(b) Contents.—The Internet site for global democracy established under subsection (a) shall include the following information:
(1) The Executive Summary prepared under section 612(a)(2)(A), but only to the extent that information contained therein is not classified.

(2) Narratives and histories of significant democratic movements in foreign countries, particularly regarding successful nonviolent campaigns to oust dictatorships.

(3) Narratives relating to the importance of the establishment of and respect for fundamental freedoms.

(4) Major human rights reports by the United States Government or any other documents, references, or links to external Internet sites the Secretary or Under Secretary determines appropriate, including reference to or links to training materials regarding successful movements in the past, including translations of such materials, as appropriate.

SEC. 617. PROGRAMS BY UNITED STATES MISSIONS IN FOREIGN COUNTRIES AND ACTIVITIES OF CHIEFS OF MISSION.

(a) DEVELOPMENT OF PROGRAMS TO PROMOTE DEMOCRACY IN FOREIGN COUNTRIES.—Each chief of mission in each foreign country categorized as nondemocratic in the most recent Annual Report on Democracy, with the
assistance of the director of the relevant Regional Hub, shall—

(1) develop, as part of annual program planning, a strategy to promote democracy in each such foreign country and to provide visible and material support to individuals and nongovernmental organizations in each such country that are committed to democratic principles, practices, and values, such as—

(A) consulting and coordinating with such individuals and organizations regarding the promotion of democracy;

(B) visiting local landmarks and other local sites associated with nonviolent protest in support of democracy and freedom from oppression;

(C) holding periodic public meetings with such individuals and organizations to discuss democracy and political, social, and economic freedoms;

(D) issuing public condemnation of severe violations of internationally recognized human rights (as such term is described in section 116(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(a)), violations of religious
freedom, including particularly severe violations
of religious freedom (as such terms are defined
in paragraphs (11) and (13) of section 3 of the
(22 U.S.C. 6402)), political repression, and
government-tolerated or -condoned trafficking
in persons; and

(E) providing technical, financial, and such
other support to such individuals and organiza-
tions;

(2) hold ongoing discussions with the leaders of
each such nondemocratic country regarding a transi-
tion to full democracy and the development of polit-
ical, social, and economic freedoms and respect for
human rights, including freedom of religion or belief,
in such country; and

(3) conduct meetings with civil society, inter-
views with media that can directly reach citizens of
each such country, and discussions with students
and young people of each such country regarding a
transition to democracy and the development of po-
itical, social, and economic freedoms in each such
country.

(b) Public Outreach in Foreign Countries.—
Each chief of mission or principal officer should spend
time at universities and other institutions of higher learning to—

(1) debate and discuss values and policies that promote democracy; and
(2) communicate, promote, and defend such United States values and policies.

e) ACCESS TO UNITED STATES MISSIONS.—The Secretary is encouraged to allow access to a United States diplomatic or consular mission in each foreign country categorized as a democratic transition country or as non-democratic in the most recent Annual Report on Democracy by individuals and representatives of nongovernmental organizations in each such country who are committed to democratic principles, practices, and values in each such country.

SEC. 618. TRAINING FOR FOREIGN SERVICE OFFICERS.

(a) TRAINING IN DEMOCRACY AND THE PROMOTION OF DEMOCRACY AND HUMAN RIGHTS.—Section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028) is amended by adding at the end the following new subsection:

“(c) TRAINING ON GLOBAL DEMOCRACY PROMOTION.—
“(1) IN GENERAL.—In addition to the training required under subsections (a) and (b), the Sec-
retary of State, in cooperation with other relevant officials, including the Under Secretary of State for Democracy and Global Affairs, and the Director of the National Foreign Affairs Training Center of the Foreign Service Institute of the Department of State, shall establish as part of the training provided after December 31, 2006, for members of the Service, including all chiefs of mission and deputy chiefs of mission, instruction in how to strengthen and promote democracy through peaceful means in consultation with individuals and nongovernmental organizations that support democratic principles, practices, and values. In particular, such instruction shall be mandatory for members of the Service having reporting or other responsibilities relating to internal political developments and human rights, including religious freedom, in nondemocratic countries or democratic transition countries as categorized in the most recent Annual Report on Democracy as required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005, including for chiefs of mission and deputy chiefs of mission, and shall be completed before the time that such member or chief of mission assumes a post (or, if such is not
practical, within the first year of assuming such post).

“(2) CONTENTS OF TRAINING.—The training required under paragraph (1) shall include instruction, a training manual, and other materials regarding the following:

“(A) International documents and United States policy regarding electoral democracy and respect for human rights.

“(B) United States policy regarding the promotion and strengthening of democracy around the world, with particular emphasis on the transition to democracy in nondemocratic countries.

“(C) For any member, chief of mission, or deputy chief of mission who is to be assigned to a foreign country that is categorized as nondemocratic in the Annual Report on Democracy, instruction regarding ways to promote democracy in such country and providing technical, financial, and other support to individuals (including expatriated citizens) and nongovernmental organizations in such country that support democratic principles, practices, and values.
“(D) The protection of internationally recognized human rights (including the protection of religious freedom) and standards related to such rights, provisions of United States law related to such rights, diplomatic tools to promote respect for such rights, the protection of individuals who have fled their countries due to violations of such rights (including the role of United States embassies in providing access to the United States Refugee Admissions Program) and the relationship between respect for such rights and democratic development and national security. The Director of the National Foreign Affairs Training Center of the Foreign Service Institute of the Department of State shall consult with nongovernmental organizations involved in the protection and promotion of such rights and the United States Commission on International Religious Freedom (established under section 201(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(a))) in developing the training required by this subparagraph.”.

(b) OTHER TRAINING.—The Secretary of State shall ensure that the training described in subsection (a) is pro-
vided to members of the civil service who are assigned in the United States or abroad who have reporting or other responsibilities relating to internal political developments and human rights in countries that are categorized as democratic transition countries or nondemocratic in the Annual Report on Democracy required under section 612(a).

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to develop appropriate programs and materials to accomplish the training required under subsection (c) of section 708 of the Foreign Service Act of 1980 (22 U.S.C. 4028), as added by subsection (a).

(d) Clerical Amendments.—Section 708 of the Foreign Service Act of 1980, as amended by subsection (a), is further amended—

(1) in subsection (a) by striking “(a) The” and inserting “(a) Training on Human Rights.—The”; and

(2) in subsection (b) by striking “(b) The” and inserting “(b) Training on Refugee Law and Religious Persecution.—The”.

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SEC. 619. PERFORMANCE PAY; PROMOTIONS; FOREIGN SERVICE AWARDS.

(a) PERFORMANCE PAY.—Section 405(d) of the Foreign Service Act of 1980 (22 U.S.C. 3965(d)) is amended by inserting after the second sentence the following new sentence: “Meritorious or distinguished service in the promotion of democracy in foreign countries, including contact with and support of individuals and nongovernmental organizations that promote democracy in a foreign country categorized as nondemocratic in the most recent Annual Report on Democracy (as required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005), shall also serve as a basis for granting awards under this section.”.

(b) PROMOTIONS.—Section 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 4003(b)) is amended by adding at the end the following new sentence: “Precepts for selection boards shall also, where applicable, include an evaluation of whether members of the Service and members of the Senior Foreign Service have met the standards of performance established by the Secretary pursuant to section 619(c) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005, or have served in a position in
which the primary responsibility is to monitor or promote democracy or human rights.’’.

(c) Regulations and Evaluations Concerning Standards of Performance and Programs to Promote Democracy.—With respect to members of the Foreign Service, including all chiefs of mission, who are assigned to foreign countries categorized as nondemocratic in the most recent Annual Report on Democracy, the Secretary shall prescribe regulations concerning the standards of performance to be met under sections 405(d) and 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 3965(d) and 4003(b)), as amended by subsections (a) and (b), respectively, and the development of programs to promote democracy in foreign countries under section 617. The requirements of sections 617 and 618(a) shall serve as one of the bases for performance criteria in evaluating chiefs of mission and those officers serving in a position in which the primary responsibility is to monitor or promote democracy or human rights.

(d) Foreign Service Awards.—Section 614 of the Foreign Service Act of 1980 (22 U.S.C. 4013) is amended by adding at the end the following new sentence: “Distinguished or meritorious service in the promotion of democracy in foreign countries, including contact with and support of individuals and nongovernmental organizations
that promote democracy in a foreign country categorized
as nondemocratic in the most recent Annual Report on
Democracy (as required under section 612(a) of the Ad-
vance Democratic Values, Address Nondemocratic Coun-
tries, and Enhance Democracy Act of 2005), shall also
serve as a basis for granting awards under this section.”.

SEC. 620. APPOINTMENTS.

(a) CHIEFS OF MISSION.—Section 304(a)(1) of the
Foreign Service Act of 1980 (22 U.S.C. 3944(a)(1)) is
amended by adding at the end the following new sentence:
“If the country in which the individual is to serve is cat-
egorized as nondemocratic in the most recent Annual Re-
port on Democracy (as required under section 612(a) of
the Advance Democratic Values, Address Nondemocratic
Countries, and Enhance Democracy Act of 2005), the in-
dividual should possess clearly demonstrated competence
in and commitment to the promotion of democracy in such
country, including competence in promoting democratic
principles, practices, and values through regular inter-
action with individuals, including students and young peo-
ple within such country, who support and advocate such
principles, practices, and values.”.

(b) REPORT TO CONGRESS.—Section 304(b) of such
Act (22 U.S.C. 3944(b)) is amended by adding at the end
the following new paragraph:
“(3) If an individual (with respect to section 302(a)) or a member of the Service (with respect to section 302(b)) is nominated by the President to be a chief of mission in a country categorized as non-democratic in an Annual Report on Democracy (required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005), and if such individual or such member has previously served as chief of mission in a country that was so categorized, the President shall, at the time of nomination, submit to the Committee on Foreign Relations of the Senate a written report summarizing the actions that such individual or member took during the period of such prior service to promote democracy and human rights in such country, including actions in furtherance of the strategy contained in such report.”.

Subtitle B—Alliances With Other Democratic Countries

SEC. 631. ALLIANCES WITH OTHER DEMOCRATIC COUNTRIES.

(a) FINDING.—Congress finds that it is in the national interest of the United States, including for humanitarian, economic, social, political, and security reasons, to
forge alliances with democratic countries to work together
to promote and protect—

(1) shared democratic principles, practices, and
values; and

(2) political, social, and economic freedoms
around the world.

(b) PURPOSES.—The purposes of this subtitle are to
encourage new ways of forging alliances with democratic
countries in order to—

(1) promote and protect democratic principles,
practices, and values, including the right to free,
fair, and open elections, secret balloting, and uni-
versal suffrage;

(2) promote and protect fundamental shared
political, social, and economic freedoms, including
the freedoms of association, of expression, of the
press, of religion, and to own private property;

(3) promote and protect respect for the rule of
law;

(4) develop, adopt, and pursue strategies to ad-
vance common interests in international organiza-
tions and multilateral institutions to which members
of the alliance of democratic countries belong; and
(5) provide political, economic, and other necessary support to countries that are undergoing a transition to democracy.

c) Sense of Congress Regarding Participation.—It is the sense of Congress that any foreign country that is categorized as nondemocratic in the most recent Annual Report on Democracy under section 612(a) should not participate in any alliance of democratic countries aimed at working together to promote democracy.

Sec. 632. Sense of Congress Regarding the Establishment of a Democracy Caucus.

(a) Findings.—Congress finds that with the passage of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), Congress—

(1) encouraged the establishment of a Democracy Caucus within the United Nations, the United Nations Human Rights Commission, the United Nations Conference on Disarmament, and at other broad-based international organizations; and

(2) required increased training in multilateral diplomacy for members of the Foreign Service and appropriate members of the Civil Service to support such an establishment.

(b) Sense of Congress.—It is the sense of Congress that the creation of a Democracy Caucus in each
international organization and multilateral institution of
which the United States is a member will not only improve
the internal governance of such organizations but will also
strengthen the implementation of commitments by such
organizations and institutions regarding democracy and
human rights.

SEC. 633. ANNUAL DIPLOMATIC MISSIONS ON MULTILATERAL ISSUES.

The Secretary of State, acting through the principal
officers responsible for advising the Secretary on interna-
tional organizations, should ensure that a high level dele-
gation from the United States is sent on an annual basis
to consult with key foreign governments in every region
to promote United States policies, including issues related
to democracy and human rights, at key international fora,
including the United Nations General Assembly, the
United Nations Human Rights Commission or other mul-
tilateral human rights body, the Organization for Security
and Cooperation in Europe, and the United Nations Edu-
cation, Science, and Cultural Organization.

SEC. 634. STRENGTHENING THE COMMUNITY OF DEMOCRACIES.

(a) Formal Mechanisms for the Community of Democratics.—It is the sense of Congress that the Com-
munity of Democracies should develop a more formal
mechanism for carrying out work between ministerial meetings, including hiring appropriate staff to carry out such work, and should, as appropriate, establish a headquarters.

(b) Detail of Personnel.—The Secretary is authorized to detail on a nonreimbursable basis any employee of the Department of State to any country that is a member of the Convening Group of the Community of Democracies.

c) Regional Group in the Community of Democracies.—It is the sense of Congress that regional groups within the Community of Democracies should be established and strengthened in order to facilitate coordination of common positions and action on multilateral strategies to promote and consolidate democracy.

d) International Center for Democratic Transition.—

(1) Sense of Congress.—It is the sense of Congress that the United States should, along with contributions from private individuals, support the initiative of the Government of Hungary and the governments of other European countries to establish an International Center for Democratic Transition to support transitions to full democracy.
(2) Authorization of Appropriations.—
There is authorized to be appropriated for a grant to the International Center for Democratic Transition $1,000,000 for each of fiscal years 2006, 2007, and 2008. Amounts appropriated under this paragraph shall remain available until expended.

(3) Use of Funds.—Any grant made in fiscal year 2006 by the Secretary to the International Center for Democratic Transition under paragraph (2) may be used for the establishment and operation of the Center and for programs and activities of the Center. Any grant or voluntary contribution made in any subsequent fiscal year by the Secretary to the Center under such paragraph may be used for programs and activities of the Center.

Subtitle C—Funding for Promotion of Democracy

Sec. 641. Policy.
It shall be the policy of the United States to provide financial assistance to eligible entities and eligible individuals in order to assist such entities and individuals in the promotion of democracy in countries categorized as non-democratic in the most recent Annual Report on Democracy under section 612(a).
SEC. 642. HUMAN RIGHTS AND DEMOCRACY FUND.

(a) PURPOSES OF THE HUMAN RIGHTS AND DEMOCRACY FUND.—In addition to uses currently approved for the Human Rights and Democracy Fund, the Secretary of State, acting through the Assistant Secretary of State for Democracy, Human Rights, and Labor shall use amounts appropriated to the Human Rights and Democracy Fund under subsection (e) to provide assistance to eligible entities and eligible individuals to promote democracy in foreign countries categorized as nondemocratic in the most recent Annual Report on Democracy under section 612(a). The promotion of democracy in such countries for which such assistance may be provided may include the following activities:

(1) The publication and distribution of books and the creation and distribution of other media relating to information about current events in such country and educational programming designed to provide information regarding democracy, the rule of law, free, fair and open elections, free market economics, fundamental human rights (including the rights of freedom of speech and of religion and the rights to be free from slavery and bondage), and successful democratic movements in history, including educational programs for leaders and members of democratic movements to convey information to
such individuals regarding the means of nonviolent force and the methods of nonviolent action.

(2) The translation into languages spoken in such countries of relevant programming and existing books, videos, and other publications relating to the subjects specified in paragraph (1).

(3) The promotion of political pluralism and the rule of law within such countries, including the promotion of nongovernmental organizations and movements that promote democratic principles, practices, and values.

(4) The creation of programs for student groups to work with citizens of such countries who are committed to democratic reforms and to the promotion of a transition to democracy.

(5) The creation of training programs for citizens of such countries concerning international legal obligations to support democracy and human rights, including religious freedom.

(6) Support for nongovernmental organizations which have experience with the Community of Democracies to assist the Community of Democracies and its Convening Group.

(b) FREEDOM INVESTMENT ACT OF 2002.—Section 664(b) of the Freedom Investment Act of 2002 (subtitle
E of title VI of Public Law 107–228; relating to the purposes of the Human Rights and Democracy Fund) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) by redesignating paragraph (5) as paragraph (6);

(3) by inserting after paragraph (4) the following new paragraph:

“(5) to support the study of democracy abroad, including support for debates and discussions at academic institutions, regarding the values and benefits of democracy; and”;

(4) in paragraph (6), as redesignated by paragraph (2) of this subsection, by striking “(4)” and inserting “(5)”.

(c) ADMINISTRATIVE AUTHORITIES.—Assistance provided through the Human Rights and Democracy Fund may be provided to eligible entities and eligible individuals in foreign countries notwithstanding any provision of law that prohibits assistance to a foreign country or to a government of a foreign country.

(d) ANNUAL REPORT ON THE STATUS OF THE HUMAN RIGHTS AND DEMOCRACY FUND.—Not later than 60 days after the conclusion of each fiscal year, the Assist-
(d) ANNUAL REPORT.—The Secretary of State shall submit to the appropriate congressional committees an annual report on the status of the Human Rights and Democracy Fund. Each such annual report shall contain the following information:

(1) An identification of each eligible entity and eligible individual who received assistance during the previous fiscal year under subsection (b) and a summary of the activities of each such recipient.

(2) An account of projects funded and outside contributions received during the previous fiscal year.

(3) A balance sheet of income and outlays current as of the conclusion of the fiscal year to which such report is relevant.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Of the funds available to carry out chapter 4 of Part II of the Foreign Assistance Act of 1961 for each of fiscal years 2006 and 2007, there are authorized to be appropriated to the Human Rights and Democracy Fund to carry out the purposes of this section $50,000,000 for fiscal year 2006 and $60,000,000 for fiscal year 2007. Amounts appropriated under this section shall remain available until expended.
(2) **ADMINISTRATIVE EXPENSES.**—Not more than five percent of amounts appropriated to the Human Rights and Democracy Fund for each fiscal year may be applied toward administrative expenses associated with carrying out this section.

(3) **CONTRIBUTIONS.**—The Secretary may accept contributions to the Human Rights and Democracy Fund from the governments of other democratic countries, private foundations, private citizens, and other nongovernmental sources.

**Subtitle D—Presidential Actions**

**SEC. 651. INVESTIGATION OF VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW.**

(a) **IN GENERAL.**—The President, with the assistance of the Secretary of State, the Under Secretary of State for Democracy and Global Affairs, and the Ambassador-at-Large for War Crimes Issues, shall collect information regarding incidents that may constitute crimes against humanity, genocide, slavery, or other violations of international humanitarian law by leaders or other government officials of foreign countries categorized as nondemocratic or as democratic transition countries in the most recent Annual Report on Democracy under section 612(a).

(b) **ACCOUNTABILITY.**—The President shall consider what actions can be taken to ensure that such leaders or
other government officials of foreign countries who are identified in accordance with subsection (a) as responsible for crimes against humanity, genocide, slavery, or other violations of international humanitarian law are brought to account for such crimes in an appropriately constituted tribunal.

SEC. 652. PRESIDENTIAL COMMUNICATIONS.

(a) FINDING.—Congress finds that direct communications from the President to citizens of countries that are categorized as nondemocratic in the most recent Annual Report on Democracy would be extremely beneficial to demonstrate that the United States supports such citizens and the efforts and actions of such citizens to promote and achieve transition to democracy in such countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) from time to time as the President shall determine appropriate, the President should broadcast a message to the citizens of countries categorized as nondemocratic in the most recent Annual Report on Democracy under section 612(a) expressing the support of the United States for such citizens, discussing democratic principles, practices, and values, and political, social, and economic freedoms, and
condemning violations of internationally recognized human rights (as such term is described in section 116(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(a))), violations of religious freedom, including particularly severe violations of religious freedom (as such terms are defined in paragraphs (11) and (13) of section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)), political repression, and government-tolerated or condoned trafficking in persons that occur in such country; and

(2) the President should encourage leaders of other democratic countries to make similar broadcasts.

TITLE VII—STRATEGIC EXPORT CONTROL AND SECURITY ASSISTANCE ACT OF 2005
Subtitle A—General Provisions

SEC. 701. SHORT TITLE.
This title may be cited as the “Strategic Export Control and Security Assistance Act of 2005”.

SEC. 702. DEFINITIONS.
In this title:
(1) Appropriate Congressional Committees.—The term “appropriate congressional committees” means—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) Defense Articles and Defense Services.—The term “defense articles and defense services” has the meaning given the term in section 47(7) of the Arms Export Control Act (22 U.S.C. 2794 note).

(3) Dual Use.—The term “dual use” means, with respect to goods or technology, those goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military or proliferation mode. Such term does not include purely commercial items.

(4) Export.—The term “export” has the meaning given that term in section 120.17 of the International Traffic in Arms Regulations, and includes re-exports, transfers, and re-transfers by any means.
(5) Export Administration Regulations.— The term “Export Administration Regulations” means those regulations contained in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

(6) Foreign Government.— The term “foreign government” has the meaning given the term in section 38(g)(9)(B) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(B)).

(7) Foreign Person.— The term “foreign person” has the meaning given the term in section 38(g)(9)(C) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(C)).

(8) Good.— The term “good” has the meaning given the term in section 16(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(3)).

(9) International Traffic in Arms Regulations.— The term “International Traffic in Arms Regulations” means those regulations contained in sections 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(10) Item.— The term “item” means any good or technology, defense article or defense service subject to the export jurisdiction of the United States under law or regulation.
11) LICENSE.—The term “license” means an official written document of the United States Government issued pursuant to the Export Administration Regulations or the International Traffic in Arms Regulations, as the case may be, authorizing a specific export.

12) MISSILE TECHNOLOGY CONTROL REGIME; MTCR.—The term “Missile Technology Control Regime” or “MTCR” has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

13) MISSILE TECHNOLOGY CONTROL REGIME ANNEX; MTCR ANNEX.—The term “Missile Technology Control Regime Annex” or “MTCR Annex” has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

14) PERSON.—The term “person” has the meaning given the term in section 38(g)(9)(E) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(E)).

15) STRATEGIC EXPORT CONTROL.—The term “strategic export control” means the control of items subject to the export jurisdiction of the United States pursuant to the International Traffic in Arms
Regulations or the Export Administration Regulations.

(16) TECHNOLOGY.—The term “technology” has the meaning given the term in section 16(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(4)).

(17) UNITED STATES MUNITIONS LIST.—The term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 703. DECLARATION OF POLICY.

Congress declares that, at a time of evolving threats and changing relationships with other countries, United States strategic export controls are in urgent need of a comprehensive review in order to assure such controls are achieving their intended purposes of protecting the national security interests of the United States in the Global War on Terrorism and of promoting the foreign policy purposes of the United States, in particular by assuring that—

(1) export license procedures are properly designed to prioritize readily which exports may be approved quickly for United States friends and allies and which require greater scrutiny in order to safeguard national interests;
(2) technology related to the military superiority of the United States Armed Forces is safeguarded during and after export to a high level of confidence; and

(3) overlapping and duplicative functions among the responsible departments and agencies of the Government of the United States are consolidated and integrated wherever appropriate in order to enhance efficiency, information sharing, and the consistent execution of United States policy.

Subtitle B—Revising and Strengthening Strategic Export Control Policies

SEC. 711. AMENDMENTS TO THE STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956.

(a) Under Secretary for Arms Control and International Security.—Section 1(b)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(2)) is amended—

(1) in the first sentence, by striking “There” and inserting the following:

“(A) IN GENERAL.—There”; and

(2) by adding at the end the following new sub-

paragraph:
“(B) DUTIES.—The Under Secretary for
Arms Control and International Security shall
be responsible for—

“(i) coordinating and executing a
United States strategy for strengthening
multilateral export controls;

“(ii) coordinating the activities of all
bureaus and offices of the Department of
State that have responsibility for export
control policy, licensing, or assistance; and

“(iii) serving as the chairperson of the
Strategic Export Control Board established
under section 712 of the Strategic Export
Control and Security Assistance Act of
2005.”.

(b) DEPUTY UNDER SECRETARY FOR STRATEGIC
EXPORT CONTROL.—Section 1(b)(2) of the State Depart-
ment Basic Authorities Act of 1956 (22 U.S.C.
2651a(b)(2)), as amended by subsection (a), is further
amended by adding at the end the following new subpara-
graph:

“(C) DEPUTY UNDER SECRETARY FOR
STRATEGIC EXPORT CONTROL.—There shall be
in the Department of State a Deputy Under
Secretary for Strategic Export Control who
shall have primary responsibility to assist the
Under Secretary for Arms Control and Inter-
national Security in carrying out the responsi-
bility of the Under Secretary described in sub-
paragraph (B)(iii).”.
(c) Defense Trade Controls Registration
Fees.—Section 45 of the State Department Basic Au-
thorities Act of 1956 (22 U.S.C. 2717) is amended—
(1) in paragraph (2), by striking “and” at the
end;
(2) in paragraph (3), by striking the period at
the end and inserting “; and”; and
(3) by adding at the end the following new
paragraph:
“(4) functions of the Strategic Export Control
Board established under section 712 of the Strategic
Export Control and Security Assistance Act of
2005.”.
SEC. 712. STRATEGIC EXPORT CONTROL BOARD.
(a) Establishment.—There is established a Stra-
tegic Export Control Board (in this section referred to as
the “Board”). The Board shall consist of representatives
from the Department of Commerce, the Department of
Defense, the Department of Homeland Security, the De-
partment of Justice, the National Security Council, the
intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)), and other appropriate departments and agencies of the Government of the United States, and the Under Secretary for Arms Control and International Security of the Department of State. The Under Secretary for Arms Control and International Security shall serve as the chairperson of the Board.

(b) FUNCTIONS.—The Board shall—

(1) conduct a comprehensive review of United States strategic export controls in the context of the Global War on Terrorism in order to strengthen controls by regulation, where appropriate, and to formulate legislative proposals for any new authorities that are needed for counter-terrorism purposes;

(2) develop a strategy for ensuring a high level of confidence in the export control of any items important to the current and future military superiority of the United States Armed Forces, including in particular the security of sensitive software through the use of tamper-resistant security software and other emerging technologies;

(3) design standards and best practices for information assurance and protection for the robust information technology systems, such as virtual pri-
vate networks, already utilized by United States de-
defense firms in the conduct of their export control
regulated activities with foreign partners, which can
also gain the support of United States friends and
allies;

(4) formulate, with the assistance of the United
States defense industry and the support of United
States friends and allies, an automated international
delivery confirmation system for commercial ship-
ments of lethal and other high risk items in order
to afford improved protection against attempts to
disrupt international supply chains or to divert sen-
sitive items to gray arms markets;

(5) prepare recommendations for the President
and Congress, as appropriate, with respect to—

(A) the consolidation of overlapping or du-
plicative functions among the responsible de-
partments and agencies of the Government of
the United States in such areas as enforcement,
end use monitoring, export licensing, watch
lists, and related areas;

(B) the cost-savings associated with inte-
gration of export licensing staffs and the pro-
mulgation of integrated export control regula-
tions; and
(C) the resultant rationalization of budgetary resources to be authorized among the responsible departments and agencies of the United States Government;

(6) establish the necessary departmental and inter-agency controls that will ensure legitimate exports by United States business organizations can be readily identified and generally approved within 10 days, but no later than 30 days in more complex cases, except in unusual circumstances, such as those requiring congressional notification or foreign government assurances;

(7) review and revise, where appropriate, plans for modernizing information technology systems of the relevant departments and agencies of the Government of the United States involved in export licensing, export enforcement, and screening of involved private parties to ensure efficient, reliable, and secure intra-governmental networks, at the earliest practicable date among the relevant departments and agencies and United States exporters; and

(8) develop a strategy for strengthening the multilateral control regimes or developing new re-
gimes, as appropriate, to augment or supplement ex-
isting international arrangements.

(c) REPORT BY COMPTROLLER GENERAL.—Not later
than one year, two years, and three years after the date
of the enactment of this Act, the Comptroller General of
the United States shall submit to the appropriate congres-
sional committees a report that contains—

(1) an independent assessment of progress
made by the Board in carrying out its functions
under paragraphs (1) through (8) of subsection (b);

(2) the budgetary impact of each of the rec-
ommendations prepared under subsection (b)(5) and
any additional recommendations prepared by the
Comptroller General and the budgetary impact of
such recommendations; and

(3) a certification as to whether the Com-
troller General had access to sufficient information
to enable the Comptroller General to make informed
judgments on the matters covered by the report.

SEC. 713. AUTHORIZATION FOR ADDITIONAL LICENSE AND
COMPLIANCE OFFICERS.

(a) FUNDING.—Of the amounts authorized to be ap-
propriated under section 101 of this Act, up to
$13,000,000 shall be available for each of the fiscal years
2006 and 2007 for salaries and expenses related to the
assignment of additional full time license and compliance officers in the Directorate of Defense Trade Controls of the Department of State.

(b) Notification.—None of the funds authorized under subsection (a) may be made available until 15 days after the date on which the Secretary of State submits a written report to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)) in accordance with the procedures applicable to reprogramming notifications under such section, which sets forth the plans and timetable of the Department of State for measurable improvements in the quality and timeliness of the service it provides in support of United States Armed Forces abroad and routine exports by United States business organizations, as well as for the elaboration of enhanced compliance measures appropriate to the heightened security environment for arms exports during the Global War on Terrorism.

Subtitle C—Procedures Relating to Export Licenses

SEC. 721. TRANSPARENCY OF JURISDICTIONAL DETERMINATIONS.

(a) Declaration of Policy.—Congress declares that the complete confidentiality surrounding several thousand commodity classification determinations made each
year by the Department of Commerce pursuant to the Export Administration Regulations and several hundred commodity jurisdiction determinations made each year by the Department of State pursuant to the International Traffic in Arms Regulations is not necessary to protect legitimate proprietary interests of persons or their prices and customers, is not in the best interests of the security and foreign policy interests of the United States, is inconsistent with the need to ensure a level playing field for United States exporters, and detracts from United States efforts to promote greater transparency and responsibility by other countries in their export control systems.

(b) PUBLICATION REQUIREMENT.—The Secretary of Commerce and the Secretary of State shall—

(1) upon making a commodity classification determination or a commodity jurisdiction classification, as the case may be, referred to in subsection (a) in response to a request by a private person, publish in the Federal Register, not later than 30 days after the date of the determination—

(A) a description of the item, including performance levels or other technical characteristics where appropriate;

(B) an explanation of whether the item is controlled under the International Traffic in
Arms Regulations or the Export Administration Regulations; and

(C) the United States Munitions List designation or export control classification number under which the item has been designated or classified, as the case may be,

except that the name of the name of the person, the person’s business organization, customers, or prices are not required to be published; and

(2) maintain on their respective Internet websites an archive, that is accessible to the general public and other departments and agencies of the United States, of the determinations published in the Federal Register under paragraph (1).

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Commerce shall submit to the appropriate congressional committees a joint report that contains a description of the plans to implement the requirements of this section.

(d) REQUIREMENT.—Notwithstanding any other provision of law, beginning 180 days after the date of the enactment of this Act, the Secretary of Commerce may make a commodity classification determination referred to in subsection (a), and the Secretary of State may make
a commodity jurisdiction determination referred to in sub-
section (a), in response to a request by a private person
only in accordance with the requirements of subsection
(b).

SEC. 722. CERTIFICATIONS RELATING TO EXPORT OF CERT-
TAIN DEFENSE ARTICLES AND DEFENSE
SERVICES.

(a) REPORTS ON COMMERCIAL AND GOVERNMENTAL
MILITARY EXPORTS; CONGRESSIONAL ACTION.—Section
36(c) of the Arms Export Control Act (22 U.S.C. 2776(c))
is amended—

(1) in the first sentence of paragraph (1), by
inserting after “$1,000,000 or more” the following:
“, or, notwithstanding section 27(g) of this Act, for
any special comprehensive authorization under sec-
tions 120–130 of title 22, Code of Federal Regula-
tions (commonly known as the ‘International Traffic
in Arms Regulations’) for the export of defense arti-
cles or defense services in an aggregate amount of
$100,000,000 or more”;

(2) in paragraph (2)—

(A) in subparagraph (A), by adding “and”
at the end;

(B) by striking subparagraph (B); and
(C) by redesignating subparagraph (C) as subparagraph (B); and

(3) in the matter preceding subparagraph (A) of paragraph (5), by inserting “or paragraph (2)” after “paragraph (1)”.

(b) Sense of Congress.—It is the sense of Congress that the Department of State should revise its procedures in order to improve the timeliness and quality of service it is providing to United States exporters concerning matters requiring notification to Congress under sections 3 and 36 of the Arms Export Control Act (22 U.S.C. 2753 and 2776) by—

(1) expediting its internal and interagency processes such that consultations with the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate commence not later than 30 days following receipt of a proposal requiring notification;

(2) providing informal notice to such Committees within 10 days of receipt of such a proposal, such that questions by the Committees may be addressed wherever feasible in conjunction with the Department’s processing; and
(3) making each interval in the processing of
the proposal transparent to United States exporters
through the Internet website of the Department.

SEC. 723. PRIORITY FOR UNITED STATES MILITARY OPER-
ATIONS.

The Secretary of State may not accord higher priority
in the adjudication of munitions export licenses to any
measure included within the “Defense Trade Security Ini-
tiative” announced by the Department of State in May
2000 over the processing of licenses in support of Oper-
ation Enduring Freedom, Operation Iraqi Freedom, or
any other military operation involving the United States
Armed Forces.

SEC. 724. LICENSE OFFICER STAFFING AND WORKLOAD.

Section 36(a) Arms Export Control Act (22 U.S.C.
2776(a)) is amended—

(1) in paragraph (11), by striking “and” at the
end;

(2) in paragraph (12), by striking the period at
the end and inserting “; and”;

(3) by adding at the end the following new
paragraph:

“(13) a report on the number of civilian and
military officers assigned to munitions export licens-
ing at the Department of State and their average
weekly workload for both open and closed cases.”.

SEC. 725. DATABASE OF UNITED STATES MILITARY ASSIST-
ANCE.

Section 655 of the Foreign Assistance Act of 1961
(22 U.S.C. 2415) is amended by striking subsection (c)
and inserting the following new subsection:

“(c) Availability of Report Information on
the Internet.—

“(1) Requirement for database.—The Sec-
retary of State, in consultation with the Secretary of
Defense, shall make available to the public the un-
classified portion of each such report in the form of
a database that is available via the Internet and that
may be searched by various criteria.

“(2) Schedule for updating.—Not later
than April 1 of each year, the Secretary of State
shall make available in the database the information
contained in the annual report for the fiscal year
ending the previous September 30.”.

SEC. 726. TRAINING AND LIAISON FOR SMALL BUSINESSES.

(a) Sense of Congress.—It is the sense of Con-
gress that it is increasingly important that the Secretary
of State, in administering the licensing, registration, com-
pliance, and other authorities contained in section 38 of
the Arms Export Control Act (22 U.S.C. 2778), should
provide up-to-date training and other educational assist-
ance to small businesses in the United States aerospace
and defense industrial sector.

(b) Small Business Liaison.—Not later than 180
days after the date of the enactment of this Act, the Sec-
retary shall designate, within the Office of Defense Trade
Controls of the Department of State, a coordinator for
small business affairs. The coordinator shall serve as a
liaison for small businesses in the United States aerospace
and defense industrial sector with respect to licensing and
registration requirements in order to facilitate the compli-
ance and other forms of participation by such small busi-
nesses in the United States munitions control system, in-
cluding by providing training, technical assistance, and
through other efforts as may be appropriate.

SEC. 727. COMMERCIAL COMMUNICATIONS SATELLITE
TECHNICAL DATA.

Not later than 180 days after the date of the enact-
ment of this Act, the Secretary of State, in consultation
with the Secretary of Defense, shall amend the Inter-
national Traffic in Arms Regulations to provide for the
export without a license of communications satellite tech-
nical data, at a level established by the Secretary of De-
fense, in instances in which—
(1) the exporter is a person registered under section 38(b) of the Arms Export Control Act (22 U.S.C. 2778(b));

(2) the purpose of the export is to market a sale of a United States manufactured communications satellite solely for commercial or civil end use;

(3) no party to the transaction is proscribed under section 126.1 of the Regulations or otherwise restricted from receiving United States defense articles; and

(4) each end user or recipient has agreed in writing not to reexport or retransfer the United States furnished technical data to any other person without the prior written consent of the United States Government.

SEC. 728. REPORTING REQUIREMENT FOR UNLICENSED EX-PORTS.

Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

(1) in paragraph (2), by striking “or” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:
“(4) were exported without a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.”.

Subtitle D—Terrorist-Related Provisions and Enforcement Matters

SEC. 731. SENSITIVE TECHNOLOGY TRANSFERS TO FOREIGN PERSONS LOCATED WITHIN THE UNITED STATES.

(a) WEAPONS TRANSFERS.—Pursuant to regulations issued under section 38(g)(6) of the Arms Export Control Act (22 U.S.C. 2778(g)(6)), the President shall require a license for the transfer of any defense articles and defense services, other than a firearm for personal use, specified in a report required under subsection (e) to a foreign person located within the United States (other than to a foreign government, unless such government is proscribed under section 126.1 of the International Traffic in Arms
Regulations or otherwise restricted from receiving defense articles and defense services).

(b) Dual Use Transfers.—Notwithstanding any other provision of law, the President may require a license under the Export Administration Regulations for the transfer of any dual use goods and technology, other than a firearm for personal use, specified in a report required under subsection (c) to a foreign person located within the United States.

c) Report.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Attorney General and the Secretary of Homeland Security, shall submit to the appropriate congressional committees a report that specifies those items which warrant scrutiny and enforcement by the Government of the United States through license procedures prior to a transfer to a foreign person located within the United States in order to deter efforts on the part of such person to acquire such items for terrorist or other unlawful purposes.

SEC. 732. CERTIFICATION CONCERNING EXEMPT WEAPONS TRANSFERS ALONG THE NORTHERN BORDER OF THE UNITED STATES.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary
of State, in consultation with the Secretary of Homeland Security, shall submit to the appropriate congressional committees a written report certifying that—

(1) provisions of the International Traffic in Arms Regulations permitting unlicensed temporary imports into the United States from Canada by any person of any unclassified defense article on the United States Munitions List do not present a risk to the national security of the United States; and

(2) personnel of the Bureau of Customs and Border Protection of the Department of Homeland Security located along the northern border of the United States have adequate written guidance from the Department of State which permits them to effectively enforce provisions of the International Traffic in Arms Regulations permitting unlicensed exports to Canada of certain items on the United States Munitions List.

SEC. 733. COMPREHENSIVE NATURE OF UNITED STATES ARMS EMBARGOES.

(a) FINDINGS; SENSE OF CONGRESS.—

(1) FINDINGS.—Congress finds that—

(A) governments to which the Government of the United States prohibits by law or policy the transfer of implements of war, including
material, components, parts, and other defense articles and defense services (as defined in paragraphs (3) and (4) of section 47 of the Arms Export Control Act (22 U.S.C. 2794(3) and (4)), respectively) continue to seek to evade these embargoes through increasingly sophisticated illegal acquisitions via the “international gray arms market” and by seeking to exploit weaknesses in the export control system of the United States and its friends and allies; and

(B) the strict and comprehensive application of arms embargoes referred to in subparagraph (A), including those embargoes established by the United Nations Security Council, is of fundamental importance to the security and foreign policy interests of the United States.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should continue to provide a leadership role internationally in ensuring the effectiveness of arms embargoes referred to in paragraph (1).

(b) SCOPE OF EMBARGOES.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:
“(k) Whenever the United States maintains an arms embargo pursuant to United States law, or through public notice by the President or Secretary of State pursuant to the authorities of this Act, no defense article or defense service subject to sections 120–130 of title 22, Code of Federal Regulations (commonly known as the ‘International Traffic in Arms Regulations’) and no dual use good or technology subject to sections 730–774 of title 15, Code of Federal Regulations (commonly known as the ‘Export Administration Regulations’) shall be knowingly sold or transferred for military end use to the military, intelligence or other security forces of the embargoed government, including any associated governmental agency, subdivision, entity, or other person acting on their behalf, unless, at a minimum and without prejudice to any additional requirements established in United States law or regulation, the sale or transfer is approved through issuance of a license by the Secretary of State or the Secretary of Commerce, as the case may be.”

(c) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the actions taken
to ensure the effective implementation of section 38(k) of
the Arms Export Control Act, as added by subsection (b).

SEC. 734. CONTROL OF ITEMS ON MISSILE TECHNOLOGY
CONTROL REGIME ANNEX.

(a) Sense of Congress.—It is the sense of Con-
gress that all proposals to export or transfer to foreign
persons by other means, whether in the United States or
abroad, and any other activities subject to regulation
under section 38, 39, or 40 of the Arms Export Control
Act (22 U.S.C. 2778, 2779, or 2780), relating to items
on the Missile Technology Control Regime Annex, should
be accorded stringent control and scrutiny consistent with
the purposes of section 71 of the Arms Export Control
Act (22 U.S.C. 2797).

(b) Control of Items on MTCR Annex.—The
Secretary of State, in coordination with the Secretary of
Commerce, the Attorney General, and the Secretary of De-
fense, shall ensure that all items on the MTCR Annex are
subject to stringent control by the Government of the
United States pursuant to the International Traffic in
Arms Regulations and the Export Administration Regula-
tions.

(e) Certification.—Not later than March 1 of each
year, the Secretary of State, in coordination with the Sec-
retary of Commerce, the Attorney General and the Sec-
retary of Defense, shall submit to the appropriate congres-
sional committees a report that contains—

(1) a certification that the requirement of sub-
section (b) has been met for the prior year, or if the
requirement has not been met, the reasons therefor;
and

(2) a description of the updated coverage, if
any, of the regulations referred to in subsection (b)
with respect to all items on the MTCR Annex and
an explanation of any areas of overlap or omissions,
if any, among the regulations.

SEC. 735. UNLAWFUL USE OF UNITED STATES DEFENSE AR-
TICLES.

(a) Ineligibility for Terrorist Related
TRANSACTIONS.—Section 3(c)(1) of the Arms Export
Control Act (22 U.S.C. 2753(c)(1)) is amended—

(1) in each of subparagraphs (A) and (B), by
striking “or any predecessor Act,” and inserting
“any predecessor Act, or licensed or approved under
section 38 of this Act, to carry out a transaction
with a country, the government of which the Sec-
retary of State has determined is a state sponsor of
international terrorism for purposes of section
6(j)(1) of the Export Administration Act of 1979
(50 U.S.C. App. 2405(j)(1)), or otherwise uses such defense articles or defense services’; and

(2) by adding at the end the following:

“(C) In this section, the term ‘transaction’ means the taking of any action, directly or indirectly, by a foreign country that would be a transaction prohibited by section 40 of this Act with respect to the United States Government and United States persons.”.

(b) REPORTING REQUIREMENT.—Section 3(e) of the Arms Export Control Act (22 U.S.C. 2753(e)) is amended by inserting after “the Foreign Assistance Act of 1961,” the following: “regardless of whether the article or service has been sold or otherwise furnished by the United States Government or licensed under section 38 of this Act,”.

SEC. 736. PURPOSES OF ARMS SALES.

Section 4 of the Arms Export Control Act (22 U.S.C. 2754) is amended in the first sentence by inserting after “solely for internal security” the following: “(including antiterrorism and border security)”.

Subtitle E—Strengthening United States Missile Nonproliferation Law

SEC. 741. PROBATIONARY PERIOD FOR FOREIGN PERSONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, upon the expiration, or the granting of a waiv-
er, on or after January 1, 2003, of sanctions against a
foreign person imposed under section 73(a) of the Arms
Export Control Act (22 U.S.C. 2797b(a)) or under section
11B(b)(1) of the Export Administration Act of 1979 (50
U.S.C. App. 2410b(b)(1)), as continued in effect under
the International Emergency Economic Powers Act, a li-
cense shall be required, for a period of not less than three
years, for the export to that foreign person of all items
controlled for export under section 5 or 6 of the Export
Administration Act of 1979 (50 U.S.C. App. 2404, 2405),
as continued in effect under the International Emergency
Economic Powers Act, in accordance with the Export Ad-
ministration Regulations.

(b) TERMINATION.—Subsection (a) shall not apply to
a foreign person 30 days after the President notifies the
Committee on International Relations of the House of
Representatives and the Committee on Banking, Housing
and Urban Affairs and the Committee on Foreign Rela-
tions of the Senate that the President has determined
that—

(1) the foreign person has—

(A) ceased all activity related to the origi-
nal imposition of sanctions under section 73(a)
of the Arms Export Control Act or section
11B(b)(1) of the Export Administration Act of 1979, as the case may be; and

(B) has instituted a program of transparency measures under which the United States will be able to verify, for a period of at least 3 years, that the foreign person is not engaging in prohibited activities under those provisions of law referred to in paragraph (1); and

(2) there has been an appropriate resolution of the original violation or violations, such as financial penalties, incarceration, destruction of prohibited items, or other appropriate measures taken to prevent a recurrence of the violation or violations.

(e) WAIVER.—Subsection (a) shall not apply to a foreign person if—

(1) the President issues a waiver of sanctions imposed upon that person under section 73(a) of the Arms Export Control Act or under section 11B(b)(1) of the Export Administration Act of 1979, on the basis that the waiver is essential to the national security of the United States;

(2) the President designates the waiver as classified information (as defined in section 606 of the National Security Act of 1947 (50 U.S.C. 426)); and
(3) the President transmits to the committees referred to in subsection (b)—

(A) a justification for designating the waiver as classified information; and

(B) a description of—

(i) any discussions with the foreign person, concerning the activities that were the subject of the sanctions, that have been conducted by United States Government officials, or by officials of the government of the country that has jurisdiction over the foreign person or in which the foreign person conducted such activities; and

(ii) any actions that the foreign person, or the government of the country that has jurisdiction over the foreign person or in which the foreign person conducted the activities that were the subject of the sanctions, has taken to prevent a recurrence of the same or similar activities.

SEC. 742. STRENGTHENING UNITED STATES MISSILE PROLIFERATION SANCTIONS ON FOREIGN PERSONS.

(a) Arms Export Control Act.—Section 73(a)(2) of the Arms Export Control Act (22 U.S.C. 2797b(a)(2))
(b) **Public Information.**—Section 73(e)(2) of the Arms Export Control Act (22 U.S.C. 2797b(e)(2)) is amended by adding at the end the following new sentences: “Such report may be classified only to the extent necessary to protect intelligence sources and methods. If the report is so classified, the President shall make every effort to acquire sufficient alternative information that would allow a subsequent unclassified version of the report to be issued.”.

(c) **Export Administration Act of 1979.**—Any sanction imposed on a foreign person under section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as continued in effect under the International Emergency Economic Powers Act, shall be in effect for a period of four years beginning on the date on which the sanction was imposed.

(d) **Applicability.**—The amendments made by subsections (a) and (b) and the provisions of subsection (c) shall apply to all sanctions imposed under section 73(a) of the Arms Export Control Act or section 11B(b)(1) of the Export Administration Act of 1979, as continued in effect under the International Emergency Economic Powers Act, by reason of acts giving rise to such sanctions.
that were committed by foreign persons on or after January 1, 2004.

SEC. 743. COMPREHENSIVE UNITED STATES MISSILE PROLIFERATION SANCTIONS ON ALL RESPONSIBLE FOREIGN PERSONS.

(a) Arms Export Control Act.—Section 73(a) of the Arms Export Control Act (22 U.S.C. 2797b(a)) is amended by adding at the end the following new paragraph:

“(3)(A) Sanctions imposed upon a foreign person under paragraph (2) shall also be imposed on any governmental entity that the President determines exercises effective control over, benefits from, or directly or indirectly facilitates the activities of that foreign person.

“(B) When a sanction is imposed on a foreign person under paragraph (2), the President may also impose that sanction on any other person or entity that the President has reason to believe has or may acquire prohibited items with the intent to transfer to that foreign person, or provide to that foreign person access to, such items. In this subparagraph, ‘prohibited items’ are items that may not be exported to that foreign person on account of the sanction imposed on that foreign person.

“(C) The President may also prohibit, for such period of time as the President may determine, any transaction
or dealing, by a United States person or within the United States, with any foreign person on whom sanctions have been imposed under this subsection.

“(D) The President shall report on an annual basis to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate the identity of any foreign person that engages in any transaction or activity with a foreign person on whom sanctions have been imposed under this subsection that either—

“(i) would be the basis for imposing sanctions under subparagraph (B) but for which sanctions have not been imposed; or

“(ii) would be the basis for imposing sanctions under subparagraph (C) if the transaction or activity had been carried out by a United States person or by a person in the United States.

Such report shall be unclassified to the maximum extent feasible, but may include a classified annex.”.

(b) DEFINITION OF PERSON.—Section 74(a)(8)(A) of the Arms Export Control Act (22 U.S.C. 2797c(a)(8)(A)) is amended to read as follows:

“(8)(A) The term ‘person’ means—

“(i) a natural person;
“(ii) a corporation, business association, partnership, society, trust, transnational corporation, or transnational joint venture, any other nongovernmental entity, organization, or group, and any governmental entity;

“(iii) any subsidiary, subunit, or parent entity of any business enterprise or other organization or entity listed in clause (ii); and

“(iv) any successor of any business enterprise or other organization or entity listed in clause (ii) or (iii); and”.

(e) Export Administration Act of 1979.—

(1) Sanctions imposed on governmental entities.—Any sanction imposed on a foreign person under section 11B(b)(1)(B) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)(B)), as continued in effect under the International Emergency Economic Powers Act (in this subsection referred to as a “dual use sanction”), shall also be imposed on any governmental entity that the President determines exercises effective control over, benefits from, or directly or indirectly facilitates the activities of that foreign person.
(2) Other Entities.—When a dual use sanction is imposed on a foreign person, the President may also impose that sanction on any other person or entity that the President has reason to believe has or may acquire prohibited items with the intent to transfer to that foreign person, or provide to that foreign person access to, such items. In this paragraph, “prohibited items” are items that may not be exported to that foreign person on account of the dual use sanction imposed on that foreign person.

(3) Transactions by Third Parties.—The President may also prohibit, for such period of time as he may determine, any transaction or dealing, by a United States person or within the United States, with any foreign person on whom dual use sanctions have been imposed.

(4) Report.—The President shall submit on an annual basis to the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing and Urban Affairs and the Committee on Foreign Relations of the Senate a report that contains the identity of any foreign person that engages in any transaction or activity with a foreign person on whom dual use sanctions have been imposed that either—
(A) would be the basis for imposing dual
use sanctions under paragraph (2) but for
which such sanctions have not been imposed; or

(B) would be the basis for imposing dual
use sanctions under paragraph (3) if the trans-
action or activity had been carried out by a
United States person or by a person in the
United States.

Such report shall be unclassified to the maximum
extent feasible, but may include a classified annex.

(5) DEFINITIONS.—In this subsection:

(A) MISSILE EQUIPMENT OR TECH-
NOLOGY.—The term “missile equipment or
technology” has the meaning given that term in
section 11B(c) of the Export Administration
Act of 1979 (50 U.S.C. App. 2410b(c)).

(B) PERSON.—

(i) The term “person” means—

(I) a natural person;

(II) a corporation, business asso-
ciation, partnership, society, trust,
transnational corporation, or
transnational joint venture, any other
nongovernmental entity, organization,
or group, and any governmental entity;

(III) any subsidiary, subunit, or parent entity of any business enterprise or other organization or entity listed in subclause (II); and

(IV) any successor of any business enterprise or other organization or entity listed in subclause (II) or (III).

(ii) In the case of countries where it may be impossible to identify a specific governmental entity referred to in clause (i), the term “person” means—

(I) all activities of that government relating to the development or production of any missile equipment or technology; and

(II) all activities of that government affecting the development or production of aircraft, electronics, and space systems or equipment.

(C) UNITED STATES PERSON.—The term “United States person” has the meaning given that term in section 16(2) of the Export Ad-
ministration Act of 1979 (50 U.S.C. App. 2415(2)).

(d) **Effective Date.**—The amendments made by subsections (a) and (b) shall apply with respect to sanctions imposed on or after January 1, 2004, on foreign persons under section 73(a)(2) of the Arms Export Control Act, and the provisions of subsection (c) shall apply with respect to sanctions imposed on or after January 1, 2004, on foreign persons under section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)), as continued in effect under the International Emergency Economic Powers Act.

**Subtitle F—Security Assistance and Related Provisions**

**SEC. 751. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.**

(a) **Authority to Transfer by Grant.**—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) **Greece.**—To the Government of Greece, the OSPREY class minehunter coastal ship PELICAN (MHC–53).
(2) EGYPT.—To the Government of Egypt, the OSPREY class minehunter coastal ships CAR-DINAL (MHC–60) and RAVEN (MHC–61).

(3) PAKISTAN.—To the Government of Pakistan, the SPRUANCE class destroyer ship FLETCHER (DD–992).

(4) TURKEY.—To the Government of Turkey, the SPRUANCE class destroyer ship CUSHING (DD–985).

(b) AUTHORITY TO TRANSFER BY SALE.—The President is authorized to transfer vessels to foreign countries on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) INDIA.—To the Government of India, the AUSTIN class amphibious transport dock ship TRENTON (LPD–14).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ship HERON (MHC–52).

(3) TURKEY.—To the Government of Turkey, the SPRUANCE class destroyer ship O’BANNON (DD–987).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to another country on a grant basis
pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred to countries in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)).

(d) Costs of Transfers.—Any expense incurred by the United States in connection with a transfer authorized under subsection (a) or (b) shall be charged to the recipient.

(e) Repair and Refurbishment in United States Shipyards.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) Expiration of Authority.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.
SEC. 752. TRANSFER OF OBSOLETE AND SURPLUS ITEMS

FROM KOREAN WAR RESERVES STOCKPILE

AND REMOVAL OR DISPOSAL OF REMAINING

ITEMS.

(a) Transfer of Items in Korean Stockpile.—

(1) Authority.—Notwithstanding section 514

of the Foreign Assistance Act of 1961 (22 U.S.C.

2321h), the President is authorized to transfer to

the Republic of Korea, in return for concessions to

be negotiated by the Secretary of Defense, any or all

of the items described in paragraph (2).

(2) Covered Items.—The items referred to in

paragraph (1) are munitions, equipment, and mate-

riol such as tanks, trucks, artillery, mortars, general

purpose bombs, repair parts, barrier material, and

ancillary equipment, if such items are—

(A) obsolete or surplus items;

(B) in the inventory of the Department of

Defense;

(C) intended for use as reserve stocks for

the Republic of Korea; and

(D) as of the date of the enactment of this

Act, located in a stockpile in the Republic of

Korea.
(3) Valuation of Concessions.—(A) The value of concessions negotiated pursuant to paragraph (1) shall be at least equal to—

(i) the fair market value of the items transferred; minus

(ii) the savings to the Department of Defense of the cost of removal of the items from the Republic of Korea and disposal of the items that would have been incurred by the Department but for the transfer of the items pursuant to paragraph (1), not to exceed the fair market value of the items transferred.

(B) The concessions may include cash compensation, service, waiver of charges otherwise payable by the United States, such as charges for demolition of United States-owned or United States-intended munitions, and other items of value.

(4) Prior Notifications of Proposed Transfers.—Not less than 30 days before making a transfer under the authority of this subsection, the President shall transmit to the Committees on Armed Services and International Relations of the House of Representatives and the Committees on Armed Services and Foreign Relations of the Senate a detailed notification of the proposed transfer,
which shall include an identification of the items to be transferred and the concessions to be received.

(5) **Termination of Authority.**—No transfer may be made under the authority of this subsection more than three years after the date of the enactment of this Act.

(b) **Removal or Disposal of Remaining Items in Korean Stockpile.**—The President shall provide for the removal or disposal of all items described in subsection (a)(2) that are not transferred pursuant to the authority of subsection (a) by not later than four years after the date of the enactment of this Act.

SEC. 753. **Extension of Pakistan Waivers.**

The Act entitled “An Act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes”, approved October 27, 2001 (Public Law 107–57; 115 Stat. 403), is amended—

(1) in section 1(b)—

(A) in the heading, by striking “FISCAL YEARS 2005 AND 2006” and inserting “FISCAL YEARS 2006 AND 2007”; and

(B) in paragraph (1), by striking “2005 or 2006” and inserting “2006 or 2007”;
(2) in section 3(2), by striking “and 2006” and inserting “2006, and 2007”; and
(3) in section 6, by striking “2006” and inserting “2007”.

SEC. 754. REPORTING REQUIREMENT FOR FOREIGN MILITARY TRAINING.

Subsection (a)(1) of section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended—
(1) by striking “January 31” and inserting “March 1”; and
(2) by striking “and all such training proposed for the current fiscal year”.

SEC. 755. CERTAIN SERVICES PROVIDED BY THE UNITED STATES IN CONNECTION WITH FOREIGN MILITARY SALES.

(a) QUALITY ASSURANCE, INSPECTION, CONTRACT ADMINISTRATION, AND CONTRACT AUDIT DEFENSE SERVICES.—Section 21(h)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(h)(1)(A)) is amended by inserting after “North Atlantic Treaty Organization” the following: “or the Governments of Australia, New Zealand, Japan, or Israel”.

(b) CATALOGING DATA AND SERVICES.—Section 21(h)(2) of the Arms Export Control Act (22 U.S.C. 2761(h)(2)) is amended by striking “or to any member
government of that Organization if that Organization or member government” and inserting “, to any member of that Organization, or to the Governments of Australia, New Zealand, Japan, or Israel if that Organization, member government, or the Governments of Australia, New Zealand, Japan, or Israel”.

SEC. 756. MARITIME INTERDICTION PATROL BOATS FOR MOZAMBIQUE.

(a) IN GENERAL.—Of the amounts made available to carry out section 23 of the Arms Export Control Act for fiscal year 2006, there is authorized to be appropriated $1,000,000 for refurbishment, delivery, operational training, and related costs associated with the provision of not more than four excess coastal patrol boats to the Government of Mozambique for maritime patrol and interdiction activities.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until September 30, 2007.

SEC. 757. REIMBURSEMENT FOR INTERNATIONAL MILITARY EDUCATION AND TRAINING.

Section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) is amended—
(1) in the first sentence, by striking “The President” and inserting “(a) The President”; and

(2) by adding at the end the following new subsection:

“(b) The President shall seek reimbursement for military education and training furnished under this chapter from countries using assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing Program) to purchase such military education and training at a rate comparable to the rate charged to countries receiving grant assistance for military education and training under this chapter.”.

TITLE VIII—NUCLEAR BLACK MARKET ELIMINATION ACT

SEC. 801. SHORT TITLE.

This title may be cited as the “Nuclear Black Market Elimination Act of 2005”.

HR 2601 PCS
Subtitle A—Sanctions for Transfers of Nuclear Enrichment, Reprocessing, and Weapons Technology, Equipment and Materials Involving Foreign Persons and Terrorists

SEC. 811. AUTHORITY TO IMPOSE SANCTIONS ON FOREIGN PERSONS.

(a) Determination of Nuclear Activities by Foreign Persons.—Notwithstanding any other provision of law, the President is authorized to impose any or all of the sanctions described in subsection (b) whenever the President determines that a foreign person participated, on or after the date of the enactment of this Act, in the export, transfer or trade of—

(1) nuclear enrichment or reprocessing equipment, materials, or technology to any nonnuclear-weapon state (as defined in section 102(c) of the Arms Export Control Act) that—

(A) does not possess functioning nuclear enrichment or reprocessing plants as of January 1, 2004; and

(B)(i) does not have in force an additional protocol with the International Atomic Energy Agency for the application of safeguards (as de-
rived from IAEA document INFCIRC/540 and related corrections and additions); or

(ii) is developing, manufacturing, or acquiring a nuclear explosive device; or

(2) any nuclear explosive device, or design information or component, equipment, materials, or other items or technology that—

(A) is designated for national export controls under the Nuclear Supplier Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as IAEA document INFCIRC/254/Rev. 6/Part 1 and subsequent revisions) and the Guidelines for Transfers of Nuclear-Related Dual-Use Equipment, Material, and Related Technology (published as IAEA document INFCIRC/254/Rev. 5/ Part 2 and subsequent revisions); and

(B) contributes to the development, manufacture, or acquisition of a nuclear explosive device by—

(i) a nonnuclear weapon state; or

(ii) a foreign person.
(b) SANCTIONS.—The sanctions referred to in subsection (a) that are to be imposed on a foreign person are the following:

(1) No assistance may be provided to the foreign person under the Foreign Assistance Act of 1961, and the foreign person may not participate in any assistance program of the United States Government. Any such assistance being provided to the foreign person, and any participation in such assistance program by the foreign person, on the date on which the sanction under this paragraph is imposed, shall be terminated as of such date.

(2) The United States Government may not sell any defense articles, defense services, or design or construction services to the foreign person under the Foreign Assistance Act of 1961 or the Arms Export Control Act, and any contract to sell such articles or services, under either such Act, that is in effect on the date on which the sanction under this paragraph is imposed, shall be terminated as of such date.

(3) Licenses or any other approval may not be issued for the export or import to the foreign person of any defense articles or defense services under the Arms Export Control Act or its implementing regulations. Any such license or approval that is in effect
on the date on which the sanction under this paragraph is imposed, shall be terminated as of such date.

(4) Licenses or any other approval may not be issued for the export to the foreign person of any goods or technology subject to the jurisdiction of the Export Administration Regulations under chapter VII of title 15, Code of Federal Regulations (or successor regulations), other than food and other agricultural commodities, medicines and medical equipment. Any such license or approval that is in effect on the date on which the sanction under this paragraph is imposed, shall be terminated as of such date.

(c) Period Sanctions in Effect.—The sanctions referred to in subsection (b) should be imposed for not less than two years, but may be imposed for longer periods. The President may suspend after one year any sanction imposed pursuant to this section 15 days after submitting to the appropriate congressional committees a report explaining—

(1) the reasons for modifying or terminating the sanction;
(2) how the purposes of this Act and United States national security are furthered by such modification or termination; and

(3) what measures the United States will take or is taking to ensure that the foreign person will not engage in similar activities in the future.

SEC. 812. PRESIDENTIAL NOTIFICATION ON ACTIVITIES OF FOREIGN PERSONS.

(a) Reports to Congress.—Not later than 180 days after enactment of this Act and no later than January 31 of each year thereafter, the President shall submit to the appropriate congressional committees a report detailing any activity by any foreign person described in section 811. This report shall also include a description of any sanctions that have been imposed and their duration.

(b) Publication.—When the President imposes sanctions under section 811, the President shall, to the maximum extent unclassified, publish in the Federal Register, not later than 15 days after reporting such sanctions to the appropriate congressional committees under subsection (a), the identity of each sanctioned foreign person, the period for which sanctions will be in effect, and the reasons for the sanctions.
Subtitle B—Further Actions
Against Corporations Associated
With Sanctioned Foreign Persons

SEC. 821. FINDINGS.

The Congress finds the following:

(1) Foreign persons and corporations engaging in nuclear black-market activities are motivated by reasons of commercial gain and profit.

(2) Sanctions targeted solely against the business interests of the sanctioned person or business concern may be unsuccessful in halting these proliferation activities, as the sanctions may be seen merely as the cost of doing business, especially if the business interests of the parent or subsidiary corporate entities are unaffected by the sanctions.

(3) Such narrow targeting of sanctions creates the incentive to create shell and “carve-out” corporate entities to perform the proliferation activities and attract sanctions, leaving all other aspects of the larger corporation unaffected.

(4) To dissuade corporations from allowing their associated commercial entities or persons from engaging in proliferation black-market activities, they must also be made to suffer financial loss and
commercial disadvantage, and parent and subsidiary
corporation enterprises must be held responsible for
the proliferation activities of their associated enti-

ties.

(5) If a corporation perceives that the United
States Government will do everything possible to
make its commercial activity difficult around the
world, then that corporation has a powerful commer-
cial incentive to prevent any further proliferation ac-
tivity by its associated entities.

(6) Therefore, the United States Government
should seek to increase the risk of commercial loss
for associated corporate entities for the proliferation
actions of their subsidiaries.

SEC. 822. CAMPAIGN BY UNITED STATES GOVERNMENT OF-
FICIALS.

The President shall instruct all agencies of the
United States Government to make every effort in their
interactions with foreign government and business officials
to persuade foreign governments and relevant corporations
not to engage in any business transaction with a foreign
person sanctioned under section 811, including any parent
or subsidiary of the sanctioned foreign person, for the du-
ration of the sanctions.
SEC. 823. COORDINATION.

The Secretary of State shall coordinate the actions of the United States Government under section 822.

SEC. 824. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State shall report to the appropriate congressional committees on the actions taken by the United States to carry out section 822.

Subtitle C—Incentives for Proliferation Interdiction Cooperation

SEC. 831. AUTHORITY TO PROVIDE ASSISTANCE TO COOPERATIVE COUNTRIES.

The President is authorized to provide, on such terms as the President considers appropriate, assistance under section 832 to any country that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry.

SEC. 832. TYPES OF ASSISTANCE.

The assistance authorized under section 831 is the following:

(1) Assistance under section 23 of the Arms Export Control Act.
(2) Assistance under chapters 4 and 5 of part II of the Foreign Assistance Act of 1961.

(3) Drawdown of defense equipment and services under section 516 of the Foreign Assistance Act of 1961.

SEC. 833. CONGRESSIONAL NOTIFICATION.

Assistance authorized under this subtitle may not be provided until at least 30 days after the date on which the President has provided notice thereof to the appropriate congressional committees, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961.

SEC. 834. LIMITATION.

Assistance may be provided to a country under section 831 in no more than three fiscal years.

SEC. 835. USE OF ASSISTANCE.

To the extent practicable, assistance provided under this subtitle shall be used to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country to enhance such capability by crim-
inalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders.

SEC. 836. LIMITATION ON SHIP OR AIRCRAFT TRANSFERS TO UNCOOPERATIVE COUNTRIES.

Notwithstanding any other provision of law, the United States may not transfer any excess defense article that is a vessel or an aircraft to a country that has not agreed that it will support and assist efforts by the United States to interdict items of proliferation concern until thirty days after the date on which the President has provided notice of the proposed transfer to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961, in addition to any other requirement of law.

Subtitle D—Rollback of Nuclear Proliferation Networks

SEC. 841. NONPROLIFERATION AS A CONDITION OF UNITED STATES ASSISTANCE.

United States foreign assistance should only be provided to countries that—

(1) are not cooperating with any non-nuclear weapon state or any foreign group or individual who may be engaged in, planning, or assisting international terrorism in the development of a nuclear
explosive device or its means of delivery and are tak-
ing all necessary measures to prevent their nationals
and other persons and entities subject to their juris-
diction from participating in such cooperation; and

(2) are fully and completely cooperating with
the United States in its efforts to eliminate nuclear
black-market networks or activities.

SEC. 842. REPORT ON IDENTIFICATION OF NUCLEAR PRO-
LIFERATION NETWORK HOST COUNTRIES.

(a) Report.—

(1) In general.—Not later than 90 days after
the date of the enactment of this Act and annually
thereafter, the President shall submit a report to the
appropriate congressional committees that—

(A) identifies any country in which manu-
ufacturing, brokering, shipment, transshipment,
or other activity occurred in connection with the
transactions of the nuclear proliferation net-
work that supplied Libya, Iran, North Korea,
and possibly other countries or entities, and

(B) includes any additional information
with respect to any country and any other nu-
clear proliferation networks or activities and the
foreign persons believed to be participating
therein, including any information relating to
the participation of any foreign person in the
export, transfer, or trade described in section
811.

(2) ADDITIONAL INFORMATION.—The report
under paragraph (1) shall also include a description
of the extent to which each country described in the
report is, in the opinion of the President, fully co-
operating with the United States in its efforts to
eliminate the nuclear proliferation network described
in paragraph (1)(A) and any other nuclear prolifera-
tion networks or activities. The President shall base
the determination regarding a country’s cooperation
with the United States in part on the degree to
which the country has satisfied United States re-
quests for assistance and information, including
whether the United States has asked and been
granted direct investigatory access to key persons in-
volved in a nuclear proliferation network.

(b) CLASSIFICATION.—Reports under this section
shall be unclassified to the maximum extent possible.

SEC. 843. SUSPENSION OF ARMS SALES LICENSES AND DE-
LIVERIES TO NUCLEAR PROLIFERATION NET-
WORK HOST COUNTRIES.

(a) SUSPENSION.—Upon submission of the report
and any additional information under section 842 to the
appropriate congressional committees, the President shall suspend all licenses issued under the Arms Export Control Act, and shall prohibit any licenses to be issued under that Act, to any country described in the report or additional information, until such time as the President certifies to the appropriate congressional committees that such country—

(1)(A) has fully investigated or is fully investigating the activities of any person or entity within its territory that has participated in the nuclear proliferation network or activities; and

(B) has taken or is taking effective steps to permanently halt similar illicit nuclear proliferation or acquisition activities;

(2) has been or is fully cooperating with the United States and other appropriate international organizations in investigating and eliminating the nuclear proliferation network, any successor networks operating within its territory, or other illicit proliferation and acquisition activities; and

(3) has enacted or is enacting new laws, promulgated decrees or regulations, or established practices designed to prevent future such activities from occurring within its territory.
(b) WAIVER.—The President may waive the requirements of subsection (a) in a fiscal year if—

(1) the President has certified to the appropriate congressional committees that the waiver is important to the national security of the United States; and

(2) five days have elapsed since making the certification under paragraph (1).

Subtitle E—General Provisions

SEC. 851. DEFINITIONS.

In this title:

(1) PARTICIPATED.—The term “participated” means to have sold, transferred, brokered, financed, assisted, delivered or otherwise provided or received, and includes any conspiracy or attempt to participate in any of the preceding activities, as well as facilitating such activities by any other person.

(2) FOREIGN PERSON.—The term “foreign person” has the meaning provided in section 38(g)(9)(C) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(C)) and includes, for purposes of subsections (a) and (b) of section 811, successors, assigns, subsidiaries, and subunits and other business organizations or associations in which that person may be deemed to have a controlling interest.
(3) Excess defense article.—The term “excess defense article” has the meaning given that term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)).

(4) Items of proliferation concern.—The term “items of proliferation concern” means any equipment, materials, or technology that could materially support the research, development, manufacturing, or acquisition by any means of a nuclear explosive device, a chemical or biological weapon, or missile with a payload of 500 kilograms or greater and with a range of 300 kilometers or greater.

(5) Person.—The term “person”—

(A) means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity, or subsidiary, subunit, or parent entity thereof, and any successor of any such entity; and

(B) in the case of a country where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), means all activities of that government relating to the
development or production of any nuclear
equipment or technology.

(6) **United States foreign assistance.**—
The term “United States foreign assistance” means
assistance under the foreign operations, export fi-
nancing, and related programs appropriations Act
for a fiscal year, and assistance under the Foreign

**TITLE IX—EAST ASIA SECURITY
ACT OF 2005**

**SEC. 901. SHORT TITLE.**

This title may be cited as the “East Asia Security
Act of 2005”.

**SEC. 902. STATEMENTS OF POLICY.**

Congress—

(1) previously expressed its strong concerns in
House Resolution 57 of February 2, 2005, and Sen-
ate Resolution 91 of March 17, 2005, with the
transfer of armaments and related technology to the
People's Republic of China by member states of the
European Union, which increased eightfold from
2001 to 2003, and with plans to terminate in the
near future the arms embargo they imposed in 1989
following the Tiananmen Square massacre;
(2) welcomes deferral of a decision by the European Council to terminate its arms embargo following adoption of those Resolutions, the President’s visit to Europe, and growing concern among countries in the regions and the general public on both sides of the Atlantic;

(3) welcomes the decision by the European Parliament on April 14, 2005, by a vote of 421 to 85, to oppose the lifting of the European Union’s arms embargo on the People’s Republic of China, and resolutions issued by a number of elected parliamentary bodies in Europe also opposing the lifting of the arms embargo;

(4) also welcomes the onset of a strategic dialogue between the European Commission and the Government of the United States on the security situation in East Asia, through which it is hoped a greater understanding will emerge of the consequences of European assistance to the military buildup of the People’s Republic of China for peace and stability in that region, to the security interests of the United States and its friends and allies in the region, and, in particular, to the safety of United States Armed Forces whose presence in the region
has been a decisive factor in ensuring peace and
prosperity since the end of World War II;

(5) hopes that a more intensive dialogue with
Europe on this matter will clarify for United States
friends and allies in Europe how their “non-lethal”
arms transfers improve the force projection of the
People’s Republic of China, are far from benign, and
enhance the prospects for the threat or use of force
in resolving the status of Taiwan, a troubling pros-
pect made more ominous by recent adoption of a
new law by the Chinese National People’s Congress
expressly authorizing the use of force;

(6) also hopes that this dialogue will result in
an important new consensus between the United
States and its European partners on the need for co-
ordinated policies which encourage the development
of democracy in the People’s Republic of China and
which discourage, not assist, China’s unjustified
military buildup and pursuit of weapons that threat-
en its neighbors;

(7) however, deeply regrets that none of the
European friends and allies of the United States
who have been transferring arms to the People’s Re-
public of China has announced a cessation or even
a temporary halt to those transfers while this new
dialogue with the United States ensues, and notes
with concern that such European friends and allies
have provided little, if any, transparency to the
United States Government into the full range and
capabilities of all of the armaments and related tech-
nology that they have transferred to date and con-
tinue even now to do so;

(8) is further troubled by public reports describ-
ing well known European companies as suppliers to
weapons programs of the People’s Republic of
China, who are also participants in numerous sen-
sitive United States Government weapons programs,
and the increased risks of diversion of United States
weapons technology to China inherent in such an
undesirable situation; and

(9) in view of the gravity of European arms
sales to the People’s Republic of China, which have
not abated, believes it is necessary to make provision
for greater scrutiny and oversight with respect to
those areas of international armament cooperation
that present increased levels of risk to the security
interests of the United States and to authorize ap-
propriate measures which the President may draw
on in deterring foreign support for China’s military
buildup in order to safeguard the national security
interests of the United States and peace and security in East Asia.

SEC. 903. REPORT ON FOREIGN MILITARY EXPORTS TO CHINA.

(a) REPORT.—The President shall, at the times specified in subsection (b), transmit to the appropriate congressional committees a report that identifies every person of a member country of the European Union, and any other foreign person the President may consider appropriate, with respect to whom there is credible information indicating that the person, on or after January 1, 2005, exported to—

(1) the People’s Republic of China any item on the Wassenaar Munitions List of July 12, 1996, and subsequent revisions; or

(2) the military, intelligence, or other security forces of the People’s Republic of China—

(A) any item on the Wassenaar List of Dual Use Goods and Technologies of July 12, 1996, and subsequent revisions; or

(B) any other dual use item if the item is intended, entirely or in part, for use with an item described in paragraph (1).

(b) TIMING OF REPORT.—The report required under subsection (a) shall be transmitted not later than 180 days
after the date of the enactment of this Act and not later than the end of each 12-month period thereafter.

(c) EXCEPTIONS.—A foreign person is not required to be identified in a report required under subsection (a) if the person—

(1) was identified in a previous report transmitted under subsection (a) on account of a particular export, except to the extent that the export may have continued, involved additional transfers, or was larger, more significant, or different in nature than described in the previous report;

(2) was engaged solely in an export on behalf of, or in concert with, the Government of the United States; or

(3) was engaged in an export which, as determined by the President, would be exempt from the restrictions of section 902(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151 note), if the export were subject to the jurisdiction of the United States, by reason of the issuance of a report under section 902(b) of such Act.

(d) FORM.—If the President considers it appropriate, reports transmitted under subsection (a), or appropriate parts thereof, may be transmitted in classified form.
SEC. 904. REPORT ON CHINA ARMS TRANSFER POLICIES OF COUNTRIES PARTICIPATING IN UNITED STATES DEFENSE COOPERATIVE PROJECTS; CERTAIN LICENSE REQUIREMENTS.

(a) Statement of Policy.—Congress is concerned with the significant additional risk of unlawful use and diversion of sensitive United States weapons system research, design, and development arising from cooperative research and development projects with foreign governments and foreign persons who may also transfer arms and related technology to the People’s Republic of China.

(b) Report.—The President shall, at the times specified in subsection (c), transmit to the appropriate congressional committees a report that—

(1) identifies every foreign government with respect to which the United States is carrying out a cooperative project described in subsection (d) and whose policies or practices, on or after the date of the enactment of this Act, permit the export of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 903(a); and

(2) describes the cooperative projects and policies or practices referred to in paragraph (1) of every foreign government identified under such paragraph.
(c) TIMING OF REPORT.—The report required under subsection (b)—

(1) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter; and

(2) may be included in the report required under section 903, as the President determines appropriate.

(d) COOPERATIVE PROJECTS.—The cooperative projects referred to in subsection (b) are projects carried out under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or section 2350a, 2358, or a memorandum of understanding under section 2531 of title 10, United States Code.

(e) LICENSE REQUIREMENTS.—

(1) REQUIREMENT.—Notwithstanding any other provision of law, a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be required for the export of defense articles or defense services by any person who is not an officer or employee of the Government of the United States in furtherance of a cooperative project described in subsection (d) with a country identified in a report transmitted under subsection (b).
(2) CONGRESSIONAL NOTIFICATION.—The issuance of a license pursuant to paragraph (1) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

(3) EXCEPTIONS.—The Secretary of State shall not be required to apply the license requirement of paragraph (1)—

(A) in the case of contracts or subcontracts in effect on the date of the enactment of this Act, including the exercise of options for production quantities to satisfy United States operational military requirements;

(B) if the Secretary determines in writing that the person or other entity to which the export of defense articles or defense services would be made is a sole source supplier of the articles or services, that the articles or services are essential, and that the articles or services are not readily or reasonably available;
(C) in the case of routine servicing and maintenance, to products or services provided under contracts entered into before transmittal of the report required under subsection (b), if the Secretary determines in writing that alternative sources are not readily or reasonably available; or

(D) with respect to other defense articles or defense services, the export of which without a license the Secretary determines in writing is essential to the national security of the United States and provides written notification thereof to the appropriate congressional committees.

(4) **Publication in the Federal Register.**—The Secretary of State shall publish in the Federal Register each determination made under paragraph (3).

**SEC. 905. CERTAIN FOREIGN OWNERSHIP AND CONTROL OF DEFENSE ARTICLES IN THE UNITED STATES.**

(a) **Statement of Policy.**—Congress determines that special care should be taken by the United States with respect to foreign persons who sell arms and related technology to the People’s Republic of China, while simultaneously seeking ownership of United States defense arti-
cles or defense services, including the results of United States Government funded defense research and development, through the acquisition or control of United States defense firms, directly or through their subsidiaries and affiliates based in the United States.

(b) LICENSE REQUIREMENTS.—

(1) REQUIREMENT.—The President shall require a license pursuant to regulations issued under section 38(g)(6) of the Arms Export Control Act (22 U.S.C. 2778(g)(6)) for the transfer of ownership or control of United States defense articles or defense services arising from the acquisition or control of a person required to be registered under section 38(b)(1) of such Act (22 U.S.C. 2778(b)(1)), or any subsidiary, division, affiliate or other entity thereof, whenever the person gaining acquisition or control is—

(A) a foreign national of the People’s Republic of China or a foreign person otherwise subject to the jurisdiction, ownership, or control of the People’s Republic of China;

(B) a foreign person identified in a report transmitted under section 903 or having its principal place of business in a country de-
scribed in a report transmitted under section 904; or

(C) a United States person owned or controlled by a foreign person, including a subsidiary or affiliate of a foreign person described in subparagraph (B).

(2) ADDITIONAL REQUIREMENT.—A license under section 38(g)(6) of the Arms Export Control Act for a person described in paragraph (1)(A) shall not be issued until 30 days after the date on which the President transmits a report that contains a determination of the President that—

(A) the Government of the People’s Republic of China meets the requirements of section 902(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151 note); or

(B) it is in the national interest of the United States to issue the license.

(e) CONGRESSIONAL NOTIFICATION.—The issuance of a license pursuant to subsection (b) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts con-
tained in such section), including the transmittal of inform-
information and the application of congressional review proce-
dures in accordance with such section.

(d) Exception.—The issuance of a license pursuant
to subsection (b) shall not be required in the case of an
amendment to a munitions license or a change in registra-
tion arising from a sale or transfer of ownership or control
of United States defense articles or defense services to a
person described in subparagraph (A), (B), or (C) of sub-
section (b)(1) that was approved prior to the date of en-
actment of this Act unless the President determines that
it is in the national security interests of the United States
to require the issuance of a new license pursuant to sub-
section (b).

SEC. 906. CHINESE MILITARY END USE OF DUAL USE EX-
PORTS.

(a) Statement of Policy.—Congress welcomes the
understanding reached at the Wassenaar Arrangement’s
December 2003 plenary meeting to require governmental
authorization for the transfer of non-listed dual use items
intended for military end use in a destination subject to
any relevant regional arms embargo or to any United Na-
tions Security Council resolution.

(b) Reports.—
(1) Report to Secretary of Commerce.—
As prescribed in regulations issued under the Export
Administration Act of 1979 (as continued in effect
under the International Emergency Economic Pow-
ers Act), a United States person who exports an
item described in subparagraph (A) or (B) of section
903(a)(2) for military end use shall, not later than
15 days after the item is exported, submit to the
Secretary of Commerce a report that contains a de-
scription of all shipment information, including a de-
scription of the item and the quantity, value, port of
exit, and end user.

(2) Report to Congress.—Not later than 60
days after the end of each calendar quarter, the Sec-
retary of Commerce shall submit to the appropriate
congressional committees a written report that con-
tains a compilation all of information submitted in
each report to the Secretary under paragraph (1) for
the prior calendar quarter.

(c) Definition.—In this section, the term “military
end use” means, with respect to an item, the item is or
may be intended, entirely or in part, for use in conjunction
with an item described on the Wassenaar Munitions List
of July 12, 1996, and subsequent revisions.
SEC. 907. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

(a) APPLICATION OF MEASURES.—Subject to sections 908 and 909, the President may apply with respect to any foreign person (including a foreign government) identified in a report transmitted under section 903, and shall apply with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 903, any or all of the following measures:

(1) RESEARCH AND DEVELOPMENT.—Denial of participation in existing and new cooperative research and development programs and projects under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or sections 2350a, 2358, or a memorandum of understanding under 2531 of title 10, United States Code.

(2) CONTROL OF UNITED STATES DEFENSE FIRMS.—Prohibition of ownership and control of any business organization required to be registered with the United States Government as a manufacturer or exporter of defense articles or defense services under section 38(b)(1) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)).

(3) SECURITY ASSISTANCE.—Prohibition on participation in any foreign military sales under
chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) or any design and construction sales under chapter 2A of such Act (22 U.S.C. 2769).

(4) MUNITIONS LIST APPROVALS.—Prohibition on licenses and other forms of approval under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the export of any item on the United States Munitions List as in effect on August 8, 1995.

(b) APPLICATION OF ADDITIONAL MEASURES.—Subject to sections 908 and 909, and notwithstanding any other provision of law, the President may, with respect to any foreign person (including a foreign government) identified in a report transmitted under section 903, and shall, with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 903—

(1) suspend the use of any license exemption and expedited license procedure established in the International Traffic in Arms Regulations or other provisions of law for the export or temporary import of defense articles and defense services;
(2) require the execution of a non-transfer and end use certificate for the export of any defense articles and defense services; and

(3) require, as a condition of issuance of any license for the export of defense articles and defense services, United States access to and verification of the items after the export of the items or alternative measures to ensure compliance with restrictions on the transfer of the items to third-parties.

(c) Effective Date of Measures.—Measures applied pursuant to subsection (a) or (b) shall be effective with respect to a foreign person (including a foreign government) no later than—

(1) 30 days after the report identifying the foreign person is transmitted, if the report is transmitted on or before the date required by section 903(b); or

(2) on the date that the report identifying the foreign person is transmitted, if the report is transmitted more than 30 days after the date required by section 903(b).

(d) Duration of Measures.—Measures applied pursuant to subsection (a) shall be for a period of 2 years or longer, as the President determines appropriate. Measures applied pursuant to subsection (b) shall be, at a min-
imum, consistent with the duration of the license and the
normal requirements for record keeping established in the
International Traffic in Arms Regulations or longer, as
the President determines appropriate.

(e) Publication in Federal Register.—The ap-
lication of measures to a foreign person pursuant to sub-
section (a) or (b) shall be announced by notice published
in the Federal Register, except if the President determines
that doing so would be inconsistent with the protection
of classified information.

SEC. 908. PROCEDURES IF DISCRETIONARY MEASURES ARE
NOT APPLIED.

(a) Requirement to Notify Congress.—If the
President does not exercise the authority of subsection (a)
or (b) of section 907 to apply any or all of the discre-
tionary measures described in such subsection with respect
to a foreign person identified in a report transmitted
under section 903, the President shall so notify the appro-
priate congressional committees not later than the effec-
tive date under section 907(c) for measures with respect
to that person.

(b) Written Justification.—Any notification
transmitted by the President under subsection (a) shall
include a written justification describing in detail the facts
and circumstances relating specifically to the foreign per-
son identified in a report transmitted under section 903 that support the President’s decision not to exercise the authority of subsection (a) or (b) of section 907 with respect to that person.

(c) FORM.—If the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be transmitted in classified form.

SEC. 909. DETERMINATIONS EXEMPTING FOREIGN PERSONS FROM MANDATORY MEASURES.

(a) WAIVER.—Any mandatory measure described in section 907 shall not apply with respect to a foreign person if the President transmits to the appropriate congressional committees a report that contains a determination of the President that—

(1) on the basis of information provided by that person or the foreign government having primary jurisdiction over the person, the person did not, on or after January 1, 2005, knowingly export to the People’s Republic of China the item the apparent export of which caused the person to be identified in a report transmitted under section 903; or

(2) the foreign government having primary jurisdiction over the person has entered into a written agreement with the United States which—
(A) is binding under international law;

(B) prohibits further exports of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 903(a) by any person subject to its jurisdiction;

(C) is supported by the foreign government’s adoption of policies and procedures providing for credible implementation of the requirements in subparagraphs (A) and (B);

(D) does not constrain the President’s authority to impose measures under this act in the event of a future export of concern by the same or other persons subject to the jurisdiction of the foreign government party to the agreement; and

(E) is submitted to the appropriate congressional committees 30 days prior to its entry into force.

(b) ADDITIONAL WAIVER.—Any mandatory measure described in section 907 shall not apply to a foreign person if the President determines that it is important to the counterterrorism, nonproliferation, or other national security interests of the United States and transmits to the appropriate congressional committees a report in writing that contains such determination.
(c) Sense of Congress.—It is the sense of Congress that the President should—

(1) strengthen international coordination and execution of arms export policy through the development of bilateral and multilateral agreements under subsection (a)(2), particularly with member states of the North Atlantic Treaty Organization (NATO), Japan, Australia and New Zealand, and exercise the waivers provided under this section in all appropriate instances that further this objective; and

(2) whenever the President determines that the measures described in section 907 should be applied, that the measures be applied comprehensively with respect to the affected foreign person’s affiliates and subsidiaries, wherever located, in order to deter to the fullest extent possible a recurrence or continuation of the export giving rise to the President’s determination.

(d) Form.—If the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 910. DEFINITIONS.

In this title:
(1) **Appropriate Congressional Committees.**—The term “appropriate congressional committees” means—

   (A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

   (B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) **Defense Articles and Defense Services.**—The term “defense articles and defense services” has the meaning given the term in section 47(7) of the Arms Export Control Act (22 U.S.C. 2794 note).

(3) **Dual Use.**—The term “dual use” means, with respect to goods or technology, those goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military or proliferation mode. Such term does not include purely commercial items.

(4) **Export.**—The term “export” has the meaning given that term in section 120.17 of the International Traffic in Arms Regulations, and includes re-exports, transfers, and retransfers by any means.
(5) EXPORT ADMINISTRATION REGULATIONS.—The term “Export Administration Regulations” means those regulations contained in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

(6) FOREIGN GOVERNMENT.—The term “foreign government” has the meaning given the term in section 38(g)(9)(B) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(B)).

(7) FOREIGN PERSON.—The term “foreign person” has the meaning given the term in section 38(g)(9)(C) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(C)).

(8) GOOD.—The term “good” has the meaning given the term in section 16(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(3)).

(9) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term “International Traffic in Arms Regulations” means those regulations contained in sections 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(10) ITEM.—The term “item” means any good or technology, defense article or defense service subject to the export jurisdiction of the United States under law or regulation.
(11) LICENSE.—The term “license” means an official written document of the United States Government issued pursuant to the Export Administration Regulations or the International Traffic in Arms Regulations, as the case may be, authorizing a specific export.

(12) OTHER FORMS OF APPROVAL.—The term “other forms of approval” includes any authorization, rule or exemption contained in any statute or regulation that permits an export without a license.

(13) OWNERSHIP OR CONTROL.—The term “ownership or control” has the meaning given the term in section 122.2(c) of the International Traffic in Arms Regulations.

(14) PERSON.—The term “person” has the meaning given the term in section 38(g)(9)(E) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(E)).

(15) TECHNOLOGY.—The term “technology” has the meaning given the term in section 16(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(4)).

(16) UNITED STATES MUNITIONS LIST.—The term “United States Munitions List” means the list
referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

TITLE X—FOREIGN ASSISTANCE PROVISIONS


CHAPTER 1—PART I OF THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 1001. ASSISTANCE TO ESTABLISH CENTERS FOR THE TREATMENT OF OBSTETRIC FISTULA IN DEVELOPING COUNTRIES.

(a) Amendment.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

1. by redesignating paragraph (4) as paragraph (5); and

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

“(4)(A) In carrying out the purposes of this subsection, the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the establishment and operation of not less than twelve centers for the treatment and prevention of obstetric fistula at appropriate sites in developing countries.

“(B) In selecting sites for the establishment of centers pursuant to subparagraph (A), the President should
seek the consultation and advice of United States embassy
officials, appropriate nongovernmental organizations, and
local government officials in developing countries with
high rates of obstetric fistula, with particular emphasis on
countries in Africa.

“(C) Each center established pursuant to subpara-
graph (A) shall, to the maximum extent practicable, carry
out the following repair and rehabilitation activities:

“(i) The provision of surgery to repair obstetric
fistula in women who do not otherwise have the re-
sources to pay for such surgery and the provision of
necessary post-surgery care and support for such
women.

“(ii) increased access for women to emergency
obstetrical care, including increased access to skilled
birth attendants and care facilities.

“(iii) Assistance related to surgery and post-
surgery care and support described in clause (i), in-
cluding the provision of transportation to and from
the center for women in need of such transportation
and the provision of necessary temporary shelter and
food assistance to women in need of such shelter and
food assistance.
“(D) Each center established pursuant to subparagraph (A) may carry out the following prevention activities:

“(i) Activities to reduce the incidence of obstetric fistula, including the conduct of appropriate seminars and the dissemination of appropriate educational materials, such as brochures, pamphlets, and posters.

“(ii) Activities to expand abstinence education, postponement of marriage and childbearing until after the teenage years, and activities to expand access to family planning services for the prevention of pregnancies among women whose age or health status place them at high risk of prolonged or obstructed childbirth.

“(E) Each center established pursuant to subparagraph (A) shall, to the maximum extent practicable, ensure that women who suffer from obstetric fistula as a result of sexual abuse during conflicts or as a result of official abuse receive preference in receiving services described in clauses (i), (ii), and (iii) of subparagraph (C).

“(F) Not later than January 31, 2008, the President shall prepare and transmit to Congress a report on the implementation of this paragraph for fiscal years 2006 and 2007.
“(G) In this paragraph, the term ‘obstetric fistula’ means a rupture or hole in tissues surrounding a woman’s vagina, bladder, or rectum that occurs when the woman is in obstructed childbirth for a prolonged period of time without adequate medical attention.”.

(b) FUNDING.—Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out sections 104 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2293), $5,000,000 for fiscal year 2006 and $7,500,000 for fiscal year 2007 is authorized to be available to carry out section 104(c)(4) of such Act (as added by subsection (a)).

SEC. 1002. SUPPORT FOR SMALL AND MEDIUM ENTERPRISES IN SUB-SAHARAN AFRICA.

Section 240 of the Foreign Assistance Act of 1961 (22 U.S.C. 2200) is amended by adding at the end the following:

“(c) SUPPORT FOR SMALL AND MEDIUM ENTERPRISES IN SUB-SAHARAN AFRICA.—

“(1) SUPPORT.—The Corporation is commended for its activities in support of the development of small and medium enterprises, and is encouraged to exercise its authorities to promote investments in financial institutions that are duly incorporated in sub-Saharan African countries, to the
extent that the purpose of such investments is to ex-
end investment and lending opportunities to small
and medium enterprises that—

“(A) are substantially owned by nationals
of sub-Saharan African countries; and

“(B) are engaged in domestic commerce or
international trade in sectors such as housing,
agriculture, fishing, textiles and apparel, tour-
ism, electronics, technology, manufacturing, and
services.

“(2) CONSIDERATION.—In making a determina-
tion to provide insurance and financing to financial
institutions referred to in paragraph (1), the Cor-
poration should take into consideration the extent to
which a project establishes and implements a non-
discrimination in lending policy to prohibit discrimi-
nation based on ethnicity, sex, color, race, religion,
physical disability, marital status, or age.

“(3) TECHNICAL ASSISTANCE.—In supporting a
project referred to in paragraph (1), the Corporation
may provide technical assistance to—

“(A) improve the quality of management of
financial institutions referred to in paragraph
(1) to ensure the safety and stability of such in-
stitutions;
“(B) create in such financial institutions effective credit risk management systems to improve the quality of the assets of such institutions and the ability of such institutions to research and assess the overall credit risk of critical industries in the domestic economy; and

“(C) support effective credit risk management by developing internal credit rating systems and credit assessment tools that improve the ability of such financial institutions to evaluate individual credit worthiness and measure the overall amount of risk posed by the total number of borrowers.”.

SEC. 1003. ASSISTANCE TO SUPPORT DEMOCRACY IN ZIMBABWE.

Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 and chapter 4 of part II of such Act, $12,000,000 for each such fiscal year is authorized to be available, consistent with the provisions of the Zimbabwe Democracy and Economic Recovery Act of 2001 (Public Law 107–99; 22 U.S.C. 2151 note), to support—

(1) the restoration of democratic legitimacy and foster a free and fair electoral process in Zimbabwe,
particularly through legislative process training for members of Parliament;

(2) capacity building for civil society organizations to effectively provide information on the political process to citizens, defend the legal rights of minorities, women and youth, document the level of adherence by the Government of Zimbabwe to national and international civil and human rights standards, and monitor and report on the entire electoral process in Zimbabwe;

(3) organizational capacity-building training for political parties in Zimbabwe;

(4) poll watcher training for party and civil society election observers in Zimbabwe; and

(5) the reestablishment of independent media through overseas broadcasts and Internet sites.

SEC. 1004. RESTRICTIONS ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS DEVELOPMENT PROGRAM.

(a) LIMITATION.—Of the amounts made available for each of fiscal years 2006 and 2007 for United States voluntary contributions to the United Nations Development Program, an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year (including all funds administered by the
United Nations Development Program in Burma) shall be withheld unless during such fiscal year the Secretary of State submits to the appropriate congressional committees the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the Secretary that all programs and activities of the United Nations Development Program (including all programs and activities administered by the United Nations Development Program) in Burma—

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

(2) are undertaken only through international or private voluntary organizations that are independent of the State Peace and Development Council (SPDC) (formerly the State Law and Order Restoration Council or SLORC);

(3) provide no financial, political, or military benefit, including the provision of goods, services, or per diems, to the SPDC or any agency or entity of, or affiliated with, the SPDC, including any entity whose members are ineligible for admission to the United States by reason of such membership under any provision of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) (including
the Myanmar Maternal and Child Welfare Association (MMCWA), the Myanmar Council of Churches (MCC), the Myanmar Medical Association (MMA), the Myanmar Women Affairs Federation (MWAF), and the Union of Solidarity Development Association (USDA)); and

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

(5) REPORT.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter during fiscal years 2006 and 2007, the Secretary shall submit to the appropriate congressional committees a report on—

(A) all programs and activities of the United Nations Development Program (including all programs and activities administered by the United Nations Development Program) in Burma; and

(B) all recipients and subrecipients of funds provided under such programs and activities.
SEC. 1005. ASSISTANCE FOR THE OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND.

Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), $100,000 for each such fiscal year is authorized to be available for—

(1) specialized investigative training, including training in the United States, of personnel of the Office of the Police Ombudsman for Northern Ireland; and

(2) advisory support to the Office of the Police Ombudsman for Northern Ireland for the development and strengthening of its investigative capacity in order to ensure that policing in Northern Ireland is carried out in compliance with internationally recognized human rights standards.

SEC. 1006. REPORT ON FOREIGN LAW ENFORCEMENT TRAINING AND ASSISTANCE.

Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)), as amended by section 317(d) of this Act, is further amended by adding at the end the following new paragraph:

“(9)(A) A separate section on all foreign law enforcement training and assistance that is provided to foreign law enforcement personnel and other related governmental authorities by the Department of
State, the Department of Defense, the Department
of Justice, and the United States Agency for Intern-
national Development during the previous fiscal year
and all such training proposed for the current fiscal
year.

“(B) The section on foreign law enforcement
training and assistance shall include the following:

“(i) For each law enforcement training ac-
tivity—

“(I) the purpose of the activity and
the foreign policy justification for the ac-
tivity;

“(II) the number of foreign law en-
forcement personnel who are provided
training, their units of operation, and
countries of origin;

“(III) the type of training activity;

“(IV) the location of the training ac-
tivity;

“(V) the department or agency of the
United States Government which is con-
ducting the training, by unit or office; and

“(VI) the cost of the training activity
and the specific budgetary account from
which the cost is paid.
“(ii) For other law enforcement assistance—

“(I) the purpose of the assistance and the foreign policy justification for the assistance;

“(II) the type of assistance;

“(III) the department or agency of the United States Government which is providing the assistance, by unit or office, where applicable; and

“(IV) the cost of the assistance and the specific budgetary account from which the cost is paid.

“(iii) For each country—

“(I) the aggregate number of students trained;

“(II) the aggregate cost of the law enforcement training and other law enforcement assistance; and

“(III) a plan describing the law enforcement assistance and rule of law programs of the relevant departments and agencies of the United States Government.
“(C) Form.—The report required by this paragraph shall be in unclassified form but may include a classified annex.”.

SEC. 1007. REQUIREMENTS RELATING TO THE LARGEST EXPORTING AND IMPORTING COUNTRIES OF CERTAIN PRECURSOR CHEMICALS.

(a) Reporting Requirements.—Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)), as amended by sections 317(d) and 906 of this Act, is further amended by adding at the end the following new paragraph:

“(10)(A) A separate section that contains the following:

“(i) An identification of the five countries that exported the largest amount of pseudoephedrine, ephedrine, and phenylpropanolamine during the preceding calendar year.

“(ii) An identification of the five countries that imported the largest amount of precursor chemicals described in clause (i) during the preceding calendar year and have the highest rate of diversion of such precursor chemicals for use in the illicit production of methamphetamine.
“(iii) An economic analysis of the total worldwide production of the precursor chemicals described in clause (i) as compared to the legitimate demand for such precursor chemicals worldwide.

“(B) The identification of countries that imported the largest amount of precursor chemicals under subparagraph (A)(ii) shall be based on the following:

“(i) An economic analysis that estimates the legitimate demand for such precursor chemicals in such countries as compared to the actual or estimated amount of such chemicals that is imported into such countries.

“(ii) The best available data and other information regarding the production of methamphetamine in such countries and the diversion of such precursor chemicals for use in the production of methamphetamine.”.

(b) ANNUAL CERTIFICATION PROCEDURES.—Section 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)) is amended—

(1) in paragraph (1), by striking “major illicit drug producing country or major drug-transit country” and inserting “major illicit drug producing
country, major drug-transit country, or country identified under clause (i) or (ii) of section 489(a)(10)(A) of this Act’’; and

(2) in paragraph (2), by inserting after ‘‘(as determined under subsection (h))’’ the following: ‘‘or country identified under clause (i) or (ii) of section 489(a)(10)(A) of this Act’’.

SEC. 1008. ASSISTANCE FOR DISASTER MITIGATION EFFORTS.

(a) FINDINGS.—Congress finds the following:

(1) The devastating impacts of natural disasters can be mitigated by assisting communities to build in safer locations, construct sturdier dwellings, enforce sound building codes and practices, and protect natural ecosystems.

(2) By 2050, two billion people are expected to be especially vulnerable to floods due to growing populations, indiscriminate logging, rapid urbanization, and increasing development along coasts and in other hazardous regions.

(3) According to a study by the World Bank and the United States Geological Survey during the 1990s, $40 billion invested in preventive measures could have saved $280 billion in disaster relief funds and saved countless lives.
(b) Sense of Congress.—It is the sense of Congress that the Secretary of State, in consultation with the heads of other appropriate departments and agencies of the Government of the United States, should develop an initiative to encourage the use of disaster mitigation techniques, including techniques described in subsection (a)(1), by foreign governments in regions considered especially vulnerable to natural disasters.

(e) Amendment to the Foreign Assistance Act of 1961.—Section 491(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292(b)) is amended by adding at the end the following new sentence: “Assistance relating to disaster preparedness under the preceding sentence shall include assistance to encourage the use of disaster mitigation techniques, including to assist communities to build in safer locations, construct sturdier dwellings, enforce sound building codes and practices, and protect natural ecosystems.”.

SEC. 1009. ASSISTANCE TO PROMOTE DEMOCRACY IN BELARUS.

Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq. and 2296 et seq.) and the FREEDOM Support Act (22 U.S.C. 5801 et seq.), $12,000,000 for each
such fiscal year is authorized to be available for assistance
for the promotion of democracy in the Republic of Belarus,
including free and fair electoral processes, the develop-
ment of political parties and nongovernmental organiza-
tions, promoting democracy and respect for human rights
and the rule of law, independent media, and international
exchanges and training programs for leaders and members
of the democratic forces that foster civil society.

SEC. 1010. ASSISTANCE FOR MATERNAL AND PRENATAL
CARE FOR CERTAIN INDIVIDUALS OF
BELARUS AND UKRAINE INVOLVED IN THE
CLEANUP OF THE CHORNOBYL DISASTER.

Of the amounts made available for each of the fiscal
years 2006 and 2007 to carry out chapters 11 and 12
of part I of the Foreign Assistance Act of 1961 (22 U.S.C.
2295 et seq. and 2296 et seq.) and the FREEDOM Sup-
port Act (22 U.S.C. 5801 et seq.), such sums as may be
necessary for each such fiscal year are authorized to be
available for assistance to improve maternal and prenatal
care, especially for the purpose of helping prevent birth
defects and pregnancy complications, for individuals in the
Republic of Belarus and Ukraine involved in the cleanup
of the region affected by the Chornobyl disaster.
SEC. 1011. ASSISTANCE TO ADDRESS NON-INFECTIOUS DISEASES IN FOREIGN COUNTRIES.

(a) Statement of Policy.—Congress declares the following:

(1) Medical evidence indicates that non-infectious diseases, like heart disease and obesity, are on the rise worldwide.

(2) In response to these statistics, the current allocation of funds appropriated to the United States Agency for International Development for Child Survival and Maternal Health, Vulnerable Children, HIV/AIDS, Infectious Diseases, Reproductive Health and Family Planning, and the Global Fund to Fight AIDS, Tuberculosis and Malaria does not address noninfectious diseases.

(b) Authorization of Assistance.—The President, acting through the Administrator of the United States Agency for International Development, is authorized to provide assistance, on such terms and conditions as the President may determine, to address non-infectious diseases in foreign countries.

CHAPTER 2—PART II OF THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 1021. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

(a) Findings.—Congress finds the following:
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(1) Despite more than $28 billion in economic assistance provided by the United States to Egypt since 1975, Egypt’s economy and educational systems are underdeveloped and democratic development remains extremely limited. Egypt remains near the bottom of many indices of growth and human development.

(2) Egypt’s economic troubles, if not addressed through programs to develop Egypt’s private sector, could destabilize the country.

(3) United States programs to promote growth in Egypt, including traditional development assistance as well as programs that attempt to link disbursement of cash assistance to the adoption of economic reforms by the Government of Egypt, have had, at best, mixed success.

(4) The United States has provided more than $32 billion in military assistance to Egypt since 1979.

(5) Egypt is currently at peace with all its neighbors.

(6) Egypt and the United States entered into an agreement in March 2005, whereby Egypt undertook to accomplish certain reform-oriented policies primarily related to its financial sector, and the
United States undertook, subject to its constitutional processes, to provide Egypt with cash assistance. This program of financial reform is important and should continue, supported by assistance in the form of cash transferred from the United States, but not in amounts in excess of amounts already agreed to and not for lesser policy reforms than have already been agreed to.

(7) The model of an agreement for policy change between the United States and Egypt, similar but not identical to, the concept of a “Millennium Challenge” compact that emphasizes performance and outcomes, would be a way to reinvigorate a program for the development of the Egyptian economy that has languished for years, and would give more Egyptians a stake in the proper planning and execution of programs to assist in their country’s development.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to acknowledge that—

(A) threats to Egypt’s stability derive far more from domestic problems, such as inadequate economic growth, deficient educational
and health-care systems, and lack of political freedom, than from external dangers; and

(B) external threats to Egyptian stability are, in fact, minimal;

(2) to provide non-military assistance to Egypt which results in actual, sustainable, and, to the extent possible, measurable outcomes in terms of economic growth, poverty reduction, humanitarian conditions, health, education, and political reform;

(3) to restructure Egypt’s assistance package over time so as to diminish military assistance and end the reduction of economic assistance and to begin the process of this restructuring without delay; and

(4) to ensure that this restructuring is done in such a manner that ensures that maintenance and spare parts for existing Egyptian military equipment is not jeopardized and that Egyptian military purchases and projects to which the United States has already committed itself be funded fully in accordance with previous understandings.

c) Amendment to the Foreign Assistance Act of 1961.—

(1) In general.—Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et
seq; relating to the “Economic Support Fund”) is amended by inserting after section 534 the following new section:

“SEC. 535. REQUIREMENTS RELATING TO ASSISTANCE FOR EGYPT.

“(a) Requirement for Assistance.—Assistance may be provided for Egypt under this chapter for a fiscal year only if Egypt provides to the United States for the fiscal year a proposal described in subsection (b) that is evaluated and approved in accordance with subsection (c).

“(b) Proposal.—

“(1) In general.—A proposal described in this subsection is a proposal that reflects Egyptian priorities to use assistance provided under this chapter to meet the requirements of paragraph (2).

“(2) Requirements.—The requirements described in this paragraph are—

“(A) promoting economic growth (including economic freedom);

“(B) reducing poverty;

“(C) improving humanitarian conditions among the poorest individuals in Egypt;

“(D) improving education and health systems for the people of Egypt;
“(E) reducing corruption in the public and
private sectors; and

“(F) strengthening democratic institutions
and individual freedoms.

“(c) EVALUATION AND APPROVAL OF PROPOSAL.—

“(1) EVALUATION.—The President, acting
through the Secretary of State, and in consultation
with the Secretary of the Treasury, the United
States Trade Representative, and the Administrator
of the United States Agency for International Devel-
opment, shall evaluate the proposal provided to the
United States pursuant to subsection (a) to deter-
mine the extent to which the proposal meets the re-
quirements of subparagraphs (A) through (F) of
subsection (b)(2).

“(2) APPROVAL.—The President shall approve
the proposal only if the President determines that—

“(A) the proposal sufficiently meets the re-
quirements of subparagraphs (A) through (F)
of subsection (b)(2) in a manner that achieves,
in particular, lasting economic growth and pov-
erty reduction and substantially strengthened
democratic institutions and individual freedoms;
and

“(B) the Government of Egypt—
“(i) has adopted and implemented reforms necessary to implement the proposal;

“(ii) has implemented the proposal provided to the United States and approved for the prior fiscal year in accordance with the requirements of subparagraphs (A) through (F) of subsection (b)(2); and

“(iii) has demonstrated high standards of fiduciary controls and accountability with respect to assistance provided for Egypt under this chapter.

“(d) Suspension and Termination of Assistance.—The President, acting through the Secretary of State, may suspend or terminate assistance in whole or in part for Egypt under this chapter if the President determines that the Government of Egypt is not implementing the proposal in accordance with the requirements of subparagraphs (A) through (F) of subsection (b)(2).

“(e) Cash Assistance.—

“(1) Requirement.—Notwithstanding any other provision of this section, cash assistance may be provided to Egypt under this chapter for a fiscal year pursuant to the memorandum of understanding specified in paragraph (2) only if a proposal pro-
vided to the United States pursuant to subsection (a) for the fiscal year has been evaluated and approved in accordance with subsection (c).

“(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding specified in this paragraph is the memorandum of understanding agreed to by the Government of the United States and the Government of Egypt in March 2005, including any modification to the memorandum of understanding, except—

“(A) a modification to increase the amounts of assistance agreed to be provided under the memorandum of understanding; or

“(B) a modification to reduce significantly the scope of, or to extend significantly the time for, the performance by Egypt of obligations that it has undertaken under the memorandum of understanding.

“(f) CONGRESSIONAL NOTIFICATION.—Assistance may not be obligated for Egypt under this chapter until 30 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate
in accordance with the procedures applicable to re-
programming notifications under section 634A(a) of this
Act.

“(g) REPORT.—The President, acting through the
Secretary of State, shall prepare and transmit to the Com-
mittee on International Relations of the House of Rep-
resentatives and the Committee on Foreign Relations of
the Senate a report for each fiscal year that contains—

“(1) the proposal provided to the United States
pursuant to subsection (a) for the fiscal year; and

“(2) the evaluation of the proposal carried out
pursuant to subsection (c)(1).

“(h) RULE OF CONSTRUCTION.—The provisions of
this section or subsections (d) or (f) of section 1021 of
the Foreign Relations Authorization Act, Fiscal Years
2006 and 2007, shall not be superseded except by a provi-
sion of law enacted after the date of the enactment of such
Act, which specifically repeals, modifies, or supersedes the
provisions of this section or subsections (d) or (f) of sec-
tion 1021 of such Act, as the case may be.”.

(2) EFFECTIVE DATE.—The amendment made
by paragraph (1) shall apply with respect to assist-
ance for Egypt under chapter 4 of part II of the
Foreign Assistance Act of 1961 for fiscal year 2007
and each subsequent fiscal year.
(d) Military Assistance Levels for Egypt; Transfer Requirement.—The following amounts available for assistance for Egypt under section 23 of Arms Export Control Act (22 U.S.C. 2763; relating to the “Foreign Military Financing” program) shall be transferred to and consolidated with amounts available for assistance for Egypt under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the “Economic Support Fund”):

(1) For fiscal year 2006, the amount that exceeds $1,260,000,000.

(2) For fiscal year 2007, the amount that exceeds $1,220,000,000.

(3) For fiscal year 2008, the amount that exceeds $1,180,000,000.

(e) Cash-Flow Financing for Egypt.—As soon as practicable after the date of the enactment of this Act, the President shall modify the program of cash-flow financing for Egypt under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the “Foreign Military Financing” program) so as to accomplish the purposes of the policy set forth in paragraphs (3) and (4) of subsection (b) of this section.

(f) Transfer of Certain Interest for Egypt.—For fiscal year 2006 and subsequent fiscal years, any in-
interest earned from amounts in an interest bearing account for Egypt to which funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the “Foreign Military Financing” program) are disbursed—

(1) shall be transferred to and consolidated with amounts available for assistance for the Middle East Partnership Initiative under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the “Economic Support Fund”); and

(2) shall be allocated for democracy and governance programs for Egypt, including direct support for nongovernmental organizations.

SEC. 1022. INTER-ARAB DEMOCRATIC CHARTER.

(a) Strategy.—The Secretary of State, acting through the Assistant Secretary for Democracy, Human Rights, and Labor, and in consultation with the Assistant Secretary for Near East Affairs and the Assistant Secretary for Western Hemisphere Affairs, shall develop and implement a strategy to—

(1) support, including through the provision of technical assistance, efforts to establish an Inter-Arab Democratic Charter to promote human rights and democracy in the Near East region; and
(2) support and promote coordination among human rights organizations, pro-democracy advocates, and civil society members from both the Near East region and the Western Hemisphere to assist in efforts to establish the Inter-Arab Democratic Charter referred to in paragraph (1).

(b) REPORT.—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) as amended by section 614(a)(2) of this Act, is further amended by inserting after the first sentence the following new sentence: “As part of such separate report, the Secretary shall include information on efforts by the Department of State to develop and implement the strategy to support efforts to establish an Inter-Arab Democratic Charter pursuant to section 708(a) of the Foreign Relations Authorization Act, Fiscal Years 2006 and 2007.”.

(c) FUNDING.—Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the “Economic Support Fund”), including amounts made available to carry out the Human Rights and Democracy Fund and the Middle East Partnership Initiative, such sums as may be necessary for each such fiscal year is authorized to be avail-
able to the Secretary to carry out this section and the
amendments made by this section.

SEC. 1023. MIDDLE EAST PARTNERSHIP INITIATIVE.

(a) FUNDING.—Of the amounts made available for
each of the fiscal years 2006 and 2007 to carry out chap-
ter 4 of part II of the Foreign Assistance Act of 1961
(22 U.S.C. 2346 et seq.; relating to the “Economic Sup-
port Fund”), such sums as may be necessary for each such
fiscal year is authorized to be available to the Secretary
of State to carry out programs and activities of the Middle
East Partnership Initiative.

(b) REQUIREMENT.—Not less than 50 percent of
amounts made available for each of the fiscal years 2006
and 2007 to carry out the Middle East Partnership Initia-
tive shall be used to—

(1) strengthen civil society, particularly non-
governmental organizations, and expand female and
minority participation in the political, economic, and
educational sectors of countries participating in the
Initiative; and

(2) strengthen the rule of law and promote
democratic values and institutions, particularly
through—
(A) developing and implementing standards for free and fair election in countries participating in the Initiative; and

(B) supporting inter-regional efforts to promote democracy in countries under authoritarian rule, including through the Community of Democracies and Forum for the Future.

SEC. 1024. WEST BANK AND GAZA PROGRAM.

(a) Oversight.—For each of the fiscal years 2006 and 2007, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of funds for the West Bank and Gaza that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of United States assistance for the West Bank and Gaza funded under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the “Economic Support Fund”).

(b) Vetting.—Prior to any obligation of funds for each of the fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that
such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual or entity which the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(c) PROHIBITION.—None of the funds made available for each of the fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(d) AUDITS.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that independent audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted for each of the fiscal years 2006 and 2007 to ensure, among other things, compliance with this section.
(2) Audits by Inspector General of USAID.—Of the funds available for each of the fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 that are made available for assistance for the West Bank and Gaza, up to $1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of paragraph (1). Such funds are in addition to funds otherwise available for such purposes.

(e) Definition.—In this subsection, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

(2) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.


There are authorized to be appropriated to the President $9,000,000 for each of the fiscal years 2006 and 2007 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relat-
ing to the “Economic Support Fund”) to fund activities which support political parties, the rule of law, civil society, an independent media, and otherwise promote democratic, accountable governance in Venezuela.

CHAPTER 3—PART III OF THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 1031. SUPPORT FOR PRO-DEMOCRACY AND HUMAN RIGHTS ORGANIZATIONS IN CERTAIN COUNTRIES.

Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)) is amended by adding at the end the following new sentence: “The prohibition contained in the preceding sentence shall not apply with respect to assistance under part I (including chapter 4 of part II) of this Act provided in support of programs of a pro-democracy or human rights organization located or operating in a country described in such sentence, if, at least 30 days before obligating funds for such assistance, the Secretary of State notifies (in classified or unclassified form) the congressional committees specified in section 634A(a) of this Act in accordance with the procedures applicable to reprogramming notifications under that section that the pro-democracy or human rights organization opposes the use of terrorism, supports democracy and respect for human rights, including the equality of women
and ethnic and religious minorities, and supports freedoms of the press, speech, association, and religion.”.

SEC. 1032. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to promote the emergence of a democratic Palestinian government that—

(1) denounces and combats terrorism;

(2) has agreed to disarm and dismantle any terrorist agency, network, or facility;

(3) has agreed to work to eliminate incitement and the commemoration of terrorists in Palestinian society;

(4) has agreed to respect the boundaries and sovereignty of its neighbors; and

(5) acknowledges, respects, and upholds the human rights of all people.

(b) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104–164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:
"SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) LIMITATIONS.—

(1) Certification requirement.—Assistance may be provided under this Act or any other provision of law to the Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

(2) Amount of assistance requirement.—Of the total amount of funds that are available for assistance under this Act or any other provision of law to the Palestinian Authority during a period for which a certification described in subsection (b) is in effect, not more than 25 percent of such amount may be obligated and expended during any calendar quarter.

(b) Certification.—A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that—

(1) providing direct assistance to the Palestinian Authority is important to the national security interests of the United States; and

(2) the Palestinian Authority—
“(A) is committed to and has initiated the
process of purging from its security services in-
dividuals with ties to terrorism;

“(B) has made demonstrable progress to-
ward dismantling the terrorist infrastructure,
confiscating unauthorized weapons, arresting
and bringing terrorists to justice, destroying
unauthorized arms factories, thwarting and pre-
empting terrorist attacks, and is fully cooper-
ating with Israel’s security services;

“(C) has made demonstrable progress to-
ward halting all anti-Israel incitement in Pales-
tinian Authority-controlled electronic and print
media and in schools, mosques, and other insti-
tutions it controls, and is replacing these mate-
rials, including textbooks, with materials that
promote tolerance, peace, and coexistence with
Israel;

“(D) has taken effective steps to ensure
democracy, the rule of law, and an independent
judiciary, and has adopted other reforms such
as ensuring transparent and accountable gov-
ernance;
“(E) is committed to ensuring that all elections within areas it administers to be free, fair, and transparent; and

“(F) is undertaking verifiable efforts to ensure the financial transparency and accountability of all government ministries and operations.

“(c) Recertifications.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every 6 months thereafter—

“(1) the President shall transmit to Congress a recertification that the requirements contained in subsection (b) are continuing to be met; or

“(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

“(d) Congressional Notification.—Assistance made available under this Act or any other provision of law to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate...
in accordance with the procedures applicable to re-
programming notifications under section 634A(a) of this
Act.

“(e) Definition of Calendar Quarter.—In this
section, the term ‘calendar quarter’ means any three-
month period beginning on January 1, April 1, July 1,
or October 1 of a calendar year.”.

(c) Report by Comptroller General.—Not later
than 180 days after the date of the enactment of this Act,
the Comptroller General of the United States shall submit
to the appropriate congressional committees a report that
contains a review of the extent to which United States as-
sistance to the Palestinian Authority under the Foreign
Assistance Act of 1961 or any other provision of law is
properly audited by the Department of State, the United
States Agency for International Development, and all
other relevant departments and agencies of the Govern-
ment of the United States.

SEC. 1033. ASSISTANCE FOR LAW ENFORCEMENT FORCES.

(a) In General.—Section 660(b) of the Foreign As-
"
ernmental entity of a foreign country’’ after
“with respect to assistance’’; and

(B) by striking ‘‘, and the provision of pro-
fessional’’ and all that follows through ‘‘democ-

(2) in paragraph (7), by striking the period at
the end and inserting a semicolon; and

(3) by adding at the end the following new
paragraphs:

“(8) with respect to assistance to combat cor-
rupation in furtherance of the objectives for which
programs are authorized to be established under sec-

(9) with respect to the provision of profes-
sional public safety training to any national, re-
gional, district, municipal, or other sub-national gov-
ernmental entity of a foreign country, particularly
training in international recognized standards of
human rights, the rule of law, conflict prevention,
and the promotion of civilian police roles that sup-
port democratic governance and foster improved po-
lice relations between law enforcement forces and
the communities in which they serve;
“(10) with respect to assistance to combat trafficking in persons, particularly trafficking in persons by organized crime; or

“(11) with respect to assistance in direct support of developing capabilities for and deployment to impending or ongoing peace operations of the United Nations or comparable regional organizations.”.

(b) TECHNICAL AMENDMENTS.—Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended—

(1) in subsection (b) (as amended by subsection (a) of this section)—

(A) by striking paragraph (2);

(B) in paragraph (4), by striking “or” at the end;

(C) in paragraph (7), by moving the margin 2 ems to the left; and

(D) by redesignating paragraphs (3) through (11) as paragraphs (2) through (10), respectively; and

(2) by striking subsection (d).
Subtitle B—Other Provisions of Law

SEC. 1041. AMENDMENTS TO THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States to—

(1) assist Afghanistan in the preparation of parliamentary elections which are currently scheduled to take place on September 18, 2005;

(2) urge donor governments and institutions to provide significant financial support to support the United Nations Assistance Mission in Afghanistan (UNAMA) in carrying out such parliamentary elections;

(3) assist legitimate and recognized parliamentary candidates and future elected parliamentary officials in carrying out the responsibilities and duties of their elected offices; and

(4) assist Afghanistan in the preparation for future presidential and parliamentary elections.

(b) PURPOSES OF ASSISTANCE.—Section 102 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7512) is amended—
(1) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively; and

(2) by inserting after paragraph (4) the following new paragraphs:

“(5) to ensure that parliamentary and presidential elections in Afghanistan are carried out in a free, fair, and transparent manner;

“(6) to provide assistance to legitimate and recognized parliamentary candidates and future elected parliamentary officials in Afghanistan to better educate such candidates and officials on parliamentary procedures, anticorruption, transparency, and good governance;”.

(c) Activities Supported.—Section 103(a)(5)(C) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(5)(C)) is amended—

(1) by striking clauses (iii) and (iv);

(2) by redesignating clauses (v) through (vii) as clauses (xi) through (xiii), respectively;

(3) by inserting after clause (ii) the following new clauses:

“(iii) programs to promote comprehensive public information campaigns, including nationwide voter and civic edu-
cation, for the public, candidates, and po-
2
tical parties, and special efforts with re-
3spect to provinces in which small percent-
4ages of women voted in the October 2004
5 presidential elections;

“(iv) programs to accelerate disarm-
7mament, demobilization, and reintegration
8 processes to ensure that candidates and
9 political groups are not influenced or sup-
10ported by armed militias;

“(v) programs to support the registra-
12tion of new voters and the preparation of
13voter rolls;

“(vi) programs to support the vetting
15 process of candidates for the parliamentary
16elections to ensure that such candidates
17are eligible under the relevant Afghan elec-
18tion requirements;

“(vii) programs to educate legitimate
19and recognized parliamentary candidates
20on campaign procedures and processes;

“(viii) capacity-building programs and
23advanced professional training programs
24for senior Afghan Government officials and
25future elected parliamentary officials in

matters related to parliamentary procedures, anti-corruption, accountability to constituencies, transparency, good governance, and other matters related to democratic development;

“(ix) exchange programs to bring to the United States future elected parliamentary officials and senior officials of legitimate and recognized political parties for educational activities regarding legislative procedures, debate, and general campaign and legislative instruction;

“(x) programs to support nongovernmental organizations and other civil society organizations that will assist in civil and voter education programs and overall democracy development programs;”;

(4) in clause (xii) (as redesignated), by striking “and” at the end;

(5) in clause (xiii) (as redesignated), by striking the period at the end and inserting “; and”; and

(6) by adding at the end the following new clause:
“(xiv) other similar activities con-
istent with the purposes set forth in sub-
section (a).”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section
103(a)(5)(C) of the Afghanistan Freedom Support Act of
2002 (22 U.S.C. 7513(a)(5)(C)), as amended by sub-
section (c), is further amended—

(1) in the matter preceding clause (i), by strik-
ing “To support” and inserting “(i) To support”;

(2) by redesignating clauses (i) through (xiv) as
subclauses (I) through (XIV), respectively; and

(3) by adding at the end the following new
clause:

“(ii) Of the amounts made available for
each of the fiscal years 2006 and 2007 to carry
out chapter 1 of part I of the Foreign Assist-
ance Act of 1961 and chapter 4 of part II of
such Act, $50,000,000 for each such fiscal year
is authorized to be available to the President to
carry out subclauses (III) through (X) of clause
(i).”.

(e) SENSE OF CONGRESS.—It is the sense of Con-
gress that the President should take all necessary and ap-
propriate steps to encourage all donor governments and
institutions to provide full financial and logistical support
to the United Nations Assistance Mission in Afghanistan (UNAMA) to carry out the parliamentary elections in Afghanistan, which are currently scheduled to take place on September 18, 2005, so as to—

(1) ensure the parliamentary elections are legitimate and free from influence, intimidation, and violence by local militia leaders and illicit narcotics terrorist organizations;

(2) make certain that all Afghans who want to vote may do so and may be educated about their choice in parliamentary candidates;

(3) provide that all legitimate and recognized parliamentary candidates and officials of legitimate and recognized political parties are informed and educated on campaign procedures and processes;

(4) provide that future parliamentary officials and senior officials of legitimate and recognized political parties are informed and educated on the legislative procedures and process through exchange programs; and

(5) assure sufficient funds for deployment of international observers for the upcoming parliamentary elections and future presidential and parliamentary elections.
SEC. 1042. AMENDMENTS TO THE TIBETAN POLICY ACT OF 2002.

(a) BILATERAL ASSISTANCE.—Section 616 of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

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

“(d) UNITED STATES ASSISTANCE.—

“(1) ASSISTANCE.—The President shall provide grants to nongovernmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetans inside Tibet that are designed in accordance with the principles contained in subsection (e).

“(2) ROLE OF SPECIAL COORDINATOR.—The United States Special Coordinator for Tibetan Issues (established under section 621(a)) shall review and approve all projects carried out pursuant to paragraph (1).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out this subsection $6,000,000
for fiscal year 2006 and $8,000,000 for fiscal year 2007.”.

(b) LANGUAGE TRAINING.—Section 619 of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended to read as follows:

“SEC. 619. REQUIREMENT FOR TIBETAN LANGUAGE TRAINING.

“The Secretary shall ensure at least one Foreign Service officer assigned to a United States post in the People’s Republic of China responsible for monitoring developments in Tibet has at least six months of Tibetan language training prior to taking up such assignment at such post, unless such officer possesses equivalent fluency. If the Secretary determines that training resources and timing permit, such officer shall receive one year of such training.”.

(c) SPECIAL COORDINATOR FOR TIBETAN ISSUES.—Section 621 of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended by adding at the end the following new subsection:

“(e) PERSONNEL.—The Secretary shall assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues sufficient to assist in the management of the responsibilities of this section and section 616(d)(2).”.
SEC. 1043. AMENDMENTS TO THE ANGLO-IRISH AGREEMENT SUPPORT ACT OF 1986.

(a) Sense of Congress.—It is the sense of Congress that—

(1) United States assistance for the International Fund for Ireland ("International Fund") has contributed greatly to the economic development of Northern Ireland and that both objectives of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415), economic development and reconciliation, remain critical to achieving a just and lasting peace in the region, especially in the economically-depressed areas; and

(2) since policing reform is a significant part of winning public confidence and acceptance in the new form of government in Northern Ireland, the International Fund is encouraged to support programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, and enhance peaceful mediation in neighborhoods of continued conflict.

(b) Amendments.—

(1) Findings and purposes.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415) is amended by adding at the
end the following new sentence: “Furthermore, the
International Fund is encouraged to support pro-
grams that enhance relations between communities,
and between the police and the communities they
serve, promote human rights training for police, en-
hance peaceful mediation in neighborhoods of contin-
ued conflict, promote training programs to enhance
the new district partnership police boards rec-
ommended by the Patten Commission, and assist in
the transition of former British military installations
and prisons into sites for peaceful, community-sup-
ported activities, such as housing, retail, and com-
mercial development.”.

(2) UNITED STATES CONTRIBUTIONS TO THE
INTERNATIONAL FUNDS.—Section 3 of the Anglo-
Irish Agreement Support Act of 1986 is amended by
adding at the end the following new subsection:
“(c) FISCAL YEARS 2006 AND 2007.—Of the
amounts made available for fiscal years 2006 and 2007
to carry out chapter 4 of part II of the Foreign Assistance
Act of 1961 (22 U.S.C. 2346 et seq.; relating to the eco-
nomic support fund), there are authorized to be appropria-
ted $20,000,000 for each such fiscal year for United
States contributions to the International Fund. Amounts
appropriated pursuant to the authorization of appropria-
tions under the preceding sentence are authorized to re-
main available until expended. Of the amount authorized
to be appropriated for fiscal years 2006 and 2007 under
this subsection, it is the sense of Congress that not less
than 35 percent of such amount for each such fiscal year
should be used to carry out the last sentence of section
2(b).”.

(3) ANNUAL REPORTS.—Section 6(1) of the
Anglo-Irish Agreement Support Act of 1986 is
amended by adding at the end before the semicolon
the following: “, specifically through improving local
community relations and relations between the police
and the people they serve”.

SEC. 1044. ASSISTANCE FOR DEMOBILIZATION AND DISAR-
MAMENT OF FORMER IRREGULAR COMBAT-
ANTS IN COLOMBIA.

(a) AUTHORIZATION.—Amounts made available for
fiscal year 2006 and each subsequent fiscal year for assist-
ance for the Republic of Colombia under this Act or any
other provision of law may be made available for assist-
ance for the demobilization and disarmament of former
members of foreign terrorist organizations in Colombia,
specifically the United Self-Defense Forces of Colombia
(AUC), the Revolutionary Armed Forces of Colombia
(FARC) and the National Liberation Army (ELN), if the
Secretary of State makes a certification described in subsection (b) to the appropriate congressional committees prior to the initial obligation of amounts for such assistance for the fiscal year involved.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) assistance for the fiscal year will be provided only for individuals who have verifiably renounced and terminated any affiliation or involvement with foreign terrorist organizations;

(2) the Government of Colombia is continuing to provide full cooperation with the Government of the United States relating to extradition requests involving leaders and members of the foreign terrorist organizations involved in murder, kidnapping, narcotics trafficking, and other violations of United States law; and

(3) the Government of Colombia has established a concrete and workable framework for dismantling the organizational structures of foreign terrorist organizations that adequately balances the need for both reconciliation and justice with concerns for fundamental human rights.

(c) DEFINITIONS.—In this section:
(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.

(2) FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

SEC. 1045. SUPPORT FOR FAMINE RELIEF IN ETHIOPIA.

(a) DEMONSTRATION INSURANCE PROJECT.—The Secretary of State is authorized to make a United States voluntary contribution to the United Nations World Food Program to establish and carry out a demonstration insurance project in the Federal Democratic Republic of Ethiopia using weather derivatives to transfer the risk of catastrophic drought resulting in famine from vulnerable subsistence farmers to international capital markets for the purpose of protecting vulnerable subsistence farmers against income and asset losses during natural disasters.
(b) REPORT.—Not later than one year and two years after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the implementation of the project referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section up to $4,000,000 for fiscal year 2006.

SEC. 1046. ASSISTANCE TO PROMOTE DEMOCRACY AND HUMAN RIGHTS IN VIETNAM.

(a) FINDING.—Congress finds that the Socialist Republic of Vietnam is a one-party state, ruled and controlled by the Communist Party of Vietnam, which continues to deny the right of citizens to change their government, prohibits independent political, labor, and social organizations, and continues to commit serious human rights violations, including the detention and imprisonment of persons for the peaceful expression of dissenting religious and political views.

(b) POLICY.—It is the policy of the United States—

(1) to limit United States nonhumanitarian assistance provided to the Government of Vietnam, not to exceed the amount so provided for fiscal year 2005, unless the President certifies to Congress not later than 30 days after the date of the enactment
of this Act that, during the 12-month period pre-
ceding such certification, Vietnam has made sub-
stantial progress toward—

(A) releasing political and religious pris-
oners;

(B) respecting religious freedom and other
universally recognized human rights;

(C) allowing open access to the United
States for its refugee program;

(D) cooperating fully toward providing in-
formation concerning the locations of members
of the United States Armed Forces who con-
tinue to be officially listed as missing in action
as a result of the Vietnam conflict;

(E) respecting the rights of ethnic minori-
ties in the Central Highlands; and

(F) ensuring that it is not acting in com-
plicity with organizations engaged in the traf-
ficking of human persons; and

(2) to ensure that programs of educational and
cultural exchange with Vietnam actively promote
progress towards freedom and democracy in Vietnam
by ensuring that Vietnamese nationals who have al-
ready demonstrated a commitment to these values
are included in such programs.
(c) DEFINITION.—In this section, the term “United States nonhumanitarian assistance” means—

(1) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act, relating to the Overseas Private Investment Corporation), other than—

(A) disaster relief assistance, including any assistance under chapter 9 of part I of such Act;

(B) assistance which involves the provision of food (including monetization of food) or medicine;

(C) assistance for refugees; and

(D) assistance to combat HIV/AIDS, including any assistance under section 104A of such Act; and

(2) sales, or financing on any terms, under the Arms Export Control Act.

(d) AUTHORIZATION.—

(1) IN GENERAL.—The President is authorized to provide assistance to nongovernmental organizations and organizations to promote democracy and internationally recognized human rights in Vietnam.
(2) Authorization of Appropriations.—There are authorized to be appropriated to the President $2,000,000 to carry out paragraph (1).

SEC. 1047. TRANSFER OF MARINE PATROL AIRCRAFT TO THE GOVERNMENT OF COLOMBIA.

(a) Transfer Authority.—The Secretary of State, acting through the Assistant Secretary of the Bureau for International Narcotics and Law Enforcement Affairs, is authorized to procure for transfer to the Government of Colombia two tactical, unpressurized marine patrol aircraft for use by the Colombian Navy to interdict and disable drug trafficking vessels in and near the territorial waters of Colombia. Such transfers may be on a grant or lease basis, as appropriate.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2006.

SEC. 1048. TRAINING AND ASSISTANCE TO IDENTIFY UN-KNOWN VICTIMS WHO WERE ABDUCTED AND MURDERED IN CIUDAD JUAREZ, MEXICO.

(a) Statement of Congress.—Congress urges the President and Secretary of State to incorporate the investigative and preventative efforts of the Government of Mexico in the bilateral agenda between the Government of Mexico and the Government of the United States and
to continue to express concern to the Government of Mexico over the abductions and murders of young women since 1993 in the Mexican city of Ciudad Juarez.

(b) TRAINING AND ASSISTANCE.—The Secretary of State is authorized to provide training and assistance to identify unknown victims who were murdered in the Mexican city of Ciudad Juarez through forensic analysis, including DNA testing, conducted by independent, impartial experts who are sensitive to the special needs and concerns of the victims’ families, as well as efforts to make these services available to any families who have doubts about the results of prior forensic testing.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State $500,000 for fiscal year 2006 to carry out subsection (b).

Subtitle C—Miscellaneous Provisions

SEC. 1051. REPORT ON UNITED STATES WEAPONS TRANSFERS, SALES, AND LICENSING TO HAITI.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on all United States weapons transfers, sales, and licensing to the Government of the Republic of Haiti for
the period beginning on October 4, 1991, and ending on
the date of the enactment of this Act.

(b) CONTENTS.—The report required by subsection
(a) shall include a detailed description of each of the fol-
lowing:

(1) The names of the individuals or govern-
mental entities to which weapons were transferred, 
sold, or licensed.

(2) The number and types of weapons trans-
ferred, sold, or licensed.

(3) The safeguards, if any, that were required  
prior to the transfer, sale, or license of the weapons.

c) DEFINITION.—In this section, the term “United
States weapons transfers, sales, and licensing” means
transfers, sales, and licensing of weapons under—

(1) section 38 of the Arms Export Control Act
(22 U.S.C. 2778); or

(2) chapter 8 of part I of the Foreign Assist-
ance Act of 1961 (22 U.S.C. 2291 et seq.).

SEC. 1052. SENSE OF CONGRESS REGARDING ASSISTANCE  
FOR REGIONAL HEALTH EDUCATION AND  
TRAINING PROGRAMS.

(a) STATEMENT OF POLICY.—Congress recognizes
that many health problems are not country specific. In-
stead many health issues can be categorized and treated more effectively on a regional basis.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Agency for International Development should use up to five percent of country-specific health program funds, as needed, to address regional health education and training needs in instances in which it would be more cost effective to implement health education and training programs on a regional basis.

SEC. 1053. SENSE OF CONGRESS REGARDING ASSISTANCE FOR REGIONAL HEALTH CARE DELIVERY.

(a) STATEMENT OF POLICY.—Congress declares the following:

(1) Health systems in developing countries for allocating and managing health resources are dysfunctional and incapable of addressing evolving epidemiological and demographical changes.

(2) Neither regional nor countrywide health problems can be adequately addressed without the infrastructure for health systems in place.

(3) The areas in Africa, Europe, Eurasia, the Middle East, and Asia with the greatest health problems all lack the infrastructure for health systems that can support providers and contain the cost of treatment.
(b) Sense of Congress.—It is the sense of Congress that the United States Agency for International Development should use up to five percent of country-specific health program funds, as needed, to support projects to create and improve indigenous capacity for health care delivery in regions in which such projects are most needed.

SEC. 1054. SENSE OF CONGRESS REGARDING ELIMINATION OF EXTREME POVERTY IN DEVELOPING COUNTRIES.

It is the sense of Congress that—

(1) the elimination of extreme poverty in developing countries should be a major priority of United States foreign policy;

(2) the United States should further demonstrate its leadership and commitment to eliminating extreme poverty by working with developing countries, donor countries, and multilateral institutions committed to the necessary reforms, policies, and practices that reduce extreme poverty in developing countries and by pursuing greater coordination with key allies and international partners; and

(3) the President, acting through the Administrator of the United States Agency for International Development, and in consultation with the heads of other appropriate departments and agencies of the
Government of the United States, international organizations, international financial institutions, recipient governments, civil society organizations, and other appropriate entities, should develop a comprehensive strategy to eliminate extreme poverty in developing countries that involves foreign assistance, foreign and local private investment, technical assistance, private-public partnerships, and debt relief.

SEC. 1055. SENSE OF CONGRESS REGARDING UNITED STATES FOREIGN ASSISTANCE.

It is the sense of Congress that—

(1) United States foreign assistance should be used to support local capacity-building in developing countries and should focus on improving the institutional capacities of developing countries in order to promote long-term development; and

(2) the Department of State, the United States Agency for International Development, and the Millennium Challenge Corporation should increase their efforts to enhance recipient country participation in the planning of development programs, promote recipient country ownership of the programs, and build local capacity within the recipient country.
SEC. 1056. SENSE OF CONGRESS REGARDING ASSISTANCE
FOR CHALDOASSYRIANS AND OTHER INDIGENOUS CHRISTIANS IN IRAQ.

(a) FINDINGS.—Congress finds the following:

(1) ChaldoAssyrians and other indigenous Christians in Iraq welcome the opportunity following Iraq’s liberation to move beyond the days of repression and persecution and toward greater prosperity by cooperating in the development of a democratic, pluralistic state.

(2) Religious and ethnic discrimination has driven half of Iraq’s indigenous Christians into diaspora since the 1960s and now threatens to create a mass exodus, thereby depriving Iraq of one of its oldest and most distinctive ethnic communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all relevant departments and agencies of the Government of the United States should pay special attention to the welfare of ChaldoAssyrians and other indigenous Christians in Iraq in order to prevent a mass exodus that would detrimentally affect the preservation of diversity in the Middle East and the promotion of general tolerance for others; and

(2) the President, acting through the Administrator of the United States Agency for International
Development, should allocate funds specifically for the promotion of the welfare, education, and resettlement of ChaldoAssyrians and other indigenous Christians in Iraq where they may be currently prevented from returning to their homes.

**TITLE XI—REPORTING REQUIREMENTS**

**SEC. 1101. TRANS-SAHARA COUNTER-TERRORISM INITIATIVE.**

(a) Sense of Congress.—It is the sense of Congress that efforts by the Government of the United States to expand the Pan Sahel Initiative into a robust counter-terrorism program in the Saharan region of Africa, to be known as the “Trans-Sahara Counter Terrorism Initiative”, should be strongly supported.

(b) Report.—

(1) In general.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed strategy, in classified form, regarding the plan of the Government of the United States to expand the Pan Sahel Initiative into a robust counter-terrorism program in the Saharan region of Africa, to be known as the “Trans-Sahara Counter Terrorism Initiative”.
(2) CONTENTS.—The report shall include the following:

(A) The names of the countries that will participate in the Initiative.

(B) A description of the types of security assistance necessary to create rapid reaction security forces in order to bolster the capacity of the countries referred to in subparagraph (A) to govern their borders.

(C) A description of training to ensure respect for human rights and civilian authority by rapid reaction security forces referred to in subparagraph (B) and other appropriate individuals and entities of the countries referred to in subparagraph (A).

(D) A description of the types of public diplomacy and related assistance that will be provided to promote development and counter radical Islamist elements that may be gaining a foothold in the region.

(3) UPDATE.—The Secretary shall submit to the appropriate congressional committees an update of the report required by this subsection not later than one year after the date of the initial submission of the report under this subsection.
(c) Cooperation of Other Departments and Agencies.—The head of each appropriate department and agency of the Government of the United States shall cooperate fully with, and assist in the implementation of, the strategy described in subsection (b)(1) and shall make such resources and information available as is necessary to ensure the success of the Initiative described in such subsection.

SEC. 1102. ANNUAL PATTERNS OF GLOBAL TERRORISM REPORT.

(a) Requirement of Report.—Section 140(a)

(1) in the heading, by striking “COUNTRY REPORTS ON TERRORISM” and inserting “PATTERNS OF GLOBAL TERRORISM REPORT”; and

(2) in the matter preceding paragraph (1), by inserting “, the Committee on International Relations of the House of Representatives,” after “Speaker of the House of Representatives”.

(1) by striking “which were, in the opinion of
the Secretary, of major significance;” and inserting
“, including—”; and

(2) by adding at the end the following new sub-
clauses:

“(I) the number of such acts of terror-
or attempted acts of terrorism;

“(II) the number of individuals, in-
cluding United States citizens, who were
killed or injured in such acts of terrorism;

“(III) the methods, and relative fre-
quency of methods, utilized in such acts of
terrorism; and

“(IV) assessments of individuals who
were responsible for such acts of terrorism
and the relationships of such individuals to
terrorist groups;”.

(c) INFORMATION WITH RESPECT TO TERRORIST
GROUPS.—Section 140(a)(2) of the Foreign Relations Au-
thonization Act, Fiscal Years 1988 and 1989 (22 U.S.C.
2656f(a)(2)) is amended by inserting after “and any other
known international terrorist group” the following “or
emerging terrorist group”.

(d) INFORMATION WITH RESPECT TO ALL FOREIGN
COUNTRIES.—Section 140(a) of the Foreign Relations

(1) in paragraph (2), by adding “and” at the end after the semicolon;

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “from which the United States Government” and all that follows through “United States citizens or interests” and inserting “worldwide”;

(B) in subparagraph (A)—

(i) by striking “the individual or”; 

(ii) by striking “the act” and inserting “acts of terrorism”; and

(iii) by striking “and” at the end;

(C) in subparagraph (B) by striking “against United States citizens in the foreign country”; and

(D) by adding at the end the following new subparagraph:

“(C) the extent to which the government of the foreign country is not cooperating with respect to the matters described in subparagraphs (A) and (B) and other matters relating to counterterrorism efforts.”; and
(e) EXISTING PROVISIONS TO BE INCLUDED IN REPORT.—Section 140(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “should to the extent feasible” and inserting “shall”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “and (a)(3)” after “subsection (a)(1)(A)”;

(B) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(C) by inserting before subparagraph (B) (as redesignated) the following new subpara-

“(A) a separate list, in chronological order, of all acts of international terrorism described in subsection (a)(1)(A);’’;

(D) in subparagraph (C) (as redesignated), by striking “affecting American citizens or fa-

ilities”; and
(E) in subparagraph (D) (as redesignated)—

(i) in clause (i), by adding at the end before the semicolon the following: “by the government of the country, government officials, nongovernmental organizations, quasi-governmental organizations, or nationals of the country”;

(ii) in clause (v), by adding “and” at the end after the semicolon; and

(iii) by adding at the end the following new clause:

“(vi) other types of indirect support for international terrorism, such as inciting acts of terrorism or countenance of acts of terrorism by the government of the country, government officials, nongovernmental organizations, quasi-governmental organizations, or nationals of the country;”;

(3) in paragraph (3)—

(A) in subparagraph (E), by striking “and” at the end;

(B) in subparagraph (F), by adding “and” at the end; and
(C) by adding at the end the following new subparagraph:

“(G) information on the stated intentions and patterns of activities of terrorist groups described in subsection (a)(2), capabilities and membership of such groups, recruitment and fundraising activities of such groups, and the relationships of such groups to criminal organizations, including organizations involved in illicit narcotics trafficking;”;

(4) by redesignating paragraphs (3) and (4) (as added by section 701(a)(2)(C) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3961)) as paragraphs (6) and (7), respectively.

(f) NEW PROVISIONS TO BE INCLUDED IN REPORT.—Section 140(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(b)), as amended by subsection (e), is further amended—

(1) in paragraph (6) (as redesignated), by striking “and” at the end;

(2) in paragraph (7) (as redesignated), by striking the period at the end and inserting a semicolon; and
(3) by adding at the end the following new paragraphs:

“(8) an analysis of the efforts of multilateral organizations (excluding international financial institutions) to combat international terrorism, including efforts of the United Nations and its affiliated organizations, regional multilateral organizations, and nongovernmental organizations;

“(9) a list of countries of concern with respect to the financing of terrorism; and

“(10) an analysis of policy goals of the United States for counterterrorism efforts in the subsequent calendar year.”.

(g) CLASSIFICATION OF REPORT.—Section 140(c) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(c)) is amended to read as follows:

“(c) CLASSIFICATION OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form and shall contain a classified annex as necessary.”.

(h) INTER-Agency PROCESS FOR COMPILATION OF REPORT.—Section 140 of Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended—
(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

“(d) INTER-Agency PROCESS FOR COMPIULATION OF REPORT.—The Secretary of State shall, in preparing the report required by subsection (a), establish an inter-agency process to—

“(1) consult and coordinate with other appropriate officials of the Government of the United States who are responsible for collecting and analyzing counterterrorism intelligence; and

“(2) utilize, to the maximum extent practicable, such counterterrorism intelligence and analyses.”.

(i) COMPARABILITY STANDARD WITH PRIOR REPORT.—Section 140 of Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as amended by subsection (h), is further amended—

(1) by redesignating subsections (e) and (f) (as redesignated) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) (as added by subsection (h)) the following new subsection:

“(e) COMPARABILITY STANDARD WITH PRIOR REPORT.—The Secretary of State shall, in preparing the re-
port required by subsection (a), use standards, criteria, and methodologies in a consistent manner so that statistical comparisons may be made among different reports. If significant changes are made to any such standards, criteria, or methodology, the Secretary shall, in consultation with other appropriate officials of the Government of the United States, make appropriate adjustments, using the best available methods, so that the data provided in each report is comparable to the data provided in prior reports.”.

(j) DEFINITIONS.—Section 140(f)(1) of Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (as redesignated) is amended to read as follows:

“(1) the term ‘international terrorism’ means—

“(A) terrorism involving citizens or the territory of more than one country; or

“(B) terrorism involving citizens and the territory of one country which is intended to intimidate or coerce not only the civilian population or government of such country but also other civilian populations or governments;”.

(k) REPORTING PERIOD.—Section 140(g) Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (as redesignated) is amended to read as follows:
“(g) Reporting Period.—The report required under subsection (a) shall cover the events of the calendar year preceding the calender year in which the report is transmitted.”.

(l) Appearance of Secretary of State Before Congress.—Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended by adding at the end the following new subsection:

“(h) Appearance of Secretary of State Before Congress.—

“(1) In General.—The Secretary of State shall appear before Congress at annual hearings, as specified in paragraph (2), regarding the provisions included in the report required under subsection (a).

“(2) Schedule.—The Secretary of State shall appear before—

“(A) the Committee on International Relations of the House of Representatives on or about May 20 of even numbered calendar years;

“(B) the Committee on Foreign Relations of the Senate on or about May 20 of odd numbered calendar years; and

“(C) either Committee referred to in subparagraph (A) or (B), upon request, following
the scheduled appearance of the Secretary be-
before the other Committee under subparagraph
(A) or (B)

(m) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of section
140 of the Foreign Relations Authorization Act, Fis-
cal Years 1988 and 1989 (22 U.S.C. 2656f) is
amended to read as follows:

“SEC. 140. ANNUAL PATTERNS OF GLOBAL TERRORISM RE-
PORT.”.

(2) TABLE OF CONTENTS.—The table of con-
tents of such Act (as contained in section 1(b) of
such Act) is amended in the item relating to section
140 to read as follows:

“Sec. 140. Annual patterns of global terrorism report.”.

(n) EFFECTIVE DATE.—The amendments made by
this section apply with respect to the report required to
be transmitted under section 140 of the Foreign Relations
Authorization Act, Fiscal Years 1988 and 1989 (22
U.S.C. 2656f), by April 30, 2007, and by April 30 of each
subsequent year.

SEC. 1103. DUAL GATEWAY POLICY OF THE GOVERNMENT
OF IRELAND.

(a) IN GENERAL.—The Secretary of State shall re-
view the dual gateway policy and determine the effects the
discontinuation of such policy might have on the economy
of the United States and the economy of western Ireland before the United States takes any action that could lead to the discontinuation of such policy.

(b) Economic Impact Study.—In determining the effects that the discontinuation of such policy might have on the economy of the United States, the Secretary, in consultation with the heads of other appropriate departments and agencies, shall consider the effects the discontinuation of such policy might have on United States businesses operating in western Ireland, Irish businesses operating in and around Shannon Airport, and United States air carriers serving Ireland.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report describing the determinations made under subsection (a), together with any recommendations for United States action.

(d) Definition.—In this section, the term “dual gateway policy” means the policy of the Government of Ireland requiring certain air carriers serving Dublin Airport to undertake an equal numbers of flights to Shannon Airport and Dublin Airport during each calendar year.
SEC. 1104. STABILIZATION IN HAITI.

Not later than one year after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on United States efforts to—

(1) assist in the disarmament of illegally armed forces in Haiti, including through a program of gun exchanges;

(2) assist in the reform of the Haitian National Police; and

(3) support stabilization in Haiti.

SEC. 1105. VERIFICATION REPORTS TO CONGRESS.

Section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)) is amended in the matter preceding paragraph (1)—

(1) by striking “prepared by the Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff,”; and

(2) by inserting “, as the President considers appropriate” after “include”.

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SEC. 1106. PROTECTION OF REFUGEES FROM NORTH KOREA.

Section 305(a) of the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7845) is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end and inserting ‘‘; and’’; and

(3) by adding at the end the following new paragraph:

“(3) a detailed description of the measures undertaken by the Secretary of State to carry out section 303, including country-specific information with respect to United States efforts to secure the cooperation and permission of the governments of countries in East and Southeast Asia to facilitate United States processing of North Koreans seeking protection as refugees. The information required by this paragraph may be provided in a classified format, if necessary.’’.

SEC. 1107. ACQUISITION AND MAJOR SECURITY UPGRADES.

Section 605(c) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of the Admiral James W. Nance and Meg Donovan Foreign Relations Au-
Authorization Act, Fiscal Years 2000 and 2001; Public Law 106–113—Appendix G) is amended—

(1) in the heading, by striking “SEMIANNUAL”; 
(2) in the matter preceding paragraph (1), by striking “June 1 and”; and 
(3) in paragraph (1)(A), by striking “two fiscal quarters” and inserting “year”.

SEC. 1108. SERVICES FOR CHILDREN WITH AUTISM AT OVERSEAS MISSIONS.

(a) Study.—With respect to countries in which there is at least one mission of the United States, the Secretary of State shall conduct a study of the availability of programs that address the special needs of children with autism, including the availability of speech therapists and pediatric occupational therapists at Department of Defense sponsored schools. Such study shall include the estimated incidence of autism among dependents of members of the Foreign Service and dependents of specialist Foreign Service personnel. Such study shall also include an analysis of the possibility of establishing “Educational Centers of Excellence” for such children.

(b) Report.—Not later than 30 days after the completion of the study required under subsection (a), the Secretary shall submit to the appropriate congressional com-
mittees a report containing the findings of the study to-
gether with any recommendations for related action.

**SEC. 1109. INCIDENCE AND PREVALENCE OF AUTISM WORLDWIDE.**

(a) **Study.—**

(1) **In General.**—The Secretary of State shall
direct the United States representative to the Execu-
tive Board of the United Nations Children’s Fund
(UNICEF) to use the voice and vote of the United
States to urge UNICEF to provide for the conduct
of a study of the incidence and prevalence of autism
spectrum disorders (in this section referred to as
“autism”) worldwide.

(2) **Conduct of Study.**—The study should—

(A) evaluate the incidence and prevalence
of autism in all countries worldwide and com-
pare such incidence and prevalence to the inci-
dence and prevalence of autism in the United
States and evaluate the reliability of the infor-
mation obtained from each country in carrying
out this subparagraph; and

(B) evaluate the feasibility of establishing
a method for the collection of information relat-
ing to the incidence and prevalence of autism in
all countries worldwide.
(b) REPORT.—The Secretary of State shall direct the United States representative to the Executive Board of UNICEF to use the voice and vote of the United States to urge UNICEF to—

(1) provide for the preparation of a report that contains the results of the study described in subsection (a); and

(2) provide for the availability of the report on the Internet website of UNICEF.

(c) FUNDING.—Of the amounts made available for fiscal year 2006 to carry out section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221), $1,500,000 is authorized to be available for a voluntary contribution to UNICEF to conduct the study described in subsection (a) and prepare the report described in subsection (b).

SEC. 1110. INTERNET JAMMING.

(a) REPORT.—Not later than March 1 of the year following the date of the enactment of this Act, the Chairman of the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the status of state-sponsored and state-directed Internet jamming by repressive foreign governments and a description of efforts by the United States to counter such jamming. Each report shall list the countries the governments of which pursue Internet censorship or jamming and pro-
vide information concerning the government agencies or
quasi-governmental organizations of such governments
that engage in Internet jamming.

(b) FORM.—If the Chairman determines that such is
appropriate, the Chairman may submit such report to-
gether with a classified annex.

SEC. 1111. DEPARTMENT OF STATE EMPLOYMENT COM-
POSITION.

(a) STATEMENT OF POLICY.—In order for the De-
partment of State to accurately represent all people in the
United States, the Department must accurately reflect the
diversity of the United States.

(b) REPORT ON MINORITY RECRUITMENT.—Section
324 of the Foreign Relations Authorization Act, Fiscal
Year 2003 (Public Law 107–228) is amended—

(1) in the matter preceding paragraph (1), by
striking “April 1, 2003, and April 1, 2004,” and in-
serting “April 1, 2006, and April 1, 2007,”; and

(2) in paragraphs (1) and (2), by striking “mi-
nority groups” each place it appears and inserting
“minority groups and women”.

(c) ACQUISITION.—Section 324 of such Act is further
amended by adding at the end the following new para-
graph:
“(3) For the immediately preceding 12-month period for which such information is available—

“(A) the numbers and percentages of small, minority-owned, or disadvantaged businesses that provide goods and services to the Department as a result of contracts with the Department during such period;

“(B) the total number of such contracts;

“(C) the total dollar value of such contracts; and

“(D) and the percentage value represented by such contract proportionate to the total value of all contracts held by the Department.”.

(d) Use of Funds.—The provisions of section 325 of such Act shall apply to funds authorized to be appropriated under section 101(1)(G) of this Act.

SEC. 1112. INCITEMENT TO ACTS OF DISCRIMINATION.

(a) Inclusion of Information Relating to Incitement to Acts of Discrimination in Annual Country Reports on Human Right Practices.—

(1) Countries receiving economic assistance.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)), as amended by section 614(b)(1) of this Act, is further amended—
(A) in paragraph (10), by striking “and” at the end;

(B) in paragraph (11)(C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(12) wherever applicable, a description of the nature and extent of—

“(A) propaganda in foreign government and foreign government-controlled media and other sources, including foreign government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race or people;

“(B) complicity or involvement by the foreign government in the creation of such propaganda or incitement of acts of violence against any race or people; and

“(C) a description of the actions, if any, taken by the foreign government to eliminate such propaganda or incitement.”.

(2) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)), as amended by
section 614(b)(2) of this Act, is further amended by inserting after the ninth sentence the following new sentence: “Each report under this section shall also include, wherever applicable, a description of the nature and extent of propaganda in foreign government and foreign government-controlled media and other sources, including foreign government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race or people, complicity or involvement by the foreign government in the creation of such propaganda or incitement of acts of violence against any race or people, and a description of the actions, if any, taken by the foreign government to eliminate such propaganda or incitement.”.

(b) EFFECTIVE DATE OF AMENDMENT.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply beginning with the first report submitted by the Secretary of State under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) after such date.
SEC. 1113. CHILD MARRIAGE.

(a) One Time Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a one time report on the practice of the custom of child marriage in countries around the world. The report shall include the following information:

(1) A separate section for each country, as applicable, describing the nature and extent of child marriage in such country.

(2) A description of the actions, if any, taken by the government of each such country, where applicable, to revise the laws of such country and institutionalize comprehensive procedures and practices to eliminate child marriage.

(3) A description of the actions taken by the Department of State and other Federal departments and agencies to encourage foreign governments to eliminate child marriage and to support the activities of non-governmental organizations dedicated to eliminating child marriage and supporting its victims.

(b) Inclusion of Information Relating to Child Marriage in Annual Country Reports on Human Rights Practices.—
(1) COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)), as amended by sections 614(b)(1) and 1013(a)(1) of this Act, is further amended—

(A) in paragraph (11)(C), by striking “and” at the end;

(B) in paragraph (12)(C), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(13)(A) wherever applicable, a description of the nature and extent of laws and traditions in each country that enable or encourage the practice of child marriage; and

“(B) a description of the actions, if any, taken by the government of each such country to revise the laws of such country and institutionalize comprehensive procedures and practices to eliminate child marriage.”.

(2) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)), as amended by sections 614(b)(2) and 1013(a)(2) of this Act, is further amended by inserting after the tenth sen-
tence the following new sentence: “Each report
under this section shall also include, wherever appli-
cable, a description of the nature and extent of laws
and traditions in each country that enable or encourage
the practice of child marriage and a description
of the actions, if any, taken by the government of
each such country to revise the laws of such country
and institutionalize comprehensive procedures and
practices to eliminate child marriage.”.

(c) **Effective Date of Amendment.**—The
amendment made by subsection (b) shall take effect on
the date of the enactment of this Act and apply beginning
with the first report submitted by the Secretary of State
under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) after
the report required under subsection (a).

**SEC. 1114. MAGEN DAVID ADOM SOCIETY.**

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

“(5) Since the founding of the Magen David
Adom Society in 1930, the American Red Cross has
regarded it as a sister national society forging close
working ties between the two societies and has con-
sistently advocated recognition and membership of
the Magen David Adom Society in the International
Red Cross and Red Crescent Movement.

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

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

(1) in paragraph (3), by striking “and” at the
end;

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

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

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

(e) REPORT.—Section 690 of such Act is further
amended by adding at the end the following new sub-
section:
“(c) REPORT.—Not later than 60 days after the date
of the enactment of the Foreign Relations Authorization
Act, Fiscal Years 2006 and 2007, and one year thereafter,
the Secretary of State shall submit a report, on a classified
basis if necessary, to the appropriate congressional com-
mittees describing—

“(1) efforts by the United States to obtain full
membership for the Magen David Adom Society in
the International Red Cross and Red Crescent Move-
ment;

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

“(3) efforts of the High Contracting Parties to
the Geneva Conventions of August 12, 1949, to
adopt the October 12, 2000, draft additional proto-
col to the Geneva Conventions;

“(4) the extent to which the Magen David
Adom Society is participating in the activities of the
International Red Cross and Red Crescent Move-
ment; and

“(5) efforts by any state, member, or official of
the International Red Cross and Red Crescent Move-
ment to prevent, obstruct, or place conditions
upon—

“(A) adoption by the High Contracting
Parties to the Geneva Conventions of August
12, 1949, of the October 12, 2000, draft addi-
tional protocol to the Geneva Conventions; and

“(B) full participation of the Magen David
Adom Society in the activities of the Inter-
national Red Cross and Red Crescent Move-
ment.”.

SEC. 1115. DEVELOPMENTS IN AND POLICY TOWARD INDO-
NESIA.

(a) STATEMENT OF CONGRESS RELATING TO RE-
CENT DEVELOPMENTS, HUMAN RIGHTS, AND REFORM.—

Congress—

(1) recognizes the remarkable progress in de-

cratization and decentralization made by Indo-
nesia in recent years and commends the people of
Indonesia on the pace and scale of those continuing
reforms;

(2) reaffirms—

(A) its deep condolences to the people of
Indonesia for the profound losses inflicted by
the December 26, 2004, earthquake and tsu-
nami; and
(B) its commitment to generous United States support for relief and long term reconstruction efforts in affected areas;

(3) expresses its hope that in the aftermath of the tsunami tragedy the Government of Indonesia and other parties will succeed in reaching and implementing a peaceful, negotiated settlement of the long-standing conflict in Aceh;

(4) commends the Government of Indonesia for allowing broad international access to Aceh after the December 2004 tsunami, and urges that international nongovernmental organizations and media be allowed unfettered access throughout Indonesia, including in Papua and Aceh;

(5) notes with grave concern that—

(A) reform of the Indonesian security forces has not kept pace with democratic political reform, and that the Indonesian military is subject to inadequate civilian control and oversight, lacks budgetary transparency, and continues to emphasize an internal security role within Indonesia;

(B) members of the Indonesian security forces continue to commit many serious human rights violations, including killings, torture,
rape, and arbitrary detention, particularly in
areas of communal and separatist conflict; and

(C) the Government of Indonesia largely
fails to hold soldiers and police accountable for
extrajudicial killings and other serious human
rights abuses, both past and present, including
atrocities committed in East Timor prior to its
independence from Indonesia;

(6) condemns the intimidation and harassment
of human rights and civil society organizations by
members of the Indonesian security forces and mili-
tary-backed militia groups, and urges a complete in-
vestigation of the fatal poisoning of prominent
human rights activist Munir in September 2004; and

(7) urges the Government of Indonesia and the
Indonesian military to continue to provide full, ac-
tive, and unfettered cooperation to the Federal Bu-
reau of Investigation of the Department of Justice
in its investigation of the August 31, 2002, attack
near Timika, Papua, which killed three people (in-
cluding two Americans, Rick Spier and Ted Burgon)
and injured 12 others, and to pursue the indictment,
apprehension, and prosecution of all parties respon-
sible for that attack.
(b) **Findings Relating to Papua.**—Congress finds the following:

1. Papua, a resource-rich province whose indigenous inhabitants are predominantly Melanesian, was formerly a colony of the Netherlands.

2. While Indonesia has claimed Papua as part of its territory since its independence in the late 1940s, Papua remained under Dutch administrative control until 1962.

3. On August 15, 1962, Indonesia and the Netherlands signed an agreement at the United Nations in New York (commonly referred to as the “New York Agreement”) which transferred administration of Papua first to a United Nations Temporary Executive Authority (UNTEA), and then to Indonesia in 1963, pending an “act of free choice . . . to permit the inhabitants to decide whether they wish to remain with Indonesia”.

4. In the New York Agreement, Indonesia formally recognized “the eligibility of all adults [in Papua] . . . to participate in [an] act of self-determination to be carried out in accordance with international practice”, and pledged “to give the people of the territory the opportunity to exercise freedom of choice . . . before the end of 1969”.
(5) In July and August 1969, Indonesia conducted an “Act of Free Choice”, in which 1,025 selected Papuan elders voted unanimously to join Indonesia, in circumstances that were subject to both overt and covert forms of manipulation.

(6) In the intervening years, indigenous Papuans have suffered extensive human rights abuses, natural resource exploitation, environmental degradation, and commercial dominance by immigrant communities, and some individuals and groups estimate that more than 100,000 Papuans have been killed during Indonesian rule, primarily during the Sukarno and Suharto administrations.

(7) While the United States supports the territorial integrity of Indonesia, Indonesia’s historical reliance on force for the maintenance of control has been counterproductive, and long-standing abuses by security forces have galvanized independence sentiments among many Papuans.

(8) While the Indonesian parliament passed a Special Autonomy Law for Papua in October 2001 that was intended to allocate greater revenue and decision making authority to the Papuan provincial government, the promise of special autonomy has not been effectively realized and has been under-
mired in its implementation, such as by conflicting legal directives further subdividing the province in apparent contravention of the law and without the consent of appropriate provincial authorities.

(9) Rather than demilitarizing its approach, Indonesia has reportedly sent thousands of additional troops to Papua, and military operations in the central highlands since the fall of 2004 have displaced thousands of civilians into very vulnerable circumstances, contributing further to mistrust of the central government by many indigenous Papuans.

(10) According to the 2004 Annual Country Report on Human Rights Practices of the Department of State, in Indonesia “security force members murdered, tortured, raped, beat, and arbitrarily detained civilians and members of separatist movements” and “police frequently and arbitrarily detained persons without warrants, charges, or court proceedings” in Papua.

c) Reporting Requirements.—

(1) Report on special autonomy.—Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing implementation of spe-
cial autonomy for Papua and Aceh. Such reports
shall include—

(A) an assessment of the extent to which
each province has enjoyed an increase in rev-
enue allocations and decision making authority;

(B) a description of access by international
press and non-governmental organizations to
each province;

(C) an assessment of the role played by
local civil society in governance and decision
making;

(D) a description of force levels and con-
duct of Indonesian security forces in each prov-
ince; and

(E) a description of United States efforts
to promote respect for human rights in each
province.

(2) Report on the 1969 Act of Free
Choice.—Not later than 180 days after the date of
the enactment of this Act, the Secretary of State
shall submit to the appropriate congressional com-
mittees a report analyzing the 1969 Act of Free
Choice.
SEC. 1116. MURDERS OF UNITED STATES CITIZENS JOHN BRANCHIZIO, MARK PARSON, AND JOHN MARIN LINDE.

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

(1) On October 15, 2003, a convoy of clearly identified United States diplomatic vehicles was attacked by Palestinian terrorists in Gaza resulting in the death of United States citizens John Branchizio, Mark Parson, and John Marin Linde, and the injury of a fourth United States citizen.

(2) John Branchizio, Mark Parson, and John Marin Linde were contract employees providing security to United States diplomatic personnel who were visiting Gaza in order to identify potential Palestinian candidates for Fulbright Scholarships.

(3) A senior official of the Palestinian Authority was reported to have stated on September 22, 2004, that “Palestinian security forces know who was behind the killing” of John Branchizio, Mark Parson, and John Marin Linde.

(4) Following her visit to Israel and the West Bank on February 7, 2005, Secretary of State Condoleezza Rice announced that she had been “assured by President Abbas of the Palestinian Authority’s intention to bring justice to those who
murdered three American personnel in the Gaza in 2003”.

(5) Since the attack on October 15, 2003, United States Government personnel have been prohibited from all travel in Gaza.

(6) The United States Rewards for Justice program is offering a reward of up to $5,000,000 for information leading to the arrest or conviction of any persons involved in the murder of John Branchizio, Mark Parson, and John Marin Linde.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the continued inability or unwillingness of the Palestinian Authority to actively and aggressively pursue the murderers of United States citizens John Branchizio, Mark Parson, and John Marin Linde and bring them to justice calls into question the Palestinian Authority’s viability as a partner for the United States in resolving the Palestinian-Israeli conflict;

(2) future United States assistance to the Palestinian Authority may be affected, and the continued operation of the PLO Representative Office in Washington may be jeopardized, if the Palestinian Authority does not fully and effectively cooperate in
bringing to justice the murderers of John Branchizio, Mark Parson, and John Marin Linde;

and

(3) it is in the vital national security interest of the United States to safeguard, to the greatest extent possible consistent with their mission, United States diplomats and all embassy and consulate personnel, and to use the full power of the United States to bring to justice any individual or entity that threatens, jeopardizes, or harms them.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of State shall submit a report, on a classified basis if necessary, to the appropriate congressional committees describing—

(1) efforts by the United States to bring to justice the murderers of United States citizens John Branchizio, Mark Parson, and John Marin Linde;

(2) a detailed assessment of efforts by the Palestinian Authority to bring to justice the murderers of John Branchizio, Mark Parson, and John Marin Linde, including—

(A) the number of arrests, interrogations, and interviews by Palestinian Authority officials related to the case;
(B) the number of Palestinian security personnel and man-hours assigned to the case;

(C) the extent of personal supervision or involvement by the President and Ministers of the Palestinian Authority; and

(D) the degree of cooperation between the United States and the Palestinian Authority in regards to this case;

(3) a specific assessment by the Secretary of whether the Palestinian efforts described in paragraph (2) constitute the best possible effort by the Palestinian Authority; and

(4) any additional steps or initiatives requested or recommended by the United States that were not pursued by the Palestinian Authority.

(d) CERTIFICATION.—The requirement to submit a report under subsection (c) shall no longer apply if the Secretary of State certifies to the appropriate congressional committees that the murderers of United States citizens John Branchizio, Mark Parson, and John Marin Linde have been identified, arrested, and brought to justice.

(e) DEFINITION.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on International Relations
and the Committee on Appropriations of the House
of Representatives; and

(2) the Committee on Foreign Relations and
the Committee on Appropriations of the Senate.

SEC. 1117. DIPLOMATIC RELATIONS WITH ISRAEL.

(a) FINDINGS.—Congress makes the following find-

ings:

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

(2) Israel currently maintains diplomatic rela-
tions with 160 countries, 33 countries do not have
any diplomatic relations with Israel, and one country
has partial relations with Israel.

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

(4) After 57 years of existence, Israel deserves
to be treated as an equal country by its neighbors
and the world community.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that the United States should assist Israel in its ef-
forts to establish diplomatic relations.
(c) REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following information (in classified or unclassified form, as appropriate):

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

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to their attitudes toward and plans for entering into diplomatic relations with Israel.

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

(d) DEFINITION.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.
SEC. 1118. TAX ENFORCEMENT IN COLOMBIA.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report detailing challenges to tax code enforcement in Colombia. This report shall include, as a percentage of Colombia’s gross domestic product, an estimate of current tax revenue, an estimate of potential additional tax revenue if Colombia’s existing tax laws were fully enforced, and a discussion of how such additional revenue could be used to achieve the objectives of Plan Colombia, including supporting and expanding Colombia’s security forces and increasing the availability of alternative livelihoods for illicit crop growers and former combatants.

SEC. 1119. PROVISION OF CONSULAR AND VISA SERVICES IN PRISTINA, KOSOVA.

(a) Report.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing the possibility of providing consular and visa services at the United States Office Pristina, Kosovo (USOP) to residents of Kosova.
(b) CONTENTS.—The report required under subsection (a) shall contain the following information:

(1) The reasons why consular and visa services are not currently offered at the USOP, even though the Office has been in operation for more than five years.

(2) Plans for providing consular and visa services at the USOP, including conditions required before such services would be provided and the planned timing for providing such services.

(3) An explanation of why consular and visa services will not be offered at the USOP by January 1, 2007, if such services are not planned to be offered by such date.

(4) The number of residents of Kosova who apply for their visas outside of Kosova for each calendar year from 2000–2005.

SEC. 1120. DEMOCRACY IN PAKISTAN.

Not later than December 31 in each of fiscal years 2006 and 2007, the President shall submit to the appropriate congressional committees a report that contains a description of the extent to which, over the preceding 12-month period, the Government of Pakistan has restored a fully functional democracy in Pakistan in which free, fair, and transparent elections are held.
SEC. 1121. STATUS OF THE SOVEREIGNTY OF LEBANON.

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

(1) all parties in the Middle East and internationally should exert every effort to implement in its entirety the provisions of United Nations Security Council Resolution 1559 (2004), which, among other things—

(A) calls for “strict respect” for Lebanon’s sovereignty, territorial integrity, unity, and political independence “under the sole and exclusive authority of the Government of Lebanon throughout Lebanon”; 

(B) calls upon all remaining foreign forces to withdraw from Lebanon; 

(C) calls for the “disbanding and disarmament of all Lebanese and non-Lebanese militias”; and

(D) supports the extension of the control of the Government of Lebanon over all Lebanese territory;

(2) in accordance with United Nations Security Council Resolution 1559, all militias in Lebanon, including Hizballah, should be disbanded and disarmed at the earliest possible opportunity, and the
armed forces of Lebanon should take full control of all of Lebanon’s territory and borders;

(3) the Government of Lebanon is responsible for the disbanding and disarming of the militias, including Hizballah, and preventing the flow of armaments and other military equipment to the militias, including Hizballah, from Syria, Iran, and other external sources;

(4) Hizballah utilizes its resources to operate its television station, al-Manar, to recruit terrorists and incite violence, which contributes to instability in Lebanon and throughout the region;

(5) the Government of Lebanon should take steps to address the threat posed by al-Manar, including by revoking its license;

(6) the Government of the United States should closely monitor progress toward full implementation of all aspects of United Nations Security Council Resolution 1559, particularly the matters described in subparagraphs (A) through (D) of paragraph (1);

(7) the Government of the United States should closely monitor the Government of Lebanon’s efforts to stanch the flow of armaments and other military equipment to Hizballah and other militias from external sources, such as Syria and Iran;
(8) the United States and its allies should consider providing training and other assistance to the armed forces of Lebanon to enhance their ability to disarm Hizballah and other militias and stanch the flow of arms to Hizballah and other militias; and

(9) United States assistance provided to Lebanon after the date of the enactment of this Act may be affected if Lebanon does not make every effort to disarm militias, including Hizballah, and to deny them re-armament.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that describes and evaluates—

(1) the extent to which armed militias continue to operate in Lebanon and the progress of the Government of Lebanon to disband and disarm such militias;

(2) the extent to which the Government of Lebanon is committed to disbanding and disarming Hizballah and other militias and stanching the flow of arms to Hizballah and other militias;
(3) the progress of the armed forces of Lebanon to deploy to and take full control of all of Lebanon’s borders;

(4) the extent to which countries in the region attempt to direct arms to Lebanon-based militias or allow their territory to be traversed for this purpose and the extent to which these armament efforts succeed;

(5) the routes and means used by external sources attempting to supply arms to the Lebanon-based militias the countries that are involved in these efforts;

(6) the efforts of the United States and its allies to facilitate the process of disbanding and disarming Lebanon-based militias and stanching the flow of weapons to such militias;

(7) any recommendations for legislation to support the disbanding and disarming of Lebanon-based militias; and

(8) efforts by the Government of Lebanon and the United States and its allies to end broadcasts by al-Manar.

(e) FORM.—The report required by subsection (b) shall be submitted in unclassified form and may contain a classified annex if necessary.
(d) Certification.—The requirement to submit a report under subsection (b) shall no longer apply if the Secretary certifies to the appropriate congressional committees that all Lebanon-based militias have been disbanded and disarmed and the armed forces of Lebanon are deployed to and in full control of Lebanon’s borders.

SEC. 1122. ACTIVITIES OF INTERNATIONAL TERRORIST ORGANIZATIONS IN LATIN AMERICA AND THE CARIBBEAN.

(a) Sense of Congress.—It is the sense of Congress that—

(1) activities in Latin America and the Caribbean by international terrorist organizations and their affiliates and supporters represent a direct threat to the national security of the United States and hemispheric stability;

(2) international terrorist organizations, such as Hezbollah and Hamas, have profited and taken advantage of the dearth or weakened state of the rule of law in many Latin American and Caribbean countries to further their own aims; and

(3) the United States should work cooperatively with countries of Latin America and the Caribbean to expose and prevent such activities.
(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and not later than June 30 of the year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of international terrorist organizations in Latin America and the Caribbean. The report shall include the following:

(1) An assessment of the membership, stated intentions, recruitment, and terrorist fundraising capabilities of each international terrorist organization operating in Latin America and the Caribbean.

(2) An assessment of the relationship of each such international terrorist organization with other criminal enterprises or terrorist organizations for fundraising and other criminal purposes.

(3) An assessment of the activities of each such international terrorist organization.

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1123. ANALYSIS OF EMPLOYING WEAPONS SCIENTISTS FROM THE FORMER SOVIET UNION IN PROJECT BIOSHIELD.

(a) REPORT.—Not later than November 1, 2006, the Secretary of State, after consultation with the Secretary
of Health and Human Services, shall submit to the appro-
priate congressional committees a report containing an
analysis of—

(1) the scientific and technological contributions
that scientists formerly employed in the former So-

viet Union in the field of biological warfare could
make to the research and development of biomedical
countermeasures;

(2) the practical alternative methods through
which the services of such scientists could be em-

ployed so as to facilitate the application of the
knowledge and experience of such scientists to such
research and development;

(3) the cost-effectiveness of those methods of
employing the services of such scientists; and

(4) the desirability and national security impli-

cations of providing employment opportunities for
such scientists in the field of research and develop-
ment of biomedical countermeasures for purposes of
biological weapons nonproliferation.

(b) RECOMMENDATIONS.—Each Secretary shall also
include in the report required under subsection (a) any
recommendations of each for appropriate legislation to ad-
dress the issues analyzed in the report.
(c) **Definition.**—In this section, the term “biomedical countermeasures” means a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i))), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) that is used—

(1) in the diagnosis, cure, mitigation, treatment, or prevention of harm from any biological, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

(2) in diagnosis, cure, mitigation, treatment, or prevention of harm from a condition that may result in adverse health consequences or death.

SEC. 1124. **EXTRADITION OF VIOLENT CRIMINALS FROM MEXICO TO THE UNITED STATES.**

(a) **Findings.**—Congress finds the following:

(1) Mexico is unable to extradite criminals who face life sentences without the possibility of parole because of a 2001 decision of the Mexican Supreme Court.
(2) As a result of this ruling, Mexico is unable to extradite to the United States numerous suspects wanted for violent crimes committed in the United States unless the United States assures Mexico that these criminals will not face life imprisonment without the possibility of parole.

(3) The attorneys general from all 50 States have asked the Government of the United States to continue to address this extradition issue with the Government of Mexico.

(4) The Government of the United States and the Government of Mexico have experienced positive cooperation on numerous matters relevant to their bilateral relationship, including increased cooperation on extraditions.

(b) Sense of Congress.—It is the sense of Congress that the Government of the United States should encourage the Government of Mexico to continue to work closely with the Mexican Supreme Court to urge the Court to re-visit its October 2001 ruling so that the possibility of life imprisonment without parole will not have an effect on the timely extradition of criminal suspects from Mexico to the United States.

(c) Reports.—
(1) **Annual number and status of formal extradition requests made to Mexico by the United States.**—Not later than six months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(A) the number of formal requests made to the Government of Mexico by the Government of the United States for the extradition of Mexican nationals suspected of or convicted *in abstentia* for crimes committed in the United States in the preceding fiscal year, the names of such nationals, the crimes of which each such national is suspected or has been convicted *in abstentia*, a detailed disposition of the status of each such extradition request, and the progress that has been made with respect to each such extradition request in the preceding fiscal year;

and

(B) the number of such nationals who Mexico has extradited to the United States in response to formal extradition requests for such nationals in the preceding fiscal year.
(2) Aggregate number and status of formal extradition requests made to Mexico by the United States.—Not later than six months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(A) the number of formal requests made to the Government of Mexico by the Government of the United States for the extradition of Mexican nationals suspected of or convicted in absentia for crimes committed in the United States since the signing of the Extradition treaty, with appendix, between the United States and Mexico, signed at Mexico City on May 4, 1978 (31 UST 5059), including the names of such nationals, the crimes of which each such national is suspected or has been convicted in absentia, a detailed disposition of the status of each such extradition request, and the progress that has been made with respect to each such extradition request since such signing; and

(B) the number of such nationals who Mexico has extradited to the United States in response to formal extradition requests for such
nationals since the signing of the Extradition treaty, with appendix between the United States and Mexico.

(3) COOPERATION BY THE UNITED STATES WITH EXTRADITION REQUESTS FROM MEXICO.—Not later than six months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(A) the number of United States nationals who the United States has extradited to Mexico in response to formal extradition requests for such nationals by Mexico in the preceding fiscal year; and

(B) the number of United States nationals who the United States has extradited to Mexico in response to formal extradition requests for such nationals by Mexico since the signing of the Extradition treaty, with appendix between the United States and Mexico.

(d) FORM.—If the Secretary of State determines that such is appropriate, the Secretary may submit a report required under subsection (c) with a classified annex.
SEC. 1125. ACTIONS OF THE 661 COMMITTEE.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on United States decisions, actions, communications, and deliberations in the 661 Committee of the United Nations regarding the issues of overpricing of contracts, kickbacks from sales of humanitarian goods, efforts to correct and revalue the remaining contracts in the post-Saddam Hussein regime era, oil smuggling, and trade protocols. The report shall examine the process by which the United States made its decisions in the 661 Committee, the officials in the United States Government involved in these decisions, and the names of the officials who made the final decisions. The report shall also include information detailing the positions of the other members states of the 661 Committee with respect to the issues described in this subsection.

(b) INCLUSION OF SUPPORTING DOCUMENTS.—The report required under subsection (a) shall contain all supporting documents with respect to the decisions, actions, communications, and deliberations referred in such subsection.

(c) FORMAT.—If the Secretary determines that such is appropriate, the Secretary may submit the report required under subsection (a) with a classified annex.
(d) DEFINITION.—In this section, the term “661 Committee” means the committee within the United Nations that was tasked with administering the United Nations oil for food program.

SEC. 1126. ELIMINATION OF REPORT ON REAL ESTATE TRANSACTIONS.

Section 12 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 303) is hereby repealed.

SEC. 1127. ALIEN SMUGGLING AND TRAFFICKING IN PERSONS FROM ECUADOR.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report, based on a cost-benefit analysis, that examines and describes the most effective use, across all responsible Federal departments and agencies, of United States security assistance (including assistance under chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.; relating to international narcotics control)) to Ecuador, including the use of intelligence gathering and surveillance, to establish mechanisms to—

(1) prevent and interdict alien smuggling, including trafficking in persons, from Ecuador, either at land points of assembly, or later at sea;
(2) prevent potential concealment of terrorists attempting to enter the United States within the smuggled group; and

(3) identify and prosecute individuals or organizations that engage in or promote such alien smuggling.

(b) COOPERATION IN PREPARATION.—The Secretary shall prepare the report referred to in subsection (a) in cooperation with the Secretary of Homeland Security, who shall specifically address the roles and impacts of alien smuggling from Ecuador on United States air and surface assets assigned to counternarcotics missions in the eastern Pacific Ocean.

SEC. 1128. EXTRADITIONS OF AFGHAN DRUG TRAFFICKERS AND DRUG KINGPINS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing all pending United States requests for extradition from Afghanistan of illicit drug traffickers and drug kingpins who are under indictment in the United States. Such report shall also include a description of the status and response to such requests from the Government of Afghanistan.
SEC. 1129. FUNDING FOR NONGOVERNMENTAL ORGANIZATIONS UNDER THE PRESIDENT'S EMERGENCY PLAN FOR AIDS RELIEF.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that—

(1) identifies by name each nongovernmental organization that has received funding under the President’s Emergency Plan for AIDS Relief on or after the date of the enactment of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Public Law 108–25), the date on which the funding was provided to the organization, and the date on which the organization filed a statement with the Government of the United States certifying that the organization has in effect a policy explicitly opposing prostitution and sex trafficking; and

(2) contains a description of the plan of the Department of State to audit compliance by each nongovernmental organization that receives funding under the President’s Emergency Plan for AIDS Relief to have and adhere to a policy explicitly opposing prostitution and sex trafficking and to submit to the appropriate congressional committees the results of such audit.
TITLE XII—HENRY J. HYDE
UNITED NATIONS REFORM
ACT OF 2005

SEC. 1201. SHORT TITLE.

This title may be cited as the “Henry J. Hyde United Nations Reform Act of 2005”.

SEC. 1202. DEFINITIONS.

In this title:

(1) EMPLOYEE.—The term “employee” means an individual who is employed in the general services, professional staff, or senior management of the United Nations, including contractors and consultants.

(2) GENERAL ASSEMBLY.—The term “General Assembly” means the General Assembly of the United Nations.

(3) MEMBER STATE.—The term “Member State” means a Member State of the United Nations. Such term is synonymous with the term “country”.

(4) SECRETARY.—The term “Secretary” means the Secretary of State.

(5) SECRETARY GENERAL.—The term “Secretary General” means the Secretary General of the United Nations.

(7) **SPECIALIZED AGENCIES AND SPECIALIZED AGENCIES OF THE UNITED NATIONS.**—The terms “specialized agencies” and “specialized agencies of the United Nations” mean—

(A) the Food and Agriculture Organization (FAO);

(B) the International Atomic Energy Agency (IAEA);

(C) the International Civil Aviation Organization (ICAO);

(D) the International Fund for Agricultural Development (IFAD);

(E) the International Labor Organization (ILO);

(F) the International Maritime Organization (IMO);

(G) the International Telecommunication Union (ITU);

(H) the United Nations Educational, Scientific, and Cultural Organization (UNESCO);

(I) the United Nations Industrial Development Organization (UNIDO);
(J) the Universal Postal Union (UPU); 

(K) the World Health Organization (WHO) and its regional agencies; 

(L) the World Meteorological Organization (WMO); and 

(M) the World Intellectual Property Organization (WIPO).

SEC. 1203. STATEMENT OF CONGRESS.

Congress declares that, in light of recent history, it is incumbent upon the United Nations to enact significant reform measures if it is to restore the public trust and confidence necessary for it to achieve the laudable goals set forth in its Charter. To this end, the following Act seeks to reform the United Nations.

Subtitle A—Mission and Budget of the United Nations

SEC. 1211. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

(a) Statements of Policy.—

(1) In general.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to—

(A) pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations; and
(B) shift funding mechanisms of certain
organizational programs of the United Nations
specified under paragraph (4) from the regular
assessed budget to voluntarily funded programs.

(2) UNITED STATES CONTRIBUTIONS.—It shall
be the policy of the United States to—

(A) redirect United States contributions to
the United Nations to achieve the policy objec-
tives described in paragraph (1)(B); and

(B) redirect a portion of funds from the
following organizational programs to pursue the
policy objectives described in paragraph (1)(A):

(i) Public Information.

(ii) General Assembly affairs and con-
ference services.

(3) FUTURE BIENNIAL BUDGETS.—It shall be
the policy of the United States to use its voice, vote,
and influence at the United Nations to ensure that
future biennial budgets of the United Nations, as
agreed to by the General Assembly, reflect the shift
in funding mechanisms described in paragraph
(1)(B) and the redirection of funds described in
paragraph (2).
(4) **CERTAIN ORGANIZATIONAL PROGRAMS.**—

The organizational programs referred to in paragraph (1)(B) are the following:

(A) Economic and social affairs.

(B) Least-developed countries, landlocked developing countries and small island developing States.

(C) United Nations support for the New Partnership for Africa’s Development.

(D) Trade and development.

(E) International Trade Center UNCTAD/WTO.

(F) Environment.

(G) Human settlements.

(H) Crime prevention and criminal justice.

(I) International drug control.

(J) Economic and social development in Africa.

(K) Economic and social development in Asia and the Pacific.

(L) Economic development in Europe.

(M) Economic and social development in Latin America and the Caribbean.

(N) Economic and social development in Western Asia.
(O) Regular program of technical cooperation.
(P) Development account.
(Q) Protection of and assistance to refugees.
(R) Palestine refugees.

(b) Authorization With Respect to the Regular Assessed Budget of the United Nations.—
Subject to the amendment made by subsection (c), the Secretary of State is authorized to make contributions toward the amount assessed to the United States by the United Nations for the purpose of funding the regular assessed budget of the United Nations.

(c) United States Financial Contributions to the United Nations.—Section 11 of the United Nations Participation Act of 1945 (22 U.S.C. 287e–3) is amended to read as follows:

“SEC. 11. UNITED STATES FINANCIAL CONTRIBUTIONS TO THE UNITED NATIONS.

“(a) Policy of the United States Relating to the Regular Assessed Budget of the United Nations.—

“(1) In general.—The President shall direct the United States Permanent Representative to the
United Nations to use the voice, vote, and influence of the United States at the United Nations to—

“(A) pursue a streamlined, efficient, and accountable regular assessed budget of the United Nations; and

“(B) shift funding mechanisms of certain organizational programs of the United Nations specified under paragraph (2) of subsection (c) from the regular assessed budget to voluntarily funded programs.

“(2) UNITED STATES CONTRIBUTIONS.—It shall be the policy of the United States to—

“(A) redirect United States contributions to the United Nations to achieve the policy objectives described in paragraph (1)(B); and

“(B) redirect a portion of funds from the following organizational programs to pursue the policy objectives described in paragraph (1)(A):

“(i) Public Information.

“(ii) General Assembly affairs and conferences services.

“(3) FUTURE BIENNium BUDGETS.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the
United Nations to ensure that the shifting of funding mechanisms under paragraph (1)(B) and redirecting of contributions under paragraph (2) be reflected in future resolutions agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium.

To achieve the policies described in paragraphs (1) and (2), the United States Permanent Representative to the United Nations shall withhold the support of the United States for a consensus for such budget until such time as such budget is reflective of such policies.

“(b) 22 PERCENT LIMITATION.—In accordance with section 1171 of the Henry J. Hyde United Nations Reform Act of 2005, the Secretary may not make a contribution to a regularly assessed biennial budget of the United Nations in an amount greater than 22 percent of the amount calculable under subsection (c).

“(c) ANNUAL DUES.—

“(1) IN GENERAL.—For annual dues paid by the United States to the United Nations each fiscal year, the percentage specified in subsection (b) shall be multiplied by one-half of the amount of the regularly assessed budget of the United Nations for a
current biennial period, as agreed to by resolution of
the General Assembly.

“(2) CALCULATION WITH RESPECT TO CERTAIN
ORGANIZATIONAL PROGRAMS FOR REDIRECTION.—
The percentage specified in subsection (b) shall be
multiplied by one-half of the sum of amounts budg-
eted by resolution of the General Assembly for a
current biennial period for the following certain or-
ganizational programs:

“(A) Economic and social affairs.

“(B) Least-developed countries, landlocked
developing countries and small island develop-
ing States.

“(C) United Nations support for the New
Partnership for Africa’s Development.

“(D) Trade and development.

“(E) International Trade Center
UNCTAD/WTO.

“(F) Environment.

“(G) Human settlements.

“(H) Crime prevention and criminal jus-
tice.

“(I) International drug control.

“(J) Economic and social development in
Africa.
“(K) Economic and social development in Asia and the Pacific.

“(L) Economic development in Europe.

“(M) Economic and social development in Latin America and the Caribbean.

“(N) Economic and social development in Western Asia.

“(O) Regular program of technical co-operation.

“(P) Development account.

“(Q) Protection of and assistance to refugees.

“(R) Palestine refugees.

“(3) REDIRECTION OF FUNDS.—Of amounts appropriated for contributions towards payment of regular assessed dues to the United Nations for 2008 and each subsequent year, if the funding mechanisms of one or more of the organizational programs of the United Nations specified in paragraph (2) have not been shifted from the regular assessed budget to voluntarily funded programs in accordance with subsection (a)(1), the Secretary shall ensure that such amounts in each such fiscal year that are specified for each such organizational program pursuant to the resolution agreed to by the
General Assembly for the regular assessed budget of the United Nations for the period of a current biennium are redirected from payment of the assessed amount for the regular assessed budget as follows:

“(A) Subject to not less than 30 days prior notification to Congress, the Secretary shall expend an amount, not to exceed 40 percent of the amount specified for each such organizational program pursuant to the resolution agreed to by the General Assembly for the regular assessed budget of the United Nations for the period of a current biennium, as a contribution to an eligible organizational program specified in paragraph (4).

“(B) Subject to not less than 30 days prior notification to Congress, the Secretary shall expend the remaining amounts under this paragraph to voluntarily funded United Nations specialized agencies, funds, or programs.

“(4) Eligible Organizational Programs.— The eligible organizational programs referred to in paragraph (3)(A) for redirection of funds under such paragraph are the following:

“(A) Internal oversight.

“(B) Human rights.
“(C) Humanitarian assistance.

“(D) An organizational program specified in subparagraphs (A) through (P) of paragraph (2), subject to paragraph (5).

“(5) EXPENDITURE OF REMAINING AMOUNTS TO CERTAIN ORGANIZATION PROGRAMS.—

“(A) VOLUNTARY CONTRIBUTION.—Subject to not less than 30 days prior notification to Congress and the limitation specified under subparagraph (B), the Secretary is authorized to make a voluntary contribution to an organizational program of the United Nations specified in subparagraphs (A) through (P) of paragraph (2) of any amounts not contributed in a fiscal year to an eligible organizational program specified in subparagraphs (A) through (C) of paragraph (4).

“(B) 10 PERCENT LIMITATION.—A voluntary contribution under subparagraph (A) to an organizational program of the United Nations specified in subparagraphs (A) through (P) of paragraph (2) may not exceed 10 percent of the total contribution made under paragraph (3)(A).
“(d) FURTHER CALCULATION WITH RESPECT TO
BUDGETS FOR PUBLIC INFORMATION AND GENERAL AS-
SEMBLY AFFAIRS AND CONFERENCE SERVICES.—

“(1) 22 PERCENT LIMITATION.—The Secretary
may not make a contribution to a regularly assessed
biennial budget of the United Nations in an amount
greater than 22 percent of the amount calculable
under paragraph (2).

“(2) ANNUAL DUES EACH FISCAL YEAR.—

“(A) IN GENERAL.—For annual dues paid
by the United States to the United Nations
each fiscal year, the percentage specified in
paragraph (1) shall be multiplied by one-half of
the amount of the regularly assessed budget of
the United Nations for a current biennial pe-
riod, as agreed to by resolution of the General
Assembly.

“(B) CALCULATION WITH RESPECT TO
PUBLIC INFORMATION AND GENERAL ASSEMBLY
AFFAIRS AND CONFERENCE SERVICES.—With
respect to such United States annual dues, the
percentage specified in paragraph (1) shall be
multiplied by one-half of the sum of amounts
budgeted by resolution of the General Assembly
for the 2004–2005 biennial period for the following organizational programs:

“(i) Public Information.

“(ii) General Assembly affairs and conferences services.

“(C) REDIRECTION OF FUNDS.—

“(i) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to make every effort, including the withholding of United States support for a consensus budget of the United Nations, to reduce the budgets of the organizational programs specified in subparagraph (B) for 2007 by 10 percent against the budgets of such organizational programs for the 2004–2005 biennial period. If the budgets of such organizational programs are not so reduced, 20 percent the amount determined under subparagraph (B) for contributions towards payment of regular assessed dues for 2007 shall be redirected from payment for the amount assessed for United States annual contributions to the
regular assessed budget of the United Na-

tions.

“(ii) SPECIFIC AMOUNTS.—The Sec-
retary shall make the amount determined
under clause (i) available as a contribution
to an eligible organizational program speci-
fied in subparagraphs (A) through (C) of
paragraph (4) of subsection (c).

“(3) POLICY WITH RESPECT TO 2008–2009 BIEN-
NIAL PERIOD AND SUBSEQUENT BIENNIAL PERI-
ODS.—

“(A) IN GENERAL.—The President shall
direct the United States Permanent Represent-
ative to the United Nations to make every ef-
fort, including the withholding of United States
support for a consensus budget of the United
Nations, to reduce the budgets of the organiz-
tional programs specified in subparagraph (B)
of paragraph (2) for the 2008–2009 biennial
period and each subsequent biennial period by
20 percent against the budgets of such organi-
zational programs for the 2004–2005 biennial
period.

“(B) CERTIFICATION.—In accordance with
section 1171 of the Henry J. Hyde United Na-
tions Reform Act of 2005, a certification shall
be required that certifies that the reduction in
budgets described in subparagraph (A) has
been implemented.”.

(d) Effective Date.—The amendment made by
subsection (c) shall take effect and apply beginning on Oc-
tober 1, 2006.

(e) Limitation on United States Contributions
to UNRWA.—The Secretary of State may not make a
contribution to the United Nations Relief and Works
Agency for Palestine Refugees in the Near East
(UNRWA) in an amount greater than the highest con-
tribution to UNRWA made by an Arab country, but may
not exceed 22 percent of the total budget of UNRWA. For
purposes of this subsection, an Arab country includes the
following: Algeria, Bahrain, Comoros, Dijibouti, Egypt,
Iran, Jordan, Kuwait, Lebanon, Libya, Mauritania, Mo-
rocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria,
Tunisia, the United Arab Emirates, Iraq, and Yemen.

(f) Policy Relating to Zero Nominal
Growth.—It shall be the policy of the United States to
use the voice, vote, and influence of the United States at
the United Nations to make every effort to enforce zero
nominal growth in all assessed dues to the regular budget
of the United Nations, its specialized agencies, and its funds and programs.

(g) 5.6 Rule.—It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to actively enforce the 5.6 rule at the United Nations, requiring the Secretariat to identify low-priority activities in the budget proposal. The United Nations should strengthen the 5.6 rule by requiring that managers identify the lowest priority activities equivalent to 15 percent of their budget request or face an across the board reduction of such amount.

(h) Annual Publication.—It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to ensure the United Nations is annually publishing a list of all subsidiary bodies and their functions, budgets, and staff.

(i) Scale of Assessments.—

(1) In General.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure that the difference between the scale of assessments for the five permanent members of the Security Council is not greater than
five times that of any other permanent member of 
the Security Council.

(2) DENIAL OF USE OF VETO.—If the Secretary 
of State determines that a permanent member of the 
Security Council with veto power is not in compli-
ance with the requirement described in paragraph 
(1), the President shall direct the United States Per-
manent Representative to the United Nations to use 
the voice, vote, and influence of the United States at 
the United Nations to make every effort to deny to 
such permanent member the use of the veto power 
of such permanent member until such time as such 
permanent member satisfies the requirement of such 
paragraph.

SEC. 1212. WEIGHTED VOTING.

It shall be the policy of the United States to actively 
pursue weighted voting with respect to all budgetary and 
financial matters in the Administrative and Budgetary 
Committee and in the General Assembly in accordance 
with the level of the financial contribution of a Member 
State to the regular assessed budget of the United Na-
tions.

SEC. 1213. BUDGET CERTIFICATION REQUIREMENTS.

(a) CERTIFICATION.—In accordance with section 
1171, a certification shall be required that certifies that
the conditions described in subsection (b) have been satisfied.

(b) CONDITIONS.—The conditions under this subsection are the following:

(1) NEW BUDGET PRACTICES FOR THE UNITED NATIONS.—The United Nations is implementing budget practices that—

(A) require the maintenance of a budget not in excess of the level agreed to by the General Assembly at the beginning of each United Nations budgetary biennium, unless increases are agreed to by consensus and do not exceed ten percent; and

(B) require the identification of expenditures by the United Nations by functional categories such as personnel, travel, and equipment.

(2) PROGRAM EVALUATION.—

(A) EXISTING AUTHORITY.—The Secretary General and the Director General of each specialized agency have used their existing authorities to require program managers within the United Nations Secretariat and the Secretariats of the specialized agencies to conduct evalua-
tions in accordance with the standardized method-
ology referred to in subparagraph (B) of—

(i) United Nations programs approved
by the General Assembly; and

(ii) programs of the specialized agen-
cies.

(B) DEVELOPMENT OF EVALUATION CRITERIA.—

(i) UNITED NATIONS.—The Office of
Internal Oversight Services has developed
a standardized methodology for the evalua-
tion of United Nations programs approved
by the General Assembly, including specific
criteria for determining the continuing rel-
relevance and effectiveness of the programs.

(ii) SPECIALIZED AGENCIES.—Patterned on the work of the Office of Inter-
nal Oversight Services of the United Na-
tions, each specialized agency has devel-
oped a standardized methodology for the
evaluation of the programs of the agency,
including specific criteria for determining
the continuing relevance and effectiveness
of the programs.
(C) REPORT.—The Secretary General is assessing budget requests and, on the basis of evaluations conducted under subparagraph (B) for the relevant preceding year, submits to the General Assembly a report containing the results of such evaluations, identifying programs that have satisfied the criteria for continuing relevance and effectiveness, and an identification of programs that have not satisfied such criteria and should be terminated.

(D) SUNSET OF PROGRAMS.—Consistent with the July 16, 1997, recommendations of the Secretary General regarding a sunset policy and results-based budgeting for United Nations programs, the United Nations and each specialized agency has established and is implementing procedures to require all new programs approved by the General Assembly to have a specific sunset date.

SEC. 1214. ACCOUNTABILITY.

(a) CERTIFICATION OF CREATION OF INDEPENDENT OVERSIGHT BOARD.—In accordance with section 1171, a certification shall be required that certifies that the following reforms related to the establishment of an Inde-
pendent Oversight Board (IOB) have been adopted by the United Nations:

(1) An IOB is established from existing United Nations budgetary and personnel resources. Except as provided in this subsection, the IOB shall be an independent entity within the United Nations and shall not be subject to budget authority or organizational authority of any entity within the United Nations.

(2) The head of the IOB shall be a Director, who shall be nominated by the Secretary General and who shall be subject to Security Council approval by a majority vote. The IOB shall also consist of four other board members who shall be nominated by the Secretary General and subject to Security Council approval by a majority vote. The IOB shall be responsible to the Security Council and the Director and board members shall each serve terms of six years, except that the terms of the initial board shall be staggered so that no more than two board members’ terms will expire in any one year. No board member may serve more than two terms. An IOB board member may be removed for cause by a majority vote of the Security Council. The Director
shall appoint a professional staff headed by a Chief of Staff and may employ contract staff as needed.

(3) The IOB shall receive operational and budgetary funding through appropriations by the General Assembly from existing levels of United Nations budgetary and personnel resources, and shall not be dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

(4) While the IOB shall have the authority to evaluate all operations of the United Nations, the primary mission of the IOB is to oversee the Office of Internal Oversight Services and the Board of External Auditors. The IOB may direct the Office of Internal Oversight Services or the Board of External Auditors to initiate, abandon, or modify the scope of an investigation. Every three months or more frequently when appropriate, the IOB shall submit, as appropriate, to the Secretary General, the Security Council, the General Assembly, or the Economic and Social Council a report on its activities, relevant observations, and recommendations relating to its audit operations, including information relating to the inventory and status of investigations by the Office of Internal Oversight Services.
(5) In extraordinary circumstances and with the concurrence of the Secretary General or the Security Council by majority vote, the IOB may augment the Office of Internal Oversight Services with a special investigator and staff consisting of individuals who are not employees of the United Nations, to investigate matters involving senior officials of the United Nations or of its specialized agencies when allegations of serious misconduct have been made and such a special investigation is necessary to maintain public confidence in the integrity of the investigation. A special investigator and staff shall comply with all United Nations financial disclosure and conflict of interest rules, including the filing of an individual Annual Financial Disclosure Form in accordance with subsection (c).

(6) The IOB shall recommend annual budgets for the Office of Internal Oversight Services and the Board of External Auditors.

(7)(A) The IOB shall review the Final Report of the Independent Inquiry Committee (IIC) into the United Nations Oil for Food Program (OFF). The IOB’s review should focus on the adequacy of the IIC’s Final Report or any subsequent reports of the IIC or of any possible successor to the IIC. The
IOB’s review of the IIC’s Final Report should address the Final Report’s treatment of and adequacy in the following areas—

(i) OFF’s operations from inception through the transfer of power from the Coalition Provisional Authority to the interim Iraqi government;

(ii) claims of oil smuggling, illegal surcharges on oil and commissions on commodity contracts, illegal kick-backs, use of oil allocations to influence foreign government officials and international people of influence, and use of funds for military purposes;

(iii) the involvement, directly or indirectly, of any entity, bureau, division, department, specialized agency, or employee (including the Secretary General) of the United Nations, including any employee of the specialized agencies of the United Nations or any employee or officer of the Secretariat;

(iv) the IIC’s findings, discovery and use of evidence, and investigation practices; and

(v) the extent of cooperation by the United Nations with requests by Congress for testimony, interviews, documents, correspondence,
reports, memoranda, books, papers, accounts, or records related to the Oil for Food Program.

(B) Subsequent to the IOB’s review, the IOB shall determine in a written report whether the IIC investigation is incomplete or inadequate in any respects and whether any additional investigation is justified. If the IOB determines that additional investigation is warranted, it shall appoint, in accordance with paragraph (5), a special investigator and staff consisting of individuals who are not employees of the United Nations and to identify specific areas within the OFF to investigate.

(b) Certification of United Nations Reforms of the Office of Internal Oversight Services.—In accordance with section 1171, a certification shall be required that certifies that the following reforms related to the Office of Internal Oversight Services (OIOS) have been adopted by the United Nations:

(1) The OIOS is designated as an independent entity within the United Nations. The OIOS shall not be subject to budget authority or organizational authority of any entity within the United Nations except as provided in this section.

(2) The regular assessed budget of the United Nations shall fully fund the Internal Oversight
Budget from existing levels of United Nations budgetary and personnel resources and shall not be dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

(3) All United Nations officials, including officials from any entity, bureau, division, department, or specialized agency of the United Nations, may—

(A) make a recommendation to the OIOS to initiate an investigation of any aspect of the United Nations; or

(B) report to the OIOS information or allegations of misconduct or inefficiencies within the United Nations.

(4) The OIOS may, *sua sponte*, initiate and conduct an investigation or audit of any entity, bureau, division, department, specialized agency, employee (including the Secretary General) of the United Nations, including any employee of the specialized agencies of the United Nations, or contractor or consultant for the United Nations or its specialized agencies.

(5) At least every three months and more frequently when appropriate, the OIOS shall submit to
the IOB a report containing an inventory and status
of its investigations.

(6) The OIOS shall establish procedures for
providing “whistle-blower” status and employment
protections for all employees of the United Nations,
including employees of the specialized agencies of
the United Nations, who provide informational leads
and testimony related to allegations of wrongdoing.
Such procedures shall be adopted throughout the
United Nations. Such status and protection may not
be conferred on the Secretary General.

(7) The OIOS shall annually publish a public
report determining the proper number, distribution,
and expertise of auditors within the OIOS necessary
to carry out present and future duties of the OIOS,
including assessing the staffing requirements needed
to audit United Nations contracting activities
throughout the contract cycle from the bid process
to contract performance.

(8) Not later than six months after the date of
the enactment of this Act, the Director shall estab-
lish a position of Associate Director of OIOS for
Specialized Agencies and Funds and Programs who
shall be responsible for supervising the OIOS liaison
or oversight duties for each of the specialized agen-
cies and funds and programs of the United Nations.

With the concurrence of the Director, the Associate Director of OIOS for Specialized Agencies and Funds and Programs may, from existing levels of United Nations budgetary and personnel resources, hire and appoint necessary OIOS staff, including staff serving within and located at specialized agencies and funds and programs permanently or as needed to liaison with existing audit functions within each specialized agency and fund and program.

(9) Not later than six months after the date of the enactment of this Act, the Director shall establish a position of Associate Director of OIOS for Peacekeeping Operations, who shall be responsible for the oversight and auditing of the field offices attached to United Nations peacekeeping operations. The Associate Director of OIOS for Peacekeeping Operations shall receive informational leads and testimony from any person regarding allegations of wrongdoing by United Nations officials or peacekeeping troops or regarding inefficiencies associated with United Nations peacekeeping operations. The Associate Director of OIOS for Peacekeeping Operations shall be responsible for initiating, conducting,
and overseeing investigations within peacekeeping operations.

(10) Not later than six months after the date of the enactment of this Act, the Director shall est-
establish a position of Associate Director of OIOS for Procurement and Contract Integrity, who shall be responsible for auditing and inspecting procurement and contracting within the United Nations, including within the specialized agencies. The Associate Director of OIOS for Procurement and Contract Integrity shall receive informational leads and testimony from any person regarding allegations of wrongdoing by United Nations officials or regarding inefficiencies associated with United Nations procurement or contract activities. The Associate Director of OIOS for Procurement and Contract Integrity shall be responsible for initiating, conducting, and overseeing investigations of procurement and contract activities. Not later than 12 months after the establishment of the position of Associate Director of OIOS for Procurement and Contract Integrity, the Director, with the assistance of the Associate Director of OIOS for Procurement and Contract Integrity, shall undertake a review of contract procedures to ensure that prac-
tices and policies are in place to ensure that—
(A) the United Nations has ceased issuing single bid contracts except for such contracts issued during an emergency situation that is justified by the Under Secretary General for Management;

(B) the United Nations has established effective controls to prevent conflicts of interest in the award of contracts; and

(C) the United Nations has established effective procedures and policies to ensure effective and comprehensive oversight and monitoring of United Nations contract performance.

c) Certification of Establishment of United Nations Office of Ethics.—In accordance with section 1171, a certification shall be required that certifies that the following reforms related to the establishment of a United Nations Office of Ethics have been adopted by the United Nations:

(1) A United Nations Office of Ethics (UNOE) is established. The UNOE shall be an independent entity within the United Nations and shall not be subject to budget authority or organizational authority of any entity within the United Nations. The UNEO shall be responsible for establishing, managing, and enforcing a code of ethics for all employ-
ees of United Nations and its specialized agencies. The UNEO shall also be responsible for providing such employees with annual training related to such code. The head of the UNEO shall be a Director who shall be nominated by the Secretary General and who shall be subject to Security Council approval by majority vote. The UNOE shall promulgate ethics rules, including the following:

(A) No employee of any United Nations entity, bureau, division, department, or specialized agency may be compensated while participating in the domestic politics of the country of such employee, except for voting or acting as part of a Security Council, General Assembly, or legitimately authorized United Nations mission or assignment.

(B) No United Nations entity, bureau, division, department, or specialized agency may hire an individual convicted in a generally recognized court of a democratically-elected government with an independent judiciary and an extradition treaty with the United States and the European Union for any crime or crimes involving financial misfeasance, malfeasance, fraud, or perjury.
(C) The employment of an employee of any United Nations entity, bureau, division, department, or specialized agency who is convicted in a generally recognized court of a democratically-elected government with an independent judiciary and an extradition treaty with the United States and the European Union of any crime or crimes involving financial misfeasance, malfeasance, fraud, or perjury shall be subject to termination.

(D) If an employee of any United Nations entity, bureau, division, department, or specialized agency has contact regarding the disposition of ongoing internal United Nations operations or decisions with an individual who is not an employee or official of the government of a Member State (or a similarly situated individual), with an individual who is not officially employed by any United Nations entity, bureau, division, department, or specialized agency, or with an individual who is not a working member of the media, a memorandum of such contact shall be prepared by such employee and, upon request, be made available to Member States.
(2) The UNEO shall receive operational and budgetary funding through appropriations by the General Assembly from existing levels of United Nations budgetary and personnel resources and shall not be dependent upon any other entity, bureau, division, department, or specialized agency of the United Nations for such funding.

(3) The Director of the UNEO shall, not later than six months after the date of its establishment, publish a report containing proposals for implementing a system for the filing and review of individual Annual Financial Disclosure Forms by each employee of the United Nations, including by each employee of its specialized agencies, at the P–5 level and above and by all contractors and consultants compensated at any salary level. Such system shall be in place and operational not later than six months after the date of the publication of the report. Such completed forms shall be made available to the Office of Internal Oversight Services at the request of the Director of the Office of Internal Oversight Services. Such system shall seek to identify and prevent conflicts of interest by United Nations employees and shall be comparable to the system used for such purposes by the United States
Government. Such report shall also address broader reforms of the ethics program for the United Nations, including—

(A) the effect of the establishment of ethics officers throughout all organizations within the United Nations;

(B) the effect of retention by the UNEO of Annual Financial Disclosure Forms;

(C) proposals for making completed Annual Financial Disclosure Forms available to the public on request through their Member State’s mission to the United Nations;

(D) proposals for annual disclosure to the public of information related to the annual salaries and payments, including pension payments and buyouts, of employees of the United Nations, including employees of its specialized agencies, and of consultants;

(E) proposals for annual disclosure to the public of information related to per diem rates for all bureaus, divisions, departments, or specialized agencies within the United Nations;

(F) proposals for disclosure upon request by the Ambassador of a Member State of information related to travel and per diem payments
made from United Nations funds to any person;

and

(G) proposals for annual disclosure to the public of information related to travel and per diem rates and payments made from United Nations funds to any person.

(d) CERTIFICATION OF UNITED NATIONS ESTABLISHMENT OF POSITION OF CHIEF OPERATING OFFICER.—In accordance with section 1171, a certification shall be required that certifies that the following reforms related to the establishment of the position of a Chief Operating Officer have been adopted by the United Nations:

(1) There is established the position of Chief Operating Officer (COO). The COO shall report to the Secretary General.

(2) The COO shall be responsible for formulating general policies and programs for the United Nations in coordination with the Secretary General and in consultation with the Security Council and the General Assembly. The COO shall be responsible for the daily administration, operation and supervision, and the direction and control of the business of the United Nations. The Chief Operating Officer shall also perform such other duties and may exer-
cise such other powers as from time to time may be
assigned to the COO by the Secretary General.

(e) Certification of Access by Member States
to Reports and Audits by Board of External
Auditors.—In accordance with section 1171, a certifi-
cation shall be required that certifies that Member States
may, upon request, have access to all reports and audits
completed by the Board of External Auditors.

(f) Waiver of Immunity.—The President shall di-
rect the United States Permanent Representative to the
United Nations to use the voice, vote, and influence of the
United States at the United Nations to ensure that the
Secretary General exercises the right and duty of the Sec-
etary General under section 20 of the Convention on the
Privileges and Immunities of the United Nations to waive
the immunity of any United Nations official in any case
in which such immunity would impede the course of jus-
tice. In exercising such waiver, the Secretary General is
urged to interpret the interests of the United Nations as
favoring the investigation or prosecution of a United Na-
tions official who is credibly under investigation for having
committed a serious criminal offense or who is credibly
charged with a serious criminal offense.

(g) Certification of United Nations Cooper-
tion Relating to Oil-for-Food Program.—
(1) ACTIONS.—In accordance with section 1171, a certification shall be required that certifies that the following actions relating to the oil-for-food program have been taken by the United Nations:

   (A) The United Nations Secretary General has authorized the release to a law enforcement authority of any Member State (upon request by the permanent representative to the United Nations of such Member State on behalf of such law enforcement authority) or to a national legislative authority authentic copies of any document in the possession of the United Nations, including any document in the possession of a person who was engaged on a contract basis to provide goods or services to the United Nations, that in the judgment of such requesting law enforcement authority or national legislative authority directly or indirectly concerns the oil-for-food program or a sanction imposed on Iraq related to the oil-for-food program.

   (B) The United Nations has waived any immunity enjoyed by any United Nations official from the judicial process in the United States for any civil or criminal acts or omissions under Federal or State law that may have
transpired within the jurisdiction of the United States in connection with the oil-for-food program.

(2) DEFINITION.—As used in this subsection, the term “oil-for-food program” means the program established and administered pursuant to United Nations Security Council Resolution 986 (April 14, 1995) and subsequent United Nations resolutions to permit the sale of petroleum products exported from Iraq and to use the revenue generated from such sale for humanitarian assistance.

SEC. 1215. TERRORISM AND THE UNITED NATIONS.

The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to work toward adoption by the General Assembly of—

(1) a definition of terrorism that builds upon the recommendations of the Secretary General’s High-Level Panel on Threats, Challenges, and Change, and includes as an essential component of such definition any action that is intended to cause death or serious bodily harm to civilians with the purpose of intimidating a population or compelling a
government or an international organization to do,
or abstain from doing, any act; and

(2) a comprehensive convention on terrorism
that includes the definition described in paragraph
(1).

SEC. 1216. UNITED NATIONS TREATY BODIES.
The United States shall withhold from United States
contributions to the regular assessed budget of the United
Nations for a biennial period amounts that are propor-
tional to the percentage of such budget that are expended
with respect to a United Nations human rights treaty
monitoring body or committee that was established by—

(1) a convention (without any protocols) or an
international covenant (without any protocols) to
which the United States is not party; or

(2) a convention, with a subsequent protocol, if
the United States is a party to neither.

SEC. 1217. EQUALITY AT THE UNITED NATIONS.
(a) INCLUSION OF ISRAEL IN WEOG.—

(1) IN GENERAL.—The President shall direct
the United States Permanent Representative to the
United Nations to use the voice, vote, and influence
of the United States to expand the Western Euro-
pean and Others Group (WEOG) in the United Na-
tions to include Israel as a permanent member with full rights and privileges.

(2) Notification to Congress.—Not later than six months after the date of the enactment of this Act and every six months thereafter for the next six years, the Secretary of State shall notify the appropriate congressional committees concerning the treatment of Israel in the United Nations and the expansion of WEOG to include Israel as a permanent member.

(b) Department of State Review and Report.—

(1) In General.—To avoid duplicative efforts and funding with respect to Palestinian interests and to ensure balance in the approach to Israeli–Palestinian issues, the Secretary shall, not later than 60 days after the date of the enactment of this Act—

(A) conduct an audit of the functions of the entities listed in paragraph (2); and

(B) submit to the appropriate congressional committees a report containing recommendations for the elimination of such duplicative entities and efforts.
(2) ENTITIES.—The entities referred to in paragraph (1) are the following:

(A) The United Nations Division for Palestinian Rights.

(B) The Committee on the Exercise of the Inalienable Rights of the Palestinian People.

(C) The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.

(D) The NGO Network on the Question of Palestine.

(E) The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

(F) Any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian issues.

(c) IMPLEMENTATION BY PERMANENT REPRESENTATIVE.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the
United Nations to use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (b)(1).

(2) WITHHOLDING OF FUNDS.—Until such recommendations have been implemented, the United States shall withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for such entities.

(d) GAO AUDIT.—The Comptroller General of the United States of the Government Accountability Office shall conduct an audit of—

(1) the status of the implementation of the recommendations contained in the report required under subsection (b)(1); and

(2) United States actions and achievements under subsection (e).

SEC. 1218. REPORT ON UNITED NATIONS REFORM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year thereafter, the Secretary shall submit to the appropriate congres-
sional committees a report on United Nations reform since 1990.

(b) CONTENTS.—The report required under paragraph (1) shall describe—

(1) the status of the implementation of management reforms within the United Nations and its specialized agencies;

(2) the number of outputs, reports, or other items generated by General Assembly resolutions that have been eliminated;

(3) the progress of the General Assembly to modernize and streamline the committee structure and its specific recommendations on oversight and committee outputs, consistent with the March 2005 report of the Secretary General entitled “In larger freedom: towards development, security and human rights for all”;

(4) the status of the review by the General Assembly of all mandates older than five years and how resources have been redirected to new challenges, consistent with such March 2005 report of the Secretary General;

(5) the continued utility and relevance of the Economic and Financial Committee and the Social, Humanitarian, and Cultural Committee, in light of
the duplicative agendas of those committees and the Economic and Social Council; and

(6) whether the United Nations or any of its specialized agencies has contracted with any party included on the Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs.

SEC. 1219. REPORT ON UNITED NATIONS PERSONNEL.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report—

(1) concerning the progress of the General Assembly to modernize human resource practices, consistent with the March 2005 report of the Secretary General entitled “In larger freedom: towards development, security and human rights for all”; and

(2) containing the information described in subsection (b).

(b) CONTENTS.—The report shall include—

(1) a comprehensive evaluation of human resources reforms at the United Nations, including an evaluation of—

(A) tenure;

(B) performance reviews;

(C) the promotion system;
(D) a merit-based hiring system and enhanced regulations concerning termination of employment of employees; and

(E) the implementation of a code of conduct and ethics training;

(2) the implementation of a system of procedures for filing complaints and protective measures for work-place harassment, including sexual harassment;

(3) policy recommendations relating to the establishment of a rotation requirement for non-administrative positions;

(4) policy recommendations relating to the establishment of a prohibition preventing personnel and officials assigned to the mission of a Member State to the United Nations from transferring to a position within the United Nations Secretariat that is compensated at the P–5 level and above;

(5) policy recommendations relating to a reduction in travel allowances and attendant oversight with respect to accommodations and airline flights; and

(6) an evaluation of the recommendations of the Secretary General relating to greater flexibility for
the Secretary General in staffing decisions to accommodate changing priorities.

SEC. 1220. REPORT ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.

Not later than one year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report on United States contributions to the United Nations. Such report shall examine assessed, voluntary, in-kind, and all other United States contributions.

SEC. 1221. UNITED NATIONS SECURITY COUNCIL AND LEBANON.

(a) Resolution 1559.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure that the Security Council is undertaking the necessary steps to secure the implementation of Security Council Resolution 1559, including—

(1) deploying United Nations inspectors to verify and certify to the Security Council that—
(A) all foreign forces, including intelligence, security, and policing forces, have been withdrawn from Lebanon; and

(B) all militias in Lebanon have been permanently disarmed and dismantled and their weapons have been decommissioned; and

(2) continuing the presence of United Nations elections monitoring teams in Lebanon to verify and certify to the Security Council that—

(A) citizens of Lebanon are not being targeted for assassination by foreign forces, in particular by foreign forces of Syria, or by their proxies, as a means of intimidation and coercion in an effort to manipulate the political process in Lebanon;

(B) elections in Lebanon are being conducted in a fair and transparent manner and are free of foreign interference; and

(C) that such foreign forces, or their proxies, are not seeking to infringe upon the territorial integrity or political sovereignty of Lebanon.

(b) UNITED STATES ACTION.—If the steps described in paragraphs (1) and (2) of subsection (a) have not been verified and certified to the Security Council by July 31,
2005, or by the date that is not later than 30 days after the date of the enactment of this Act, whichever is sooner, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to secure the adoption of a resolution in the Security Council imposing punitive measures on the governments of countries whose forces remain in Lebanon in violation of Security Council Resolution 1559 and who directly, or through proxies, are infringing upon the territorial integrity or political sovereignty of Lebanon.

SEC. 1222. POLICY WITH RESPECT TO EXPANSION OF THE SECURITY COUNCIL.

It shall be the policy of the United States to use the voice, vote, and influence of the United States at the United Nations to oppose any proposals on expansion of the Security Council if such expansion would—

(1) diminish the influence of the United States on the Security Council;

(2) include veto rights for any new members of the Security Council; or

(3) undermine the effectiveness of the Security Council.
SEC. 1223. GENOCIDE AND THE UNITED NATIONS.

(a) UNITED STATES ACTION.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to ensure the formal adoption and implementation of mechanisms to—

(1) suspend the membership of a Member State if it is determined that the government of such Member State is engaged in or complicit in, either by commission or omission, acts of genocide, ethnic cleansing, or crimes against humanity;

(2) impose an arms and trade embargo and travel restrictions on, and freeze the assets of, all groups and individuals responsible for committing or allowing such acts of genocide, ethnic cleansing, or crimes against humanity to occur;

(3) deploy a United Nations peacekeeping operation or authorize and support the deployment of a peacekeeping operation from an international or regional organization to the Member State with a mandate to stop such acts of genocide, ethnic cleansing, or crimes against humanity;

(4) deploy monitors from the United Nations High Commissioner for Refugees to the area in the Member State where such acts of genocide, ethnic
cleansing, or crimes against humanity are occurring; and

(5) authorize the establishment of an international commission of inquiry into such acts of genocide, ethnic cleansing, or crimes against humanity.

(b) CERTIFICATION.—In accordance with section 1171, a certification shall be required that certifies that the mechanisms described in subsection (a) have been adopted and implemented.

SEC. 1224. ANTI-SEMITISM AND THE UNITED NATIONS.

(a) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to—

(1) ensure the issuance and implementation of a directive by the Secretary General or the Secretariat, as appropriate, that—

(A) requires all employees of the United Nations and its specialized agencies to officially and publicly condemn anti-Semitic statements made at any session of the United Nations or its specialized agencies, or at any other session sponsored by the United Nations;
(B) requires employees of the United Na-
tions and its specialized agencies to be subject
to punitive action, including immediate dis-
missal, for making anti-Semitic statements or
references;

(C) proposes specific recommendations to
the General Assembly for the establishment of
mechanisms to hold accountable employees and
officials of the United Nations and its special-
ized agencies, or Member States, that make
such anti-Semitic statements or references in
any forum of the United Nations or of its spe-
cialized agencies; and

(D) develops and implements education
awareness programs about the Holocaust and
anti-Semitism throughout the world, as part of
an effort to combat intolerance and hatred;

(2) work to secure the adoption of a resolution
by the General Assembly that establishes the mecha-
nisms described in paragraph (1)(C); and

(3) continue working toward further reduction
of anti-Semitic language and anti-Israel resolutions
in the United Nations and its specialized agencies.

(b) CERTIFICATION.—In accordance with section
1171, a certification shall be required that certifies that
the requirements described in subsection (a) have been satisfied.

Subtitle B—Human Rights and the Economic and Social Council (ECOSOC)

SEC. 1231. HUMAN RIGHTS.

(a) Statement of Policy.—It shall be the policy of the United States to use its voice, vote, and influence at the United Nations to ensure that a credible and respectable Human Rights Council or other human rights body is established within the United Nations whose participating Member States uphold the values embodied in the Universal Declaration of Human Rights.

(b) Human Rights Reforms at the United Nations.—The President shall direct the United States Permanent Representative to the United Nations to ensure that the following human rights reforms have been adopted by the United Nations:

   (1) A Member State that fails to uphold the values embodied in the Universal Declaration of Human Rights shall be ineligible for membership on any United Nations human rights body.

   (2) A Member State shall be ineligible for membership on any United Nations human rights body if such Member State is—
(A) subject to sanctions by the Security Council; or

(B) under a Security Council-mandated investigation for human rights abuses.

(3) A Member State that is currently subject to an adopted country specific resolution, in the principal body in the United Nations for the promotion and protection of human rights, relating to human rights abuses perpetrated by the government of such country in such country, or has been the subject of such an adopted country specific resolution in such principal body within the previous three years, shall be ineligible for membership on any United Nations human rights body. For purposes of this subsection, an adopted country specific resolution shall not include consensus resolutions on advisory services.

(4) A Member State that violates the principles of a United Nations human rights body to which it aspires to join shall be ineligible for membership on such body.

(5) No human rights body has a standing agenda item that relates only to one country or region.

(6) The practice of considering in the principal body in the United Nations for the promotion and protection of human rights country specific resolu-
tions relating to human rights abuses perpetrated by
the government of a Member State within such
Member State shall not be eliminated.

(e) Certification.—In accordance with section
1171, a certification shall be required that certifies that
the human rights reforms described under subsection (b)
have been adopted by the United Nations.

(d) Prevention of Abuse of “No Action” Motions.—The United States Permanent Representative
shall work to prevent abuse of “no action” motions, par-
ticularly as such motions relate to country specific resolu-
tions.

(e) Office of the United Nations High Commissioner for Human Rights.—

(1) Statement of Policy.—It shall be the
policy of the United States to continue to strongly
support the Office of the United Nations High Com-
mmissioner for Human Rights.

(2) Certification.—In accordance with sec-
tion 1171, a certification shall be required that cer-
tifies that the Office of the United Nations High
Commissioner for Human Rights has been given
greater authority in field operation activities, such
as in the Darfur region of Sudan and in the Demo-
ocratic Republic of Congo, in furtherance of the pur-
pose and mission of the United Nations.

(f) Prohibition on Contact With Member
States Subject to Sanctions.—An employee from of
any United Nations entity, bureau, division, department,
or specialized agency may not have unauthorized contact,
including business contact, with a Member State that is
subject to United Nations sanctions.

SEC. 1232. ECONOMIC AND SOCIAL COUNCIL (ECOSOC).

(a) Statement of Policy.—It shall be the policy
of the United States to use its voice, vote, and influence
at the United Nations to—

(1) abolish secret voting in the Economic and
Social Council (ECOSOC);

(2) ensure that, until such time as the Commis-
sion on Human Rights of the United Nations is
abolished, only countries that are not ineligible for
membership on a human rights body in accordance
with paragraphs (1) through (4) of section 1131(b)
shall be considered for membership on the Commis-
sion on Human Rights; and

(3) ensure that after candidate countries are
nominated for membership on the Commission on
Human Rights, the Economic and Social Council
conducts a recorded vote to determine such membership.

(b) CERTIFICATION.—In accordance with section 1171, a certification shall be required that certifies that the policies described in subsection (a) have been implemented by the Economic and Social Council.

SEC. 1233. UNITED NATIONS DEMOCRACY FUND.

(a) IN GENERAL.—The President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to make every effort to—

(1) establish a Democracy Fund at the United Nations to be administered by Member States of the United Nations Democracy Caucus;

(2) secure political and financial support for the Democracy Fund from Member States of the United Nations Democracy Caucus; and

(3) establish criteria that limits recipients of assistance from the Democracy Fund to Member States that—

(A) are not ineligible for membership on any United Nations human rights body, in accordance with paragraphs (1) through (4) of section 1131(b); and
(B) are determined by the Secretary of State to be emerging democracies or democracies in transition.

(b) Policy Relating to Funding for the Democracy Fund.—It shall be the policy of the United States to shift contributions of the United States to the regularly assessed budget of the United Nations for a biennial period to initiate and support the Democracy Fund referred to in subsection (a).

(c) Certification.—In accordance with section 1171, a certification shall be required that certifies that the requirements described in subsection (a) have been satisfied.

Subtitle C—International Atomic Energy Agency

SEC. 1241. INTERNATIONAL ATOMIC ENERGY AGENCY.

(a) Enforcement and Compliance.—

(1) Office of Compliance.—

(A) Establishment.—The President shall direct the United States Permanent Representative to International Atomic Energy Agency (IAEA) to use the voice, vote, and influence of the United States at the IAEA to establish an Office of Compliance in the Secretariat of the IAEA.
(B) OPERATION.—The Office of Compliance shall—

(i) function as an independent body composed of technical experts who shall work in consultation with IAEA inspectors to assess compliance by IAEA Member States and provide recommendations to the IAEA Board of Governors concerning penalties to be imposed on IAEA Member States that fail to fulfill their obligations under IAEA Board resolutions;

(ii) base its assessments and recommendations on IAEA inspection reports;

and

(iii) shall take into consideration information provided by IAEA Board Members that are one of the five nuclear weapons states as recognized by the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) (commonly referred to as the “Nuclear Nonproliferation Treaty” or the “NPT”).

(C) STAFFING.—The Office of Compliance shall be staffed from existing personnel in the Department of Safeguards of the IAEA or the
Department of Nuclear Safety and Security of the IAEA.

(2) Special committee on safeguards and verification.—

(A) Establishment.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to establish a Special Committee on Safeguards and Verification.

(B) Responsibilities.—The Special Committee shall—

(i) improve the ability of the IAEA to monitor and enforce compliance by Member States of the IAEA with the Nuclear Nonproliferation Treaty and the Statute of the International Atomic Energy Agency; and

(ii) consider which additional measures are necessary to enhance the ability of the IAEA, beyond the verification mechanisms and authorities contained in the Additional Protocol to the Safeguards Agreements between the IAEA and Member States of the IAEA, to detect with a high
degree of confidence undeclared nuclear activities by a Member State.

(3) Penalties with respect to the IAEA.—

(A) In general.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations has its privileges suspended, including—

(i) limiting its ability to vote on its case;

(ii) being prevented from receiving any technical assistance; and

(iii) being prevented from hosting meetings.

(B) Termination of penalties.—The penalties specified under subparagraph (A) shall be terminated when such investigation is concluded and such Member State is no longer in such breach or noncompliance.
(4) Penalties with respect to the nuclear nonproliferation treaty.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to ensure that a Member State of the IAEA that is found to be in breach of, in noncompliance with, or has withdrawn from the Nuclear Nonproliferation Treaty shall return to the IAEA all nuclear materials and technology received from the IAEA, any Member State of the IAEA, or any Member State of the Nuclear Nonproliferation Treaty.

(b) United States Contributions.—

(1) Voluntary contributions.—Voluntary contributions of the United States to the IAEA should primarily be used to fund activities relating to Nuclear Safety and Security or activities relating to Nuclear Verification.

(2) Limitation on use of funds.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to—

(A) ensure that funds for safeguards inspections are prioritized for countries that have
newly established nuclear programs or are initiating nuclear programs; and

(B) block the allocation of funds for any other IAEA development, environmental, or nuclear science assistance or activity to a country—

(i) the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or other provision of law, is a government that has repeatedly provided support for acts of international terrorism and the government of which the Secretary has determined has not dismantled and surrendered its weapons of mass destruction programs under international verification;

(ii) that is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations; or
(iii) that is in violation of its IAEA obligations or the purposes and principles of the Charter of the United Nations.

(3) DETAIL OF EXPENDITURES.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to secure, as part of the regular budget presentation of the IAEA to Member States of the IAEA, a detailed breakdown by country of expenditures of the IAEA for safeguards inspections and nuclear security activities.

(e) MEMBERSHIP.—

(1) IN GENERAL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to block the membership on the Board of Governors of the IAEA for a Member State of the IAEA that has not signed and ratified the Additional Protocol and—

(A) is under investigation for a breach of or noncompliance with its IAEA obligations or the purposes and principles of the Charter of the United Nations; or
(B) that is in violation of its IAEA obligations or the purposes and principles of the Charter of the United Nations.

(2) CRITERIA.—The United States Permanent Representative to the IAEA shall make every effort to modify the criteria for Board membership to reflect the principles described in paragraph (1).

(d) SMALL QUANTITIES PROTOCOL.—The President shall direct the United States Permanent Representative to the IAEA to use the voice, vote, and influence of the United States at the IAEA to make every effort to ensure that the IAEA changes the policy regarding the Small Quantities Protocol in order to—

(1) rescind and eliminate the Small Quantities Protocol;

(2) require that any IAEA Member State that has previously signed a Small Quantities Protocol to sign, ratify, and implement the Additional Protocol, provide immediate access for IAEA inspectors to its nuclear-related facilities, and agree to the strongest inspections regime of its nuclear efforts; and

(3) require that any IAEA Member State that does not comply with paragraph (2) to be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State and
subject to the penalties described in subsection
(a)(3).
(c) NUCLEAR PROGRAM OF IRAN.—
(1) UNITED STATES ACTION.—The President
shall direct the United States Permanent Represent-
ative to the IAEA to use the voice, vote, and influ-
ence of the United States at the IAEA to make
every effort to ensure the adoption of a resolution by
the IAEA Board of Governors that makes Iran ineli-
gible to receive any nuclear material, technology,
equipment, or assistance from any IAEA Member
State and ineligible for any IAEA assistance not re-
lated to safeguards inspections or nuclear security
until the IAEA Board of Governors determines that
Iran—
(A) is providing full access to IAEA in-
spectors to its nuclear-related facilities;
(B) has fully implemented and is in com-
pliance with the Additional Protocol; and
(C) has permanently ceased and disman-
tled all activities and programs related to nu-
clear-enrichment and reprocessing.
(2) PENALTIES.—If an IAEA Member State is
determined to have violated the prohibition on as-
sistance to Iran described in paragraph (1) before
the IAEA Board of Governors determines that Iran has satisfied the conditions described in subparagraphs (A) through (C) of such paragraph, such Member State shall be subject to the penalties described in subsection (a)(3), shall be ineligible to receive nuclear material, technology, equipment, or assistance from any IAEA Member State, and shall be ineligible to receive any IAEA assistance not related to safeguards inspections or nuclear security until such time as the IAEA Board of Governors makes such determination with respect to Iran.

(f) REPORT.—Not later than six months after the date of the enactment of this Act and annually for two years thereafter, the President shall submit to the appropriate congressional committees a report on the implementation of this section.

SEC. 1242. SENSE OF CONGRESS REGARDING THE NUCLEAR SECURITY ACTION PLAN OF THE IAEA.

It is the sense of Congress that the national security interests of the United States are enhanced by the Nuclear Security Action Plan of the IAEA and the Board of Governors should recommend, and the General Conference should adopt, a resolution incorporating the Nuclear Security Action Plan into the regular budget of the IAEA.
Subtitle D—Peacekeeping

SEC. 1251. SENSE OF CONGRESS REGARDING REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It is the sense of Congress that—

(1) although United Nations peacekeeping operations have contributed greatly toward the promotion of peace and stability for the past 57 years and the majority of peacekeeping personnel who have served under the United Nations flag have done so with honor and courage, the record of United Nations peacekeeping has been severely tarnished by operational failures and unconscionable acts of misconduct; and

(2) if the reputation of and confidence in United Nations peacekeeping operations is to be restored, fundamental and far-reaching reforms, particularly in the areas of planning, management, training, conduct, and discipline, must be implemented without delay.
SEC. 1252. STATEMENT OF POLICY RELATING TO REFORM OF UNITED NATIONS PEACEKEEPING OPERATIONS.

It shall be the policy of the United States to pursue reform of United Nations peacekeeping operations in the following areas:

(1) PLANNING AND MANAGEMENT.—

(A) GLOBAL AUDIT.—As the size, cost, and number of United Nations peacekeeping operations have increased substantially over the past decade, an independent audit of each such operation, with a view toward “right-sizing” operations and ensuring that such operations are cost effective, should be conducted and its findings reported to the Security Council.

(B) REVIEW OF MANDATES AND CLOSING OPERATIONS.—In conjunction with the audit described in subparagraph (A), the United Nations Department of Peacekeeping Operations should conduct a comprehensive review of all United Nations peacekeeping operation mandates, with a view toward identifying objectives that are practical and achievable, and report its findings to the Security Council. In particular, the review should consider the following:
(i) Activities that fall beyond the scope of traditional peacekeeping activities should be delegated to a new Peacebuilding Commission, described in paragraph (3).

(ii) Long-standing operations that are static and cannot fulfill their mandate should be downsized or closed.

(iii) Where there is legitimate concern that the withdrawal from a country of an otherwise static United Nations peacekeeping operation would result in the resumption of major conflict, a burden-sharing arrangement that reduces the level of assessed contributions, similar to that currently supporting the United Nations Peacekeeping Force in Cyprus, should be explored and instituted.

(C) LEADERSHIP.—As peacekeeping operations become larger and increasingly complex, the Secretariat should adopt a minimum standard of qualifications for senior leaders and managers, with particular emphasis on specific skills and experience, and current senior leaders and managers who do not meet those standards should be removed or reassigned.
(D) PRE-DEPLOYMENT TRAINING.—Pre-deployment training on interpretation of the mandate of the operation, specifically in the areas of use of force, civilian protection and field conditions, the Code of Conduct, HIV/AIDS, and human rights should be mandatory, and all personnel, regardless of category or rank, should be required to sign an oath that each has received and understands such training as a condition of participation in the operation.

(E) GRATIS MILITARY PERSONNEL.—The General Assembly should lift restrictions on the utilization at the headquarters in New York, the United States, of the Department of Peacekeeping Operations of gratis military personnel by the Department so that the Department may accept secondments from Member States of military personnel with expertise in mission planning, logistics, and other operational specialties.

(2) CONDUCT AND DISCIPLINE.—

(A) ADOPTION OF A UNIFORM CODE OF CONDUCT.—A single, uniform Code of Conduct that has the status of a binding rule and ap-
plies equally to all personnel serving in United Nations peacekeeping operations, regardless of category or rank, should be promulgated, adopted, and enforced.

(B) UNDERSTANDING THE CODE OF CONDUCT.—All personnel, regardless of category or rank, should receive training on the Code of Conduct prior to deployment with a peacekeeping operation, in addition to periodic follow-on training. In particular—

(i) all personnel, regardless of category or rank, should be provided with a personal copy of the Code of Conduct that has been translated into the national language of such personnel, regardless of whether such language is an official language of the United Nations;

(ii) all personnel, regardless of category or rank, should sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code of Conduct, and that each understands the consequences of violating the Code of Conduct, including immediate termination of the participation of such per-
sonnel in the peacekeeping operation to
which such personnel is assigned as a con-
dition of appointment to such operation;
and

(iii) peacekeeping operations should
conduct educational outreach programs to
reach local communities where peace-
keeping personnel of such operations are
based, including explaining prohibited acts
on the part of United Nations peace-
keeping personnel and identifying the indi-
vidual to whom the local population may
direct complaints or file allegations of ex-
ploration, abuse, or other acts of mis-
conduct.

(C) MONITORING MECHANISMS.—Dedi-
cated monitoring mechanisms, such as the Per-
sonnel Conduct Units already deployed to sup-
port United Nations peacekeeping operations in
Haiti, Liberia, Burundi, and the Democratic
Republic of Congo, should be present in each
operation to monitor compliance with the Code
of Conduct, and—

(i) should report simultaneously to the
Head of Mission, the United Nations De-
partment of Peacekeeping Operations, and
the Associate Director of OIOS for Peace-
keeping Operations (established under sec-
tion 1114(b)(9)); and

(ii) should be tasked with designing
and implementing mission-specific meas-
ures to prevent misconduct, conduct follow-
on training for personnel, coordinate com-

unity outreach programs, and assist in
investigations, as OIOS determines nec-

essary and appropriate.

(D) INVESTIGATIONS.—A permanent, pro-

fessional, and independent investigative body
should be established and introduced into
United Nations peacekeeping operations. In

particular—

(i) the investigative body should in-
clude professionals with experience in in-
vestigating sex crimes, as well as experts
who can provide guidance on standards of
proof and evidentiary requirements nec-

essary for any subsequent legal action;

(ii) provisions should be included in a
Model Memorandum of Understanding
that obligate Member States that con-
tribute troops to a peacekeeping operation
to designate a military prosecutor who will
participate in any investigation into an al-
legation of misconduct brought against an
individual of such Member State, so that
evidence is collected and preserved in a
manner consistent with the military law of
such Member State;

(iii) the investigative body should be
regionally based to ensure rapid deploy-
ment and should be equipped with modern
forensics equipment for the purpose of
positively identifying perpetrators and,
where necessary, for determining paternity;
and

(iv) the investigative body should re-
port directly to the Associate Director of
OIOS for Peacekeeping Operations, while
providing copies of any reports to the De-
partment of Peacekeeping Operations, the
Head of Mission, and the Member State
concerned.

(E) FOLLow-up.—A dedicated unit, simi-
lar to the Personnel Conduct Units, staffed and
funded through existing resources, should be es-
tablished within the headquarters of the United Nations Department of Peacekeeping Operations and tasked with—

(i) promulgating measures to prevent misconduct;

(ii) coordinating allegations of misconduct, and reports received by field personnel; and

(iii) gathering follow-up information on completed investigations, particularly by focusing on disciplinary actions against the individual concerned taken by the United Nations or by the Member State that is contributing troops to which such individual belongs, and sharing such information with the Security Council, the Head of Mission, and the community hosting the peacekeeping operation.

(F) FINANCIAL LIABILITY AND VICTIMS ASSISTANCE.—Although peacekeeping operations should provide immediate medical assistance to victims of sexual abuse or exploitation, the responsibility for providing longer-term treatment, care, or restitution lies solely with the individual found guilty of the misconduct.
In particular, the following reforms should be implemented:

(i) The United Nations should not assume responsibility for providing long-term treatment or compensation by creating a “Victims Trust Fund”, or any other such similar fund, financed through assessed contributions to United Nations peacekeeping operations, thereby shielding individuals from personal liability and reinforcing an atmosphere of impunity.

(ii) If an individual responsible for misconduct has been repatriated, reassigned, redeployed, or is otherwise unable to provide assistance, responsibility for providing assistance to a victim should be assigned to the Member State that contributed the troops to which such individual belonged or to the manager concerned.

(iii) In the case of misconduct by a member of a military contingent, appropriate funds shall be withheld from the troop contributing country concerned.

(iv) In the case of misconduct by a civilian employee or contractor of the United
Nations, appropriate wages shall be garnished from such individual or fines shall be imposed against such individual, consistent with existing United Nations Staff Rules.

(G) MANAGERS AND COMMANDERS.—The manner in which managers and commanders handle cases of misconduct by those serving under them should be included in their individual performance evaluations, so that managers and commanders who take decisive action to deter and address misconduct are rewarded, while those who create a permissive environment or impede investigations are penalized or relieved of duty, as appropriate.

(H) DATA BASE.—A centralized data base should be created and maintained within the United Nations Department of Peacekeeping Operations to track cases of misconduct, including the outcome of investigations and subsequent prosecutions, to ensure that personnel who have engaged in misconduct or other criminal activities, regardless of category or rank, are permanently barred from participation in future peacekeeping operations.
(I) WELFARE.—Peacekeeping operations should assume responsibility for maintaining a minimum standard of welfare for mission personnel to ameliorate conditions of service, while adjustments are made to the discretionary welfare payments currently provided to Member States that contribute troops to offset the cost of operation-provided recreational facilities.

(3) PEACEBUILDING COMMISSION.—

(A) ESTABLISHMENT.—Consistent with the recommendations of the High Level Panel Report, the United Nations should establish a Peacebuilding Commission, supported by a Peacebuilding Support Office, to marshal the efforts of the United Nations, international financial institutions, donors, and non-governmental organizations to assist countries in transition from war to peace.

(B) STRUCTURE AND MEMBERSHIP.—The Commission should—

(i) be a subsidiary body of the United Nations Security Council, limited in size to ensure efficiency;

(ii) include members of the United Nations Security Council, major donors,
major troop contributing countries, appropriate United Nations organizations, the World Bank, and the International Monetary Fund; and

(iii) invite the President of ECOSOC, regional actors, Member States that contribute troops, regional development banks, and other concerned parties that are not already members, as determined appropriate, to consult or participate in meetings as observers.

(C) RESPONSIBILITIES.—The Commission should seek to ease the demands currently placed upon the Department of Peacekeeping Operations to undertake tasks that fall beyond the scope of traditional peacekeeping, by—

(i) developing and integrating country-specific and system-wide conflict prevention, post-conflict reconstruction, and long-term development policies and strategies; and

(ii) serving as the key coordinating body for the design and implementation of military, humanitarian, and civil administration aspects of complex missions.
(D) Resources.—The establishment of the Peacebuilding Commission and the related Peacebuilding Support Office, should be staffed within existing resources.

SEC. 1253. CERTIFICATION.

(a) New or Expanded Peacekeeping Operations Contingent Upon Presidential Certification of Peacekeeping Operations Reforms.—

(1) No new or expanded peacekeeping operations.—

(A) Certification.—Except as provided in subparagraph (B), until the Secretary of State certifies that the requirements described in paragraph (2) have been satisfied, the President shall direct the United States Permanent Representative to the United Nations to use the voice, vote, and influence of the United States at the United Nations to oppose the creation of new, or expansion of existing, United Nations peacekeeping operations.

(B) Exception and Notification.—The requirements described under subparagraphs (F) and (G) of paragraph (2) may be waived until January 1, 2007, if the President determines that such is in the national interest of
the United States. If the President makes such
determination, the President shall, not later
than 15 days before the exercise of such waiver,
notify the appropriate congressional committees
of such determination and resulting waiver.

(2) Certification of Peacekeeping Operations Reforms.—The certification referred to in
paragraph (1) is a certification made by the Sec-
retary to the appropriate congressional committees
that the following reforms, or an equivalent set of
reforms, related to peacekeeping operations have
been adopted by the United Nations Department of
Peacekeeping Operations or the General Assembly,
as appropriate:

(A) A single, uniform Code of Conduct
that has the status of a binding rule and ap-
plies equally to all personnel serving in United
Nations peacekeeping operations, regardless of
category or rank, has been adopted by the Gen-
eral Assembly and mechanisms have been estab-
lished for training such personnel concerning
the requirements of the Code and enforcement
of the Code.

(B) All personnel, regardless of category or
rank, serving in a peacekeeping operation have
been trained concerning the requirements of the Code of Conduct and each has been given a personal copy of the Code, translated into the national language of such personnel.

(C) All personnel, regardless of category or rank, are required to sign an oath that each has received a copy of the Code of Conduct, that each pledges to abide by the Code, and that each understands the consequences of violating the Code, including the immediate termination of the participation of such personnel in the peacekeeping operation to which such personnel is assigned as a condition of the appointment to such operation.

(D) All peacekeeping operations have designed and implemented educational outreach programs to reach local communities where peacekeeping personnel of such operations are based to explain prohibited acts on the part of United Nations peacekeeping personnel and to identify the individual to whom the local population may direct complaints or file allegations of exploitation, abuse, or other acts of misconduct.
(E) A centralized data base has been created and is being maintained in the United Nations Department of Peacekeeping Operations that tracks cases of misconduct, including the outcomes of investigations and subsequent prosecutions, to ensure that personnel, regardless of category or rank, who have engaged in misconduct or other criminal activities are permanently barred from participation in future peacekeeping operations.

(F) A Model Memorandum of Understanding between the United Nations and each Member State that contributes troops to a peacekeeping operation has been adopted by the United Nations Department of Peacekeeping Operations that specifically obligates each such Member State to—

(i) designate a competent legal authority, preferably a prosecutor with expertise in the area of sexual exploitation and abuse, to participate in any investigation into an allegation of misconduct brought against an individual of such Member State;
(ii) refer to its competent national or military authority for possible prosecution, if warranted, any investigation of a violation of the Code of Conduct or other criminal activity by an individual of such Member State;

(iii) report to the Department of Peacekeeping Operations on the outcome of any such investigation;

(iv) undertake to conduct on-site court martial proceedings relating to allegations of misconduct alleged against an individual of such Member State; and

(v) assume responsibility for the provision of appropriate assistance to a victim of misconduct committed by an individual of such Member State.

(G) A professional and independent investigative and audit function has been established within the United Nations Department of Peacekeeping Operations and the OIOS to monitor United Nations peacekeeping operations.
SEC. 1254. RULE OF CONSTRUCTION RELATING TO PROTECTION OF UNITED STATES OFFICIALS AND MEMBERS OF THE ARMED FORCES.

Nothing in this subtitle shall be construed as superseding the Uniform Code of Military Justice or operating to effect the surrender of United States officials or members of the Armed Forces to a foreign country or international tribunal, including the International Criminal Court, for prosecutions arising from peacekeeping operations or other similar United Nations-related activity, and nothing in this subtitle shall be interpreted in a manner inconsistent with the American Servicemembers’ Protection Act of 2002 (title II of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States; Public Law 107–206).

Subtitle E—Department of State and Government Accountability Office

SEC. 1261. POSITIONS FOR UNITED STATES CITIZENS AT INTERNATIONAL ORGANIZATIONS.

The Secretary of State shall make every effort to recruit United States citizens for positions within international organizations.
SEC. 1262. BUDGET JUSTIFICATION FOR REGULAR ASSESSED BUDGET OF THE UNITED NATIONS.

(a) Detailed Itemization.—The annual congressional budget justification shall include a detailed itemized request in support of the assessed contribution of the United States to the regular assessed budget of the United Nations.

(b) Contents of Detailed Itemization.—The detailed itemization required under subsection (a) shall—

(1) contain information relating to the amounts requested in support of each of the various sections and titles of the regular assessed budget of the United Nations; and

(2) compare the amounts requested for the current year with the actual or estimated amounts contributed by the United States in previous fiscal years for the same sections and titles.

(c) Adjustments and Notification.—If the United Nations proposes an adjustment to its regular assessed budget, the Secretary of State shall, at the time such adjustment is presented to the Advisory Committee on Administrative and Budgetary Questions (ACABQ), notify and consult with the appropriate congressional committees.
SEC. 1263. REVIEW AND REPORT.

Not later than six months after the date of the enactment of this Act, the Secretary of State shall conduct a review of programs of the United Nations that are funded through assessed contributions and submit to the appropriate congressional committees a report containing—

(1) the findings of such review; and

(2) recommendations relating to—

(A) the continuation of such programs; and

(B) which of such programs should be voluntarily funded, other than those specified in subparagraphs (A) through (R) of subsection (c)(2) of section 11 of the United Nations Participation Act of 1945, as amended by section 1111(c) of this title.

SEC. 1264. GOVERNMENT ACCOUNTABILITY OFFICE.

(a) Report on United Nations Reforms.—Not later than 12 months after the date of the enactment of this Act and again 12 months thereafter, the Comptroller General of the United States of the Government Accountability Office shall submit to the appropriate congressional committees a report on the status of the 1997, 2002, and 2005 management reforms initiated by the Secretary General and on the reforms mandated by this title.
(b) Report on Department of State Certifications.—Not later than six months after each certification submitted by the Secretary of State to the appropriate congressional committees under this title and subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 1111(c) of this title), the Comptroller General shall submit to the appropriate congressional committees a report on each such certification. The Secretary shall provide the Comptroller General with any information required by the Comptroller General to submit any such report.

(c) United Nations Construction and Contracting.—Not later than six months after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report describing the costs associated with the contracting for and construction of the Geneva, Switzerland, buildings of the World Meteorological Organization (WMO) and the World Intellectual Property Organization (WIPO). The report shall include analyses of the procurement procedures for each such building and shall specifically address issues of any corrupt con-
tracting practices that are discovered, such as rigged bids and kickbacks, as well as other improprieties. The report shall also include an identification of other credible allegations of corrupt contracting at United Nations construction projects that involve major construction on a scale comparable to the WMO and WIPO construction projects, and a description of the results of an investigation into each such credible allegation.

Subtitle F—Certifications and Withholding of Contributions

SEC. 1271. CERTIFICATIONS AND WITHHOLDING OF CONTRIBUTIONS.

(a) Certifications.—

(1) In general.—Except as provided in paragraph (3), the certifications required under subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 1111(c) of this title) and section 1113, sections 1114(a) through 1114(e), section 1114(g), section 1123, section 1124, sections 1131(c) and 1131(e), section 1132, and section 1133 of this title are certifications submitted to the appropriate congressional committees by the Secretary of State that the requirements of each such section have been satisfied with respect to reform of the United Nations.
(2) ALTERNATE CERTIFICATION MECHANISM.—

(A) IN GENERAL.—Except as provided in paragraph (3), in the event that the Secretary is unable to submit a certification in accordance with paragraph (1), the Secretary may submit to the appropriate congressional committees, in accordance with subparagraph (B), an alternate certification that certifies that the requirements of the section to which the original certification applies have been implemented through reforms that are substantially similar to the requirements of such section or accomplish the same purposes as the requirements of such section.

(B) EQUIVALENCY.—Reforms are substantially similar or accomplish the same purposes if—

(i) such reforms are formally adopted in written form by the entity or committee of the United Nations or of its specialized agency that has authority to enact or implement such reforms or are issued by the Secretariat or the appropriate entity or committee in written form; and

(ii) such reforms are not identical to the reforms required by a particular cer-
tification but in the determination of the Secretary will have the same, or nearly the same effect, as such reforms.

(C) Written justification and consultation.—

(i) Written justification.—Not later than 30 days before submitting an alternate certification in accordance with subparagraph (A), the Secretary shall submit to the appropriate congressional committees a written justification explaining in detail the basis for such alternate certification.

(ii) Consultation.—After the Secretary has submitted the written justification under clause (i), but no later than 15 days before the Secretary exercises the alternate certification mechanism described under subparagraph (A), the Secretary shall consult with the appropriate congressional committees regarding such exercise.

(3) Limited exception for substantial compliance.—

(A) Substantial compliance.—Subject to subparagraph (B), if at least 32 of the 46
reforms represented by the 14 certifications specified under paragraph (1) have been implemented, all such reforms (including the unimplemented reforms) so represented shall be deemed to have been implemented for the year in which the Secretary submits such certifications.

(B) **Mandatory Implementation of Certain Reforms.**—

(i) **In General.**—The provisions of subparagraph (A) shall not apply unless the reforms under the following sections have been implemented for the year to which subparagraph (A) applies:

(I) Subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 1111(c) of this title).

(II) Section 1113(b)(1)(A).

(III) Section 1113(b)(2)(D).

(IV) Section 1114(a)(1).

(V) Section 1114(a)(6).

(VI) Section 1114(b)(1).

(VII) Section 1114(b)(2).

(VIII) Section 1114(c)(1).
(IX) Section 1131(b)(1).

(X) Section 1131(b)(2).

(XI) Section 1131(b)(3).

(XII) Section 1131(b)(5).

(XIII) Section 1131(b)(6).

(XIV) Section 1132(a)(1).

(XV) Section 1132(a)(2).

(ii) Full compliance in succeeding year.—If the unimplemented reforms under subparagraph (A) are not implemented in the year succeeding the year to which subparagraph (A) applies, the provisions of subsection (b) shall apply for such succeeding year.

(b) Withholding of United States Contributions to Regular Assessed Budget of the United Nations.—

(1) In general.—Except as provided in paragraph (4) and in accordance with paragraph (2), until such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), the United States shall appropriate, but withhold from expenditure, 50 percent of the contributions of the United States to the regular as-
sessed budget of the United Nations for a biennial period.

(2) AVAILABLE UNTIL EXPENDED.—The contributions appropriated but withheld from expenditure under paragraph (1) are authorized to remain available until expended.

(3) APPLICATION WITH RESPECT TO SECTION 11(B) OF THE UNITED NATION PARTICIPATION ACT OF 1945.—Until such time as all certifications (or alternate certifications) are submitted in accordance with subsection (a), subsection (b) of section 11 of the United Nations Participation Act of 1945 (as amended by section 1111(c) of this title) shall be administered as though such section reads as follows: “The Secretary may not make a contribution to a regularly assessed biennial budget of the United Nations in an amount greater than 11 percent of the amount calculable under subsection (c).”.

(4) SECTION 11(D)(3) OF UNITED NATIONS PARTICIPATION ACT OF 1945.—

(A) SPECIAL RULE.—A certification under subsection (d)(3) of section 11 of the United Nations Participation Act of 1945 (as amended by section 1111(c) of this title) (relating to the 2008–2009 biennial period and subsequent bi-
ennial periods) shall not be required until such
time as the United Nations makes its formal
budget presentation for the 2008–2009 biennial
period.

(B) APPLICATION.—If the Secretary does
not submit a certification under such section,
the 50 percent withholding described under
paragraph (1) shall apply.

(e) RELEASE OF FUNDS.—At such time as all certifi-
cations (or alternate certifications) are submitted in ac-
cordance with subsection (a), the United States shall
transfer to the United Nations amounts appropriated but
withheld from expenditure under subsection (b).

(d) ANNUAL REVIEWS.—

(1) IN GENERAL.—The Secretary shall conduct
annual reviews, beginning one year after the date on
which the Secretary submits the final certification
(or alternate certification) in accordance with sub-
section (a), to determine if the United Nations con-
tinues to remain in compliance with all such certifi-
cations (or alternate certifications). Not later than
30 days after the completion of each such review,
the Secretary shall submit to the appropriate con-
gressional committees a report containing the find-
ings of each such review.
(2) Action.—If during the course of any such review the Secretary determines that the United Nations has failed to remain in compliance with a certification (or an alternate certification) that was submitted in accordance with subsection (a), the 50 percent withholding described under subsection (b) shall re-apply with respect to United States contributions each fiscal year to the regular assessed budget of the United Nations beginning with the fiscal year immediately following such review and subsequent fiscal years until such time as all certifications (or alternate certifications) under subsection (a) have been submitted.

(e) Effective Date.—The certifications (or alternate certifications) specified under subsection (a) shall be required with respect to United States contributions towards payment of regular assessed dues of the United Nations for 2007 and subsequent years.

TITLE XIII—OPENING DOORS FOR FOREIGN STUDENTS

SEC. 1301. SHORT TITLE.

This title may be cited as the “Opening Doors for Foreign Students Act of 2005”.

SEC. 1302. FINDINGS.

Congress finds the following:
(1) Opening doors to well-intentioned foreign students and exchange visitors has wide-ranging benefits to the United States.

(2) Upon their return to their countries of origin, foreign students and exchange visitors disseminate the core values of the United States as they relate their positive experiences with the democratic form of governance, the dynamic multicultural society, and the entrepreneurial spirit of the United States.

(3) The United States earns approximately $13,000,000,000 a year in tuition and living expenses paid by foreign students, making higher education the United States’ fifth largest service export.

(4) Since the terrorist attacks on America on September 11, 2001, the United States institutions of higher education and nongovernmental exchange sponsors have faced great challenges in retaining their competitive position in the market for foreign students.

(A) During the 2002–2003 academic year, the first year after the 9/11 attacks, the growth of overall international student enrollment in the United States slowed to 0.6 percent after having increased by 6.4 percent in the two pre-
vious academic years. During the 2003–2004 academic year, according to the Institute of International Education, the number of international students studying in the United States declined 2.4 percent to 572,509. This was the first overall decline in international students studying in the United States since the 1971–72 school year.

(B) Community Colleges have been particularly hard-hit by overall declines in enrollments of foreign students. During the 2003–2004 academic year, the number of foreign students enrolled a public two-year schools fell by 10 percent, according to the Institute of International Education.

(5) Some foreign students have expressed anxiety and alarm about the new visa processes. A survey conducted in 2004 at the University of California of 1,700 foreign students found that 60 percent reported that they had to endure “unreasonable delays” to obtain student visas.

(6) Competitors in the marketplace for higher education, including Canada, Australia, New Zealand, Germany and the United Kingdom, are aggres-
sively recruiting students to take advantage of
changed perceptions of the United States.

(7) If the United States is to regain its com-
petitive advantage in attracting foreign students and
exchange visitors, it will be essential for the Depart-
ment of State to work to ensure that new visa proce-
dures are administered in the most efficient and
user-friendly possible manner. Furthermore the De-
partment must continue to engage in public outreach
designed to dispel negative perceptions about study
in the United States.

SEC. 1303. DEVELOPMENT OF A COMPREHENSIVE STRAT-
EGY TO ATTRACT FOREIGN STUDENTS TO
STUDY IN THE UNITED STATES.

(a) Development of Strategy.—Not later than
one year after the date of the enactment of this Act, the
Secretary of State, in consultation with the Secretary of
Homeland Security, the Secretary of Education, and the
Secretary of Commerce, shall develop a comprehensive
strategy to counter widespread perceptions among foreign
students that the United States no longer welcomes them
to study in the United States or to participate in exchange
programs, and to increase applications by foreign students
to come to the United States for study and exchange. Not
later than 180 days after the date of the enactment of
this Act, the Secretary shall submit to the appropriate congressional committees a written account of this strategy.

(b) Consultations with Stakeholders.—Beginning not later than 180 days after date of the enactment of this Act, the Secretary of State shall undertake annual consultations with individuals and organizations involved in international education, including consultations with nongovernmental institutions concerned with the recruitment of foreign students to the United States; officials from United States educational institutions concerned with the recruitment of foreign students, foreign student representatives, nongovernmental organizations designated by the Department of State as sponsors in the Exchange Visitor Program, and other concerned parties for the purpose of discussing and seeking input on the development of the comprehensive strategy described in subsection (a).

SEC. 1304. IDENTIFICATION OF PRIORITY MISSIONS AND MISSIONS EMPLOYING BEST PRACTICES FOR ATTRACTING STUDENT VISA APPLICANTS.

(a) Review of Student Visa Applications.—The Secretary of State shall review the application and issuance rates for F-1 and J-1 nonimmigrant visas (issued under subparagraphs (F) and (J) of section
101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) at every diplomatic or consular mission of the United States providing consular services. Such review shall encompass the five-year period immediately preceding the date of the enactment of this Act and shall be used to identify missions that have experienced significant declines in such visa applications, the issuance of such visas, or both, and shall also identify diplomatic or consular missions that have experienced recovery in the rate of such applications or such issuances after experiencing significant declines in such applications, such issuances, or both.

(b) Obtaining Information on Best Practices for Gaining Increases.—Upon identifying diplomatic or consular missions that have experienced recoveries in the rates of such visa applications, issuances, or both, the Secretary shall direct the chiefs of mission of such missions to submit to the Secretary a report concerning consular, public diplomacy, public outreach, or other practices that may have contributed to such recoveries.

(c) Corrective Measures.—Upon identifying diplomatic or consular missions in key foreign policy countries that have suffered significant declines in the rates of such applications, issuances, or both without experiencing recovery in either or both of such rates in accord-
ance with the review required under subsection (a), the
Secretary shall direct the chiefs of mission of such mis-
sions to develop a plan appropriate to each such mission
to attract additional F–1 and J–1 visa applicants and to
address any inefficiencies in processing visa applications
specific to each such mission.

(d) REPORT.—

(1) IN GENERAL.—Not later than 180 days
after the date of the enactment of this Act, and one
year thereafter, the Secretary shall submit to the ap-
propriate congressional committees a report con-
cerning trends in the application and issuance rates
for F–1 and J–1 visas at all diplomatic and consular
missions of the United States providing consular
services.

(2) REPORT ELEMENTS.—

(A) STATISTICAL INFORMATION.—The
first report submitted pursuant to this section
shall contain data from the five-year period im-
mmediately preceding the date of the enactment
of this Act. The second report shall contain up-
dated data covering the calendar year preceding
the issuance of the report and comparisons with
previous data.
(B) **Best Practices.**—Each report shall contain a “Best Practices” section identifying diplomatic or consular missions that have experienced a recovery in the rates of such applications, such issuances, or both after experiencing declines in the rates for such applications, such issuances, or both. For each diplomatic or consular mission so identified, the report shall include post activities that may have contributed to such recovery.

(C) **Priority Posts.**—Each report shall also contain a section entitled “Priority Posts” that identifies critical diplomatic and consular missions from key foreign policy countries that have experienced declines in the rates of such applications, such issuances, or both without experiencing a significant recovery in any of such rates. For each diplomatic or consular mission so identified, the report shall contain an action plan that describes new initiatives, such as consular services, public diplomacy, and public outreach, that are designed to improve the rates of such applications and such issuances.
SEC. 1305. ENHANCED TRAINING IN PROCESSING AND FACILITATING STUDENT VISAS.

(a) TRAINING PROGRAMS.—Chapter 7 of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) (relating to career development, training, and orientation) is amended by adding at the end the following new section:

"SEC. 708. TRAINING IN PROCESSING AND FACILITATING VISA APPLICATIONS FOR STUDENTS AND EXCHANGE VISITORS FOR STUDY IN THE UNITED STATES.

"The Secretary shall establish a training program for members of the Service who have responsibilities related to the issuance of visas to prepare such members for the unique challenges that visa applicants face in completing the F–1 and J–1 nonimmigrant visa application process and to provide such members with proven tools, including in the area of consular services, public diplomacy, outreach to non-governmental institutions and educational institutions, and public outreach to combat perceptions that the United States is no longer a welcoming place for foreign citizens to study or to participate in exchange programs."."
SEC. 1306. ENHANCED DIPLOMATIC EFFORTS TO NEGOTIATE FAVORABLE RECIPROCAL AGREEMENTS WITH FOREIGN GOVERNMENTS CONCERNING STUDENT VISA TERM LIMITS.

The Secretary of State should undertake a sustained diplomatic dialogue with key foreign governments, including the Government of the People’s Republic of China and the Government of the Russian Federation, aimed at renegotiating the terms of existing reciprocal agreements to provide for extended validity of student and exchange visas in order to reduce the need for frequent renewals of F–1 and J–1 nonimmigrant visas by foreign students.

TITLE XIV—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1401. STATEMENT OF POLICY RELATING TO DEMOCRACY IN IRAN.

(a) FINDINGS.—Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran, women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.
(2) The April 2005 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2004.

(3) That report also states that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, including Hizballah, Hamas, the Palestine Islamic Jihad, al-Aqsa Martyrs Brigade, and the Popular Front for the Liberation of Palestine, and has harbored senior members of al-Qaeda.

(b) POLICY.—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran;

(2) the United States supports transparent, full democracy in Iran;

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment, and torture of Iranian civilians who express political dissent.

SEC. 1402. IRANIAN NUCLEAR ACTIVITIES.

(a) FINDINGS.—Congress finds the following:
(1) Iran remains the world’s leading sponsors of international terrorism and is on the Department of State’s list of countries that provide support for acts of international terrorism.

(2) Iran has repeatedly called for the destruction of Israel, and Iran supports organizations, such as Hizballah, Hamas, and the Palestine Islamic Jihad, that deny Israel’s right to exist and are responsible for terrorist attacks against Israel.

(3) The Ministry of Defense of the Government of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(4) Inspections by the International Atomic Energy Agency (IAEA) in Iran have revealed significant undeclared activities, including plutonium reprocessing efforts.

(5) Plutonium reprocessing is a necessary step in a nuclear weapons program that uses plutonium created in a reactor.

(6) Iran continues to assert its right to pursue nuclear power and related technology, continues con-
structuring a heavy water reactor that is ideal for making plutonium for weapons, and has not fully co-
operated with the ongoing investigation by the IAEA of its nuclear activities.

(7) The United States has publicly opposed the completion of reactors at the Bushehr nuclear power plant because the transfer of civilian nuclear technolo-

(8) Russia, in spite of strong international con-
cern that Iran intended to use civilian nuclear en-
ergy plants to develop nuclear weapons, provided Iran with support to complete the Bushehr nuclear facility.

(9) Russia intends to begin supplying the Bushehr nuclear facility with fuel in June 2005, and the Bushehr nuclear plant is expected to begin oper-
ation at the beginning of 2006.

(10) The Iranian parliament has ratified a bill supporting the construction of 20 new nuclear power plants.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that—
(1) Russia’s provision of assistance to Iran on the Bushehr nuclear reactor is inconsistent with the nonproliferation goals of the United States;

(2) Iran’s stated plans to construct 20 new nuclear facilities and its development of nuclear technologies, coupled with acknowledged and unacknowledged ties to terrorist groups, constitute a threat to global peace and security; and

(3) the national security interests of the United States will best be served if the United States develops and implements a long-term strategy to halt all foreign nuclear cooperation with Iran.

(c) STATEMENT OF CONGRESS.—Congress calls upon the leaders of the governments of the G–8 to—

(1) insist that the Government of Russia terminate all assistance, including fuel shipments, to the Bushehr nuclear facility in Iran; and

(2) condition Russia’s continued membership in the G–8 on Russia’s termination of all assistance, including fuel shipments, to the Bushehr facility and to any other nuclear plants in Iran.

SEC. 1403. LOCATION OF INTERNATIONAL INSTITUTIONS IN AFRICA.

(a) STATEMENT OF CONGRESS.—Congress declares that, for the purpose of maintaining regional balances with
respect to the location of international organizations and institutions in Africa, such organizations or institutions, such as the African Development Bank, that move their headquarters offices from their original locations for reasons of security should return once those security issues have been resolved or should relocate to another country in the region in which the organization or institution was originally headquartered.

(b) Consultations Regarding Return.—The Secretary of State is authorized to begin consultations with appropriate parties to determine the feasibility of returning such organizations and institutions to the regions in which they were originally headquartered.

SEC. 1404. BENJAMIN GILMAN INTERNATIONAL SCHOLARSHIP PROGRAM.

Section 305 of the International Academic Opportunity Act of 2000, (title III of the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000) (Public Law 106–309; 22 U.S.C. 2462 note) is amended by striking “$1,500,000” and inserting “$4,000,000”.

SEC. 1405. PROHIBITION ON COMMEMORATIONS RELATING TO LEADERS OF IMPERIAL JAPAN.

The Department of State, both in Washington and at United States diplomatic missions and facilities in for-
eign countries, shall not engage in any activity, including the celebration of the recently enacted Showa holiday, which may, in any manner, serve to commemorate or be construed as serving to commemorate leaders of Imperial Japan who were connected to the attack on the United States Fleet at Pearl Harbor, Oahu, Hawaii, on December 7, 1941.

**SEC. 1406. UNITED STATES POLICY REGARDING WORLD BANK GROUP LOANS TO IRAN.**

(a) **UNITED STATES POLICY.**—The Secretary of State, in consultation with the Secretary of the Treasury, shall work to secure the support of the governments of countries represented on the decisionmaking boards and councils of the international financial institutions of the World Bank Group to oppose any further activity in Iran by the international financial institutions of the World Bank Group until Iran abandons its program to develop nuclear weapons.

(b) **NOTIFICATION.**—Not later than 30 days after the Secretary initiates efforts to carry out subsection (a), the Secretary shall notify the appropriate congressional committees of such efforts.

(c) **WORLD BANK GROUP DEFINED.**—As used in this section, the term “World Bank Group” means the International Bank for Reconstruction and Development, the
International Development Association, the International
Financial Corporation, and the Multilateral Investment
Guaranty Agency.

SEC. 1407. STATEMENT OF POLICY REGARDING SUPPORT
FOR SECI REGIONAL CENTER FOR COMBATING TRANS-BORDER CRIME.

(a) FINDINGS.—Congress finds the following:

(1) The Southeast European Cooperative Initiative (SECI) Regional Center for Combating Trans-Border Crime, located in Bucharest, Romania, is composed of police and customs officers from each of the 12 member states of SECI: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Slovenia, Serbia and Montenegro and Turkey.

(2) The SECI Regional Center supports joint trans-border crime fighting efforts through the establishment of task forces, including task forces relating to trafficking in human beings, anti-drugs, financial and computer crimes, stolen vehicles, anti-smuggling and anti-fraud, and terrorism.

(b) STATEMENT OF POLICY.—It is the policy of the United States to continue to support the activities of the SECI Regional Center for Combating Trans-border Crime.
SEC. 1408. STATEMENT OF POLICY URGING TURKEY TO RESPECT THE RIGHTS AND RELIGIOUS FREE-DOMS OF THE ECUMENICAL PATRIARCH.

(a) FINDINGS.—Congress finds the following:

(1) Turkey is scheduled to begin accession negotiations with the European Union on October 3, 2005.

(2) In 1993 the European Union defined the membership criteria for accession to the European Union at the Copenhagen European Council, obligating candidate countries to have achieved certain levels of reform, including stability of institutions guaranteeing democracy, the rule of law, and human rights, and respect for and protection of minorities.

(3) The Government of Turkey refuses to recognize the Ecumenical Patriarch’s international status.

(4) The Government of Turkey has limited to Turkish nationals the candidates available to the Holy Synod for selection as the Ecumenical Patriarch and has refused to reopen the Theological School at Halki, thus impeding training for the clergy.

(b) STATEMENT OF POLICY.—Congress—
(1) calls on Turkey to continue to demonstrate its willingness to adopt and uphold European standards for the protection of human rights;

(2) based on the ideals associated with the European Union and its member states, calls on Turkey to eliminate all forms of discrimination, particularly those based on race or religion, and immediately—

(A) grant the Ecumenical Patriarch appropriate international recognition and ecclesiastic succession;

(B) grant the Ecumenical Patriarchate the right to train clergy of all nationalities, not just Turkish nationals; and

(C) respect property rights and human rights of the Ecumenical Patriarchate; and

(3) calls on Turkey to pledge to uphold and safeguard religious and human rights without compromise.

SEC. 1409. STATEMENT OF POLICY REGARDING THE MURDER OF UNITED STATES CITIZEN JOHN M. ALVIS.

(a) FINDINGS.—Congress finds the following:
(1) On November 30, 2000, United States citizen John M. Alvis was brutally murdered in Baku, Azerbaijan.

(2) John M. Alvis was serving his final two weeks of a two year full-time commitment to the International Republican Institute, a United States nongovernmental organization carrying out assistance projects for the Government of the United States to help promote democracy and strengthen the rule of law in Azerbaijan.

(3) The United States is committed to ensuring that the truth of the murder of John M. Alvis is determined and the individual or individuals who are responsible for this heinous act are brought to justice.

(b) STATEMENT OF POLICY.—Congress—

(1) appreciates the efforts of the Government of Azerbaijan to find the individual or individuals who are responsible for the murder of United States citizen John M. Alvis and urges the Government of Azerbaijan to continue to make these efforts a high priority; and

(2) urges the Secretary of State to continue to raise the issue of the murder of United States citizen John M. Alvis with the Government of Azer-
baijan and to make this issue a priority in relations between the Government of the United States and the Government of Azerbaijan.

SEC. 1410. STATEMENT OF CONGRESS AND POLICY WITH RESPECT TO THE DISENFRANCHISEMENT OF WOMEN.

(a) FINDINGS.—Congress finds the following:

(1) Following the May 16, 2005, decision of the Kuwaiti parliament to enfranchise its female citizens, Saudi Arabia is now the only country in world that restricts the franchise and the right to hold elected office to men only.

(2) Only men were allowed to vote and run for office in Saudi Arabia’s municipal elections held earlier this year, the first elections of any kind that Saudi Arabia has held since 1963.

(b) STATEMENTS OF CONGRESS.—Congress—

(1) strongly condemns the disenfranchisement of women, including restrictions that prevent women from holding office; and

(2) calls on the Government of Saudi Arabia to, at the earliest possible time, promulgate a law that grants women the right to vote and to run for office in all future Saudi elections, whether local, provincial, or national.
(c) POLICY.—The President is encouraged to take such action as the President considers appropriate, including a downgrading of diplomatic relations, to encourage countries that disenfranchise only women to grant women the rights to vote and hold office.

SEC. 1411. ACQUISITION OF MARITIME REFUELING SUPPORT VESSEL FOR UNITED STATES DRUG INTERDICTON EFFORTS IN THE EASTERN PACIFIC MARITIME TRANSIT ZONE.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense and Department of Homeland Security report that narcotics smuggling organizations continue to avoid United States drug interdiction efforts by transiting deep into the Eastern Pacific, well beyond the capabilities of United States ships.

(2) Drug trafficking organizations have already adapted to these long transit routes by employing logistical support vessels (LSVs) to refuel drug laden boats on the high seas.

(3) United States drug interdiction forces currently do not have this at-sea refueling capability.

(4) On June 29, 2005, the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform of
the House of Representatives held a hearing entitled
“Interrupting Narco-Terrorist Threats on the High Seas: Do We Have Enough Wind in Our Sails?.”

(5) During the hearing, the acting United States Interdiction Coordinator (USIC), Ralph Utley, spoke of the substantial benefits to be gained if a maritime “oiler” ship were employed to support interdiction activities in the Eastern Pacific maritime transit zone.

(6) The Subcommittee was very interested to see that all witnesses representing the Department of Defense, the Office of National Drug Control Policy (ONDCP), the United States Coast Guard, Customs and Border Protection, and the Drug Enforcement Administration testified that they believe the employment of a maritime oiler vessel would be an immediate improvement to United States interdiction operations in the transit zone.

(7) On any given day, United States and Allied forces seize an average of 100 kilograms of cocaine per ship when patrolling in the Eastern Pacific maritime transit zone.

(8) Each year, the United States Coast Guard estimates it loses 100 “ship-days” due to lengthy refueling trips to Central and South American coun-
tries. The United States Navy also faces similar refueling challenges.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for fiscal year 2006 and $25,000,000 for fiscal year 2007 for the Bureau for International Narcotics and Law Enforcement Affairs (INL) of the Department of State to purchase or lease a maritime refueling support vessel that is capable of refueling United States and allied warships and vessels employed in support of United States drug interdiction duties in the Eastern Pacific maritime transit zone.

SEC. 1412. STATEMENT OF POLICY RELATING TO INTERNATIONAL TAXATION.

(a) POLICY.—It is the policy of the United States to use the voice, vote, and influence of the United States to vigorously oppose any international or global tax that is or may be considered or promoted by the United Nations, its specialized or affiliated agencies, its Member States, or United Nations-recognized nongovernmental organizations.

(b) EFFORTS.—United States representatives at the United Nations shall—

(1) use the voice, vote, and influence of the United States to vigorously oppose any effort by the United Nations or any of its specialized or affiliated
agencies to fund, approve, advocate, or promote any proposal concerning the imposition of a tax or fee on any United States person in order to raise revenue for the United Nations or any such agency; and

(2) declare that a United States person shall not be subject to any international tax and shall not be required to pay such tax if such tax is levied against such person.

(e) EXCEPTION.—The policy described in subsection (a) shall not apply to fees for publications or other kinds of fees that are not tantamount to a tax on a United States person.

(d) PERSON DEFINED.—For purposes of this section, the term “person” has the meaning given such term in section 7701(a)(1) of the Internal Revenue Code of 1986 (26 U.S.C. 7701(a)(1)).

SEC. 1413. DECLARATION OF HEADS OF STATE OF THE SHANGHAI COOPERATION ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The Shanghai Cooperation Organization (SCO) is made up of Kazakhstan, Kyrgyzstan, the People’s Republic of China, Russia, Tajikistan, and Uzbekistan.
(2) al Qaeda and Taliban fighters remain active in Afghanistan and antiterrorist operations led by the international coalition are still ongoing.

(3) The Heads of State of the SCO declared that they supported the Global War on Terrorism and would strengthen their efforts to combat and prevent terrorism.

(4) The Heads of State of the SCO called for the relevant State parties of the anti-terrorist coalition to set a deadline for the temporary use of the infrastructure facilities of the SCO Member States and for their military presence in these countries.

(b) STATEMENT OF CONGRESS.—Congress—

(1) commends the Heads of State of the SCO for their declaration of support of the Global War on Terrorism and for strengthening their efforts to combat and prevent terrorism;

(2) commends the support of the anti-terrorist efforts of the international coalition in Afghanistan;

(3) expresses its concern about language in the declaration of the Heads of State of the SCO calling for the relevant State parties of the anti-terrorist coalition to set a deadline for the temporary use of the infrastructure facilities of the SCO Member States.
and for their military presence in these countries; and

(4) calls on the President, the Secretary of State, and the Secretary of Defense to open a dialogue with the appropriate Member States in the SCO concerning the importance of the use of bases in the SCO Member States and report to Congress on the outcome of such dialogue.

SEC. 1414. PREVENTION OF SMUGGLING OF METHAMPHETAMINE INTO THE UNITED STATES FROM MEXICO.

(a) In General.—The Secretary of State, acting through the Assistant Secretary of the Bureau for International Narcotics and Law Enforcement Affairs, shall take such actions as are necessary to prevent the smuggling of methamphetamine into the United States from Mexico.

(b) Specific Actions.—In carrying out subsection (a), the Secretary shall—

(1) improve bilateral efforts at the United States-Mexico border to prevent the smuggling of methamphetamine into the United States from Mexico;

(2) seek to work with Mexican law enforcement authorities to improve the ability of such authorities to
to combat the production and trafficking of methamphetamine, including by providing equipment and technical assistance, as appropriate; and

(3) encourage the Government of Mexico to take immediate action to reduce the diversion of pseudoephedrine by drug trafficking organizations for the production and trafficking of methamphetamine.

(e) Report.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the implementation of this section for the prior year.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section not less than $4,000,000 for each of the fiscal years 2006 and 2007.

SEC. 1415. STATEMENT OF POLICY REGARDING THE ATTACKS ON UNITED STATES CITIZENS BY PALESTINIAN TERRORISTS.

(a) Findings.—Congress finds the following:

(1) Since the late Yasser Arafat renounced violence in the Oslo Peace Accords on September 13, 1993, at least 53 United States citizens, including
one unborn child, have been murdered by Palestinian terrorists.

(2) On December 1, 1993, in a drive-by shooting north of Jerusalem, Hamas killed United States citizen Yitzhak Weinstock, 19, whose family came from Los Angeles.

(3) On October 9, 1994, Hamas kidnapped and murdered United States citizen Nachshon Wachsman, 19, whose family came from New York City.

(4) On April 9, 1995, an Islamic Jihad bomb attack on a bus near Kfar Darom killed United States citizen Alisa Flatow, 20, from West Orange, New Jersey.

(5) On August 21, 1995, in a Hamas bus bombing in Jerusalem, United States citizen Joan Davenny, from New Haven, Connecticut, was killed.

(6) On September 9, 1995, Mara Frey of Chicago was stabbed in Ma‘ale Michmash resulting in her unborn child’s death.

(7) On February 25, 1996, three United States citizens, Sara Duker of Teaneck, New Jersey, Matthew Eisenfeld of West Hartford, Connecticut, and Ira Weinstein of New York City, were killed in a Hamas bus bombing in Jerusalem.
(8) On May 13, 1996, United States citizen David Boim, 17, of New York City, was killed in a drive-by shooting near Beit El, north of Jerusalem.

(9) On June 9, 1996, United States citizen Yaron Ungar was killed in a drive-by shooting near Beit Shemesh.

(10) On July 30, 1997, United States citizen Leah Stern of Passaic, New Jersey, was killed in a Hamas bombing in Jerusalem’s Mahane Yehuda market.

(11) On September 4, 1997, a Hamas bombing on Ben-Yehuda Street, Jerusalem, killed Yael Botwin, 14, of Los Angeles.


(13) On October 8, 2000, Rabbi Hillel Lieberman, 36, of New York City, was stabbed and killed near Nablus.

(14) On October 30, 2000, United States citizen Esh-Kodesh Gilmore, 25, was shot in Jerusalem.

(15) On December 31, 2000, Rabbi Binyamin Kahane, 34, and his wife, Talia Hertzlich Kahane,
both formerly of New York City, were killed in a drive-by shooting near Ofra.

(16) On May 9, 2001, Jacob “Koby” Mandell, 13, of Silver Spring, Maryland, was killed in an attack near Tekoah.

(17) On May 29, 2001, Sarah Blaustein, 53, of Lawrence, New York, was killed in a drive-by shooting near Efrat.

(18) On August 9, 2001, two United States citizens, Judith L. Greenbaum, 31, and Malka Roth, 15, were killed in the Jerusalem Sbarro pizzeria bombing.

(19) On November 4, 2001, Shoshana Ben-Yishai, 16, of New York City, was shot and killed during an attack on a Jerusalem bus.

(20) On January 15, 2002, Avraham Boaz, 72, of New York City, was killed in a shooting near Bethlehem.

(21) On January 18, 2002, United States citizen Aaron Elis, 32, was killed in a shooting in Hadera.

(22) On February 8, 2002, United States citizen Moranne Amit, 25, was killed in a stabbing in Abu Tor Peace Forest, Jerusalem.
(23) On February 15, 2002, United States citizen Lee Akunis, was shot and killed near Ramallah.

(24) On February 16, 2002, Keren Shatsky, 14, of New York City and Maine, and Rachel Thaler, 16, of Baltimore, Maryland, were killed in a bombing in Karnei Shomron.

(25) On March 24, 2002, Esther Kleinman, 23, formerly of Chicago, was shot and killed near Ofra.

(26) On March 27, 2002, United States citizen Hannah Rogen, 90, was killed in a bombing at a hotel Passover seder in Netanya.

(27) On June 18, 2002, Moshe Gottlieb, 70, of Los Angeles, was killed in a bus bombing in Jerusalem.

(28) On June 19, 2002, United States citizen Gila Sara Kessler, 19, was killed in a bombing at a Jerusalem bus stop.

(29) On July 31, 2002, five United States citizens were killed in a bombing of a Hebrew University cafeteria: Marla Bennett, 24, of San Diego, Benjamin Blutstein, 25, of Susquehanna Township, Pennsylvania, Janis Ruth Coulter, 36, of Massachusetts, David Gritz, 24, of Peru, Massachusetts (and of dual French-United States citizenship), and Dina Carter, 37, of North Carolina.
(30) On March 5, 2003, Abigail Leitel, 14, who was born in Lebanon, New Hampshire, died in a bus bombing in Haifa.

(31) On March 7, 2003, a shooting occurred in the home of United States citizens Rabbi Eli Horowitz, 52, who grew up in Chicago, and Dina Horowitz, 50, who grew up in Florida, and both were killed.

(32) On June 11, 2003, Alan Beer, 47, who grew up in Cleveland, was killed in a bus bombing in Jerusalem.

(33) On June 20, 2003, a shooting attack on a car driving through the West Bank killed United States citizen Tzvi Goldstein, 47, who grew up in the State of New York.

(34) On August 19, 2003, Mordechai Reinitz, 49, Yitzhak Reinitz, 9, Tehilla Nathanson, 3, of Monsey, New York, Goldie Taubenfeld, 43, of New Square, New York, and Shmuel Taubenfeld, 3 months, of New Square, New York, were killed in a homicide bombing on a bus in Jerusalem.

(36) On October 15, 2003, United States citizens John Branchizio, 36, of San Antonio, Texas, John Martin Linde, Jr., 30, of Washington, Missouri, and Mark T. Parson, 31, of the State of New York were killed in a car bombing in Gaza.

(37) On September 24, 2004, a mortar strike on a housing community killed Tiferet Tratner, 24, a dual United States-Israeli citizen.

(38) At least another 83 United States citizens have been injured in Palestinian terrorist attacks.

(39) Palestinian terrorism continues to happen as demonstrated by the bombing in Tel Aviv on February 25, 2005, despite the recent elections and a new sense of optimism in the region.

(40) The United States is willing to continue to work with Palestinian leaders under the condition that the newly elected Palestinian leadership reject and take verifiable steps to prevent terrorism.

(b) STATEMENT OF POLICY.—Congress—

(1) condemns the attacks on United States citizens by Palestinian terrorists and demands that the Palestinian Authority work with Israel to protect all innocent individuals, regardless of citizenship, from terrorist atrocities; and
(2) offers its condolences to the families and loved ones of United States citizens who were killed by Palestinian terrorist attacks.

SEC. 1416. STATEMENT OF POLICY REGARDING TRANSFER OF CHARLES TAYLOR FOR TRIAL FOR WAR CRIMES.

It shall be the policy of the United States Government to seek the expeditious transfer of Charles Ghankay Taylor, former President of the Republic of Liberia, to the jurisdiction of the Special Court for Sierra Leone to undergo a fair and open trial for war crimes, crimes against humanity, and other serious violations of international humanitarian law.

SEC. 1417. UNITED STATES COMMITMENT TO IRAQ.

(a) FINDINGS.—Congress finds the following:

(1) The men and women of the United States Armed Forces fighting in Iraq are serving with bravery, distinction, and high morale.

(2) The men and women of the United States Armed Forces fighting in Iraq need and deserve the full support of the American people.

(3) The men and women of the United States Armed Forces fighting in Iraq are part of a large, multinational coalition, and are serving side-by-side
with Iraqi national forces who have been trained by that coalition.

(4) Coalition and Iraqi forces, Iraqi civilians, foreign diplomats, and individuals from around the world who have come to the aid of the Iraqi people are under attack from terrorists who deliberately attack children, worshippers, and law enforcement figures, attack civilians at random, sabotage essential services, and otherwise attempt to terrorize the Iraqi people, the American people, and the citizens of other coalition countries.

(5) The terrorists will be emboldened to “wait out” the United States if a target date for withdrawal is established and announced, especially if the terrorists perceive such withdrawal date has been established and announced as a result of their terrorist campaign against the coalition and the Iraqi people.

(b) SENSE OF CONGRESS.— It is the sense of Congress that—

(1) given the nature of the adversary the United States and its coalition partners face in Iraq and the difficult conditions under which the United States Armed Forces, coalition forces, and Iraqi forces find themselves, calls for an early withdrawal
of United States and coalition forces are counter-
productive to security aims of the United States and
the hopes of the Iraqi people; and

(2) such calls for an early withdrawal embolden
the terrorists and undermine the morale of the
United States Armed Forces, coalition forces, and
Iraqi forces, and put their security at risk.

(c) POLICY.—It shall be the policy of the United
States—

(1) to pursue a transfer of responsibility for
Iraqi security to Iraqi forces; and

(2) not to withdraw prematurely the United
States Armed Forces from Iraq, but to do so only
when it is clear that United States national security
and foreign policy goals relating to a free and stable
Iraq have been or are about to be achieved.

Subtitle B—Sense of Congress
Provisions

SEC. 1421. KOREAN FULBRIGHT PROGRAMS.

It is the sense of Congress that Fulbright program
activities for the Republic of Korea (commonly referred
to as “South Korea”) should—

(1) include participation by students from
throughout South Korea, including proportional rep-
resentation from areas outside of Seoul;
(2) attempt to include Korean students from a broad range of educational institutions, including schools other than elite universities;

(3) broaden the Korean student emphasis beyond degree-seeking graduate students to include opportunities for one-year nondegree study at United States colleges and universities by pre-doctoral Korean students; and

(4) include a significant number of Korean students planning to work or practice in areas other than advanced research and university teaching, such as in government service, media, law, and business.

SEC. 1422. UNITED STATES RELATIONS WITH TAIWAN.

It is the sense of Congress that—

(1) it is in the national interests of the United States to communicate directly with democratically elected and appointed officials of Taiwan, including the President of Taiwan, the Vice-President of Taiwan, the Foreign Minister of Taiwan, and the Defense Minister of Taiwan;

(2) the Department of State should, in accordance with Public Law 103–416, admit such high level officials of Taiwan to the United States to dis-
cuss issues of mutual concern with United States officials; and

(3) the Department of State should, in cooperation with the Ministry of Foreign Affairs of Taiwan, facilitate high level meetings between such high level officials of Taiwan and their counterparts in the United States.

SEC. 1423. NUCLEAR PROLIFERATION AND A. Q. KHAN.

(a) FINDINGS.—Congress finds the following:

(1) Dr. Abdul Qadeer Khan, former director of the A.Q. Khan Research Laboratory in Pakistan and Special Adviser to the Prime Minister on the Strategic Programme, had the status of a federal minister and established and operated an illegal international network which sold nuclear weapons and related technologies to a variety of countries.

(2) China provided Dr. Khan with nuclear weapons designs, and the illegal international nuclear proliferation network established by Dr. Khan may have provided other countries with these designs.

(3) The illegal international nuclear proliferation network established by Dr. Khan assisted Iran with its nuclear program by supplying Iran with
uranium-enrichment technology, including centrifuge equipment and designs.

(4) The illegal international nuclear proliferation network established by Dr. Khan assisted North Korea with its nuclear weapons program by providing centrifuge technology, including designs and complete centrifuges.

(5) The illegal international nuclear proliferation network established by Dr. Khan assisted Libya with its nuclear program by providing blueprints of centrifuge parts and thousands of assembled centrifuge parts.

(6) There is concern that the illegal international nuclear proliferation network created by Dr. Khan may be still in existence and its work still ongoing.

(7) Defense cooperation and technology transfer between China and Pakistan have been recently strengthened, including the codevelopment and manufacturing of a minimum of 400 J–17 “Thunder” fighter aircraft, with a minimum of 250 going to China. This and other Chinese-Pakistani technology sharing provides an expanded basis for further Pakistani proliferation of advanced military technology.
(8) The illegal international nuclear proliferation network established by Dr. Khan is a threat to United States national security.

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

(1) should continue efforts to—

(A) dismantle the illegal international nuclear proliferation network created by Dr. Abdul Qadeer Khan; and

(B) counter, through diplomacy and negotiation, the proliferation of weapons of mass destruction from Pakistan to other countries;

(2) should request and Pakistan should grant access to interview Dr. Khan and his top associates to determine in greater detail what technology his network provided or received from Iran, North Korea, Libya, and China; and

(3) should take the steps necessary to ensure that Pakistan has verifiably halted any cooperation with any country in the development of nuclear or missile technology, material, or equipment, or any other technology, material, or equipment that is useful for the development of weapons of mass destruction, including exports of such technology, material, or equipment.
SEC. 1424. PALESTINIAN TEXTBOOKS.

(a) FINDINGS.—Congress finds the following:

(1) Since 1993, the United States has provided more than $1,400,000,000 to assist the Palestinian people, including to assist with the process of strengthening the Palestinian education system.

(2) Since 1950, the United States has provided more than $3,200,000,000 in assistance to United Nations Relief and Works Agency (UNRWA), which operates schools in camps housing Palestinians.

(3) The Palestinian Authority has undertaken a reform of its textbooks, a process which will be completed in 2006.

(4) These new textbooks, while an improvement over past texts, fail in many respects to foster attitudes amongst the Palestinian people conducive to peace with Israel, including references to the infamous Protocols of the Elders of Zion, failure to acknowledge the State of Israel, and failure to discuss Jews in sections dealing with religious tolerance.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should express in the strongest possible terms United States opposition to the inclusion in Palestinian textbooks of materials which foster anti-Semitism and rejection of peace with Israel, and to express the unwillingness of the United States to con-
continue to support educational programs of the Palestinian Authority, whether directly or indirectly, should the Palestinian Authority continue to include material which does not foster tolerance and peace.

SEC. 1425. INTERNATIONAL CONVENTION AFFIRMING THE HUMAN RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES.

(a) FINDINGS.—Congress finds the following:

(1) There are more than 600,000,000 people who have a disability and more than two-thirds of all persons with disabilities live in developing countries.

(2) Only two percent of children with disabilities in developing countries receive any education or rehabilitation.

(3) A substantial shift has occurred globally from an approach of charity toward persons with disabilities to the recognition of the inherent universal human rights of persons with disabilities.

(4) A clearly defined international standard addressing the rights of persons with disabilities would assist developing countries in the creation and implementation of national laws protecting those rights.

(5) To better protect and promote the rights of persons with disabilities and to establish international norms, the United Nations General Assem-
bly adopted Resolution 56/168 (December 19, 2001) which established an ad hoc committee to consider proposals for a comprehensive and integral international convention that affirms the human rights and dignity of persons with disabilities.

(6) With the strong commitment and leadership of the United States and the vast domestic experience of the United States in the advancement of disability rights, the world community can benefit from United States participation in the drafting of an international convention that affirms the human rights and dignity of persons with disabilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should play a leading role in the drafting of an international convention that affirms the human rights and dignity of persons with disabilities and which is consistent with the Constitution of the United States, the Americans with Disabilities Act of 1990, and other rights enjoyed by United States citizens with disabilities;

(2) for this purpose, the President should authorize the Secretary of State to send to the Sixth Session of the United Nations Ad Hoc Committee on a Comprehensive and Integral International Conven-
tion on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities to be held in August 2005 and to subsequent sessions of the Ad Hoc Committee a United States delegation which includes individuals with disabilities who are recognized leaders in the United States disability rights movement; and

(3) the United States delegation referred to in paragraph (2) should seek the input and advice of the Department of State’s Advisory Committee on Persons with Disabilities with respect to matters considered at the Sixth Session of the United Nations Ad Hoc Committee and subsequent sessions.

SEC. 1426. FULBRIGHT SCHOLARSHIPS FOR EAST ASIA AND THE PACIFIC.

(a) FINDINGS.—Congress finds the following:

(1) From 1949–2003, the Department of State awarded 13,176 Fulbright Scholarships to students from East Asia and the Pacific, but only 31 went to Pacific Island students.

(2) In 2003–2004, the Department of State awarded 315 scholarships to students from East Asia and the Pacific, but none were awarded to Pacific Island students.
(b) Sense of Congress.—It is the sense of Congress that the Department of State should conduct a review and submit to the appropriate congressional committees a report regarding the marginalization of Pacific Islands students in the awarding of Fulbright Scholarships.

Sec. 1427. Baku-Tbilisi-Ceyhan Energy Pipeline.

(a) Findings.—Congress finds the following:

(1) It has been the long-standing policy of the United States to support the independence, security, and economic development of the newly independent states of the Caspian Sea region.

(2) The growth and stability of the newly independent states of the Caspian Sea region will be greatly enhanced by the development of their extensive oil and natural gas resources and the export of these resources unhindered along an east-west energy transportation corridor.

(3) The establishment of an east-west energy transportation corridor would enhance the energy security of the United States, Turkey, and other United States allies by ensuring an unhindered flow of energy from the Caspian Sea region to world markets.

(4) The centerpiece of the proposed east-west energy transportation corridor is the Baku-Tbilisi-
Ceyhan (BTC) pipeline, which was first endorsed by
the relevant regional governments in 1998 and
which will carry one million barrels of Caspian Sea
oil per day from Baku, Azerbaijan, to Ceyhan, Tur-
key, via a route that passes through Tbilisi, Georgia.

(5) The BTC pipeline was inaugurated on May
25, 2005, and Caspian Sea oil exports from the port
of Ceyhan, Turkey, will begin later this year.

(6) The BTC pipeline project has received
strong bipartisan support during the administrations
of both Presidents Bill Clinton and George W. Bush.

(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that—

(1) the governments and peoples of Turkey and
the newly independent states of the Caspian Sea re-
gion should be congratulated for the successful com-
pletion of the Baku-Tbilisi-Ceyhan pipeline;

(2) the policy of the United States to support
the independence, security, and economic develop-
ment of the newly independent states of the Caspian
Sea region should be reaffirmed; and

(3) projects should be encouraged that would
further develop the east-west energy transportation
corridor between the newly independent states of the
Caspian Sea region and Europe and that advance
the strategic goals of the United States, especially
the promotion of appropriate multiple routes for the
transportation to world markets of oil and gas from
the Caspian Sea region.

SEC. 1428. LEGISLATION REQUIRING THE FAIR, COM-
PREHENSIVE, AND NONDISCRIMINATORY
RESTITUTION OF PRIVATE PROPERTY CON-
FISCATED IN POLAND.

(a) FINDINGS.—Congress find the following:

(1) The protection of and respect for property
rights is a basic tenet for all democratic govern-
ments that operate according to the rule of law.

(2) Private properties were seized and con-
fiscated by the Nazis in occupied Poland or by the
Communist Polish government after World War II.

(3) Some post-Communist countries in Europe
have taken steps toward compensating individuals
whose property was seized and confiscated by the
Nazis during World War II and by Communist gov-
ernments after World War II.

(4) Poland has continuously failed to enact leg-
islation that requires realistically achievable restitu-
tion or compensation for those individuals who had
their private property seized and confiscated.
(5) Although President Aleksander Kwasniewski of Poland later exercised his veto power, in March 2001 the Polish Parliament passed a bill that would have provided compensation for seized and confiscated property, but only to individuals who were registered as Polish citizens as of December 31, 1999, thereby excluding all those individuals who emigrated from Poland during and after World War II.

(6) President Kwasniewski met in 2002 with congressional leaders of the United States Helsinki Commission and stated that he intended to draft a new law requiring the restitution of previously seized and confiscated private property that would not discriminate based on the residency or citizenship of an individual, and which would be ready to take effect by the beginning of 2003.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Poland should develop a final and complete settlement for those individuals who had their private property seized and confiscated by the Nazis during World War II or by the Communist Polish government after the war;
(2) restitution should be made in a timely manner if they are to be of any benefit to the many Holocaust survivors who are in their eighties or older; and

(3) the President and the Secretary of State should engage, as appropriate—

(A) in an open dialogue with the Government of Poland supporting the adoption of legislation requiring the fair, comprehensive, and nondiscriminatory restitution of or compensation for private property that was seized and confiscated; and

(B) in follow-up discussions with the Government of Poland regarding the status and implementation of such legislation.

SEC. 1429. CHILD LABOR PRACTICES IN THE COCOA SECTORS OF COTE D'IVOIRE AND GHANA.

It is the sense of Congress that—

(1) the Government of the Republic of Cote d'Ivoire and the Government of the Republic of Ghana should be commended for the tangible steps they have taken to address the situation of child labor in the cocoa sector;
(2) the Government of Cote d’Ivoire and the Government of Ghana should consider child labor and forced labor issues top priorities;

(3) the chocolate industry signatories to the September 19, 2001, voluntary Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor should meet the sixth and final pillar of the Protocol, to “develop and implement credible, mutually-acceptable, voluntary, industry-wide standards of public certification, consistent with applicable federal law, that cocoa beans and their derivative products have been grown and/or processed without any of the worst forms of child labor” by July 1, 2005;

(4) the chocolate industry, nongovernmental organizations, and the Government of Cote d’Ivoire and the Government of Ghana should continue their efforts in full force beyond July 1, 2005, to develop and implement a system to monitor child labor in the cocoa industry of Cote d’Ivoire and Ghana;

(5) the Office to Monitor and Combat Trafficking in Persons of the Department of State
should include information on the association between trafficking in persons and the cocoa industries of Cote d’Ivoire, Ghana, and other cocoa producing regions in the annual trafficking in persons report to Congress; and

(6) the Department of State should assist the Government of Cote d’Ivoire and the Government of Ghana in preventing the trafficking of persons into the cocoa fields and other industries in West Africa.

SEC. 1430. CONTRIBUTIONS OF IRAQI KURDS.

(a) FINDINGS.—Congress finds the following:

(1) Iraqi Kurdish forces played a unique and significant role in the fight to liberate Iraq for all Iraqis in 2003.

(2) Since Iraq’s liberation, Iraqi Kurdish leaders have played prominent and constructive roles in the drafting and passage of the Transitional Administrative Law and, more generally, in seeking to achieve a free, stable, and democratic Iraq.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Iraqi Kurds should be commended for their many contributions and sacrifices made in the cause of creating a free, stable, and democratic Iraq; and
(2) the Iraqi Transitional Government and the Kurdistan Regional Government are expected to adhere to the highest standards of democratic governance, including through enforcement of full equality and rights for all religious and ethnic minorities, such as Assyrians and Turcomans.

SEC. 1431. PROLIFERATION SECURITY INITIATIVE.

It is the sense of Congress that—

(1) the Secretary of State should strive to expand and strengthen the Proliferation Security Initiative announced on May 31, 2003, by President George W. Bush, placing particular emphasis on including countries outside of the North Atlantic Treaty Organization (NATO); and

(2) the United States should seek an international instrument, in the form of a United Nations Security Council resolution, multilateral treaty, or other agreement, to enhance international cooperation with the Proliferation Security Initiative regarding the interdiction, seizure, and impoundment in international waters and airspace of illicit shipments of weapons of mass destruction and their delivery systems and of related materials, equipment, and technology.
SEC. 1432. SECURITY OF NUCLEAR WEAPONS AND MATERIALS.

It is the sense of Congress that the President should seek to devise and implement standards to improve the security of nuclear weapons and materials by—

(1) establishing with other willing nations a set of guidelines containing performance-based standards for the security of nuclear weapons and materials;

(2) negotiating with those nations agreements to adopt guidelines containing performance-based standards and implement appropriate verification measures to assure ongoing compliance;

(3) coordinating with those nations and the International Atomic Energy Agency to strongly encourage other nations to adopt and verifiably implement the standards; and

(4) encouraging all nations to work with the International Atomic Energy Agency to complete the negotiation, adoption, and implementation of its proposed series of documents related to the security of nuclear materials.

SEC. 1433. INTERNATIONAL CRIMINAL COURT AND GENOCIDE IN DARFUR, SUDAN.

Based upon the adoption of resolutions on July 22, 2004, by both the House of Representatives and the Sen-
ate and the declaration on September 9, 2004, by former Secretary of State Colin Powell that the atrocities unfolding in Darfur, Sudan, are genocide, it is the sense of Congress that, notwithstanding the American Servicemembers’ Protection Act of 2002 (title II of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States; Public Law 107–206), the United States should render assistance to the efforts of the International Criminal Court to bring to justice persons accused of genocide, war crimes, or crimes against humanity in Darfur, Sudan, provided that legally binding assurances have been received from the United Nations Security Council or the International Criminal Court that no current or former United States Government official, employee (including any contractor), member of the United States Armed Forces, or United States national will be subject to prosecution by the International Criminal Court in connection with those efforts.

SEC. 1434. ACTION AGAINST AL-MANAR TELEVISION.

(a) FINDINGS.—Congress finds that—

(1) in 1996, the Secretary of State designated Hizballah as a foreign terrorist organization (FTO) under section 219 of the Immigration and Nationality Act;
(2) al-Manar television is owned and controlled by Hizballah and acts on behalf of Hizballah, as openly acknowledged by Hizballah leader Hasan Nasrallah;

(3) al-Manar’s programming, in accordance with Hizballah’s policy, openly promotes hatred of and graphically glorifies and incites violence, including suicide bombings, against Americans, Israelis, and Jews;

(4) in December 2004, the Secretary of State placed al-Manar on its Terrorist Exclusion List, immediately after which the sole satellite company that broadcast al-Manar in North America pulled al-Manar off the air;

(5) in recent months, several European Union (EU) countries and EU-based satellite companies have taken actions that severely limit al-Manar’s broadcasting reach in Europe; and

(6) al-Manar continues to broadcast to all of the Arab world, much of non-Arab Asia, most of Central and South America, and parts of Europe, with the cooperation of companies headquartered in Europe and the Arab world.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) all countries that host satellite companies that broadcast al-Manar, on whose territory al-Manar may be viewed over media subject to government regulation, or where advertising or other financial support for al-Manar originates, should take action, by the strongest and most comprehensive appropriate means available, to suppress al-Manar’s terroristic programming; and

(2) the Arab States Broadcasting Union, which is part of the Arab League, should revoke al-Manar’s membership status because of al-Manar’s promotion of hatred and incitement to violence, including suicide bombings, directed toward Americans, Israelis, and Jews.

SEC. 1435. STABILITY AND SECURITY IN IRAQ.

It is the sense of Congress that the President should transmit to the appropriate congressional committees as soon as possible after the date of the enactment of this Act the plan to provide for a stable and secure government of Iraq and an Iraqi military and police force that will allow the United States military presence in Iraq to be diminished.
SEC. 1436. PROPERTY EXPROPRIATED BY THE GOVERNMENT OF ETHIOPIA.

It is the sense of the Congress that the Government of Ethiopia should account for, compensate for, or return to United States citizens, and entities not less than 50 percent beneficially owned by United States citizens, property of such citizens and entities that has been nationalized, expropriated, or otherwise seized by the Government of Ethiopia before the date of the enactment of this Act in contravention of international law.

SEC. 1437. UNITED STATES-CHINA RELATIONS.

It is the sense of Congress that—

(1) the comments by Chinese General Zhu Chenghu advocating the use of nuclear weapons against the United States are both damaging to United States-China relations and a violation of China’s commitment to resolve its differences with Taiwan peacefully; and

(2) the Government of China should renounce the use of force against Taiwan, disavow General Zhu’s statements, and relieve General Zhu from his command.

SEC. 1438. CAPTURE, DETENTION, AND INTERROGATION OF TERRORISTS AT GUANTANAMO BAY, CUBA.

(a) FINDINGS.—Congress finds the following:
(1) Usama bin Laden declared war on the United States in 1996.

(2) International terrorists, including al Qaida and its affiliated terrorists, have repeatedly attacked the United States and its coalition partners throughout the world and have killed and wounded thousands of innocent United States citizens and citizens from these coalition partners.

(3) The United States is exercising its rights to self-defense and to protect United States citizens both at home and abroad by waging war alongside its coalition partners against al Qaida and affiliated terrorists.

(4) International terrorists continue to pose an extraordinary threat to the national security and foreign policy of the United States and its coalition partners.

(5) International terrorists continue to commit and plan terrorist attacks around the world against the United States and its coalition partners.

(6) In order to protect the United States and its citizens, the United States must identify terrorists and those individuals who support them, disrupt their activities, and eliminate their ability to conduct
or support attacks against the United States, its citizens, and its coalition partners.

(7) Identifying, disrupting, and eliminating terrorist threats against the United States requires effective gathering, dissemination, and analysis of timely intelligence.

(8) The collection of information from detainees at Guantanamo Bay, Cuba, by the United States has improved the security of the United States and its coalition partners and is essential in fighting the Global War on Terrorism.

(9) The loss of interrogation-derived information would have a disastrous effect on the United States’ intelligence collection and counterterrorism efforts and would constitute a damaging reversal in the Global War on Terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the capture, detention, and interrogation of international terrorists are essential to the successful prosecution of the Global War on Terrorism and to the defense of the United States, its citizens, and its coalition partners from future terrorist attacks;

(2) the detention and lawful, humane interrogation by the United States of detainees at Guanta-
namo Bay, Cuba, is essential to the defense of the United States and its coalition partners and to the successful prosecution of the Global War on Terrorism;

(3) the detention facilities and interrogations at Guantanamo Bay, Cuba, plays an essential role in the security of the United States and should not be closed or ended while the United States is waging the Global War of Terrorism.

Passed the House of Representatives July 20, 2005.

Attest: JEFF TRANDAHL,

Clerk.

By Gerasimos C. Vans,

Deputy Clerk.
AN ACT

To authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes.

H. R. 2601

109TH CONGRESS