

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS
2004 AND 2005

—————
JUNE 12, 2003.—Ordered to be printed
—————

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

SUPPLEMENTAL REPORT

[To accompany H.R. 1950]

This supplemental report shows the cost estimate of the Congressional Budget Office and changes in existing law made by the bill (H.R. 1950), as reported, which was not included in the report submitted on May 16, 2003 (H. Rept. 108-105, part 1).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JUNE 11, 2003.

Hon. HENRY J. HYDE,
*Chairman, Committee on International Relations,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1950, the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Sunita D'Monte and Joseph C. Whitehill.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

*H.R. 1950—Foreign Relations Authorization Act, Fiscal Years 2004
and 2005*

Summary: CBO estimates that H.R. 1950 would authorize appropriations of \$32.2 billion for the Department of State and related agencies, and for various security and economic assistance programs. Implementing the bill would result in additional discretionary spending of \$30.5 billion over the 2004-2008 period, assum-

ing appropriation of the authorized amounts, CBO estimates. The bill also contains several provisions that would affect direct spending and revenues. CBO estimates that enacting those provisions would increase direct spending by \$25 million over the 2006–2008 period and have an insignificant effect on revenues.

H.R. 1950 also would affect trade in defense articles and services. It would give the President authority to control transfers within the United States of defense articles and defense services to foreign persons. It would lower the standard for violation of arms-export regulations and increase certain fines for violations of export controls. In addition, the bill would call for stringent control and scrutiny of the export of missile technology and would authorize the President to sanction any foreign governmental entity that the President determines has facilitated violations of export controls of missile equipment or technology. CBO estimates the trade-related provisions would not significantly affect federal spending.

H.R. 1950 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1950 is shown in Table 1. For this estimate, CBO assumes that the authorized amounts will be appropriated by the start of each fiscal year and that outlays will follow historical spending patterns for existing programs, except as otherwise described. The costs of this legislation fall within budget functions 050 (national defense), 150 (international affairs), 300 (natural resources and environment), and 800 (general government).

TABLE 1.—BUDGETARY IMPACT OF H.R. 1950, THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law for State Department, related agencies, and various assistance programs:						
Authorization level ^{1, 2}	17,937	900	0	0	0	0
Estimated outlays	17,650	7,067	3,117	1,773	996	520
Proposed changes:						
Estimated authorization level	0	15,220	15,569	475	477	478
Estimated outlays	0	9,990	13,643	3,945	1,736	1,231
Spending under H.R. 1950 for State Department, related agencies, and various assistance programs:						
Estimated authorization level ^{1, 2}	17,937	16,120	15,569	475	477	478
Estimated outlays	17,650	17,057	16,760	5,718	2,732	1,751
CHANGES IN DIRECT SPENDING						
Estimated budget authority	0	*	*	5	10	10
Estimated outlays	0	*	*	5	10	10

¹ The 2003 level is the amount appropriated for that year and includes appropriations provided in Public Law 108–11, the Emergency War-time Supplemental Appropriations Act, 2003.

² Public Law 106–113, an act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes, authorized appropriations of \$900 million for Embassy Security, Construction, and Maintenance in 2004.

Note.—* = less than \$500,000.

Basis of estimate

H.R. 1950 would provide a comprehensive two-year authorization of appropriations for the State Department and related agencies and it would authorize appropriations for various security and eco-

conomic assistance programs. In addition, the bill contains several provisions that would affect direct spending and revenues.

Spending subject to appropriation

CBO estimates that Divisions A and B of H.R. 1950 would authorize appropriations of about \$32 billion for the Department of State and related agencies and for various security and economic assistance programs. CBO estimates that implementing the bill would result in additional discretionary spending of \$30.5 billion over the 2004–2008 period, assuming appropriation of the authorized amounts.

Division A—Department of State Authorization Act, Fiscal Years 2004 and 2005. CBO estimates that Division A would authorize appropriations of about \$9.3 billion in 2004, \$10.7 billion in 2005, and \$0.1 billion a year over the 2006–2008 period for the Department of State and related agencies (see Table 2). It would specifically authorize appropriations of \$9.3 billion in 2004, \$10.1 billion in 2005, and some small amounts over the 2006–2008 period. In addition to the costs covered by the specified authorizations, the division contains provisions primarily dealing with international peacekeeping, public diplomacy, and personnel, that CBO estimates would require additional appropriations of almost \$0.9 billion over the 2004–2008 period to implement. CBO estimates that implementing this division would cost almost \$19.5 billion over the 2004–2008 period, assuming appropriation of the specified and estimated amounts.

TABLE 2.—ESTIMATED SPENDING SUBJECT TO APPROPRIATION FOR DIVISION A OF H.R. 1950

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
Spending under current law for the State Department and related agencies:						
Authorization level ^{1, 2}	9,257	900	0	0	0	0
Estimated outlays	8,998	3,338	1,649	1,065	657	347
Proposed changes:						
Estimated authorization level	0	9,339	10,693	105	107	108
Estimated outlays	0	6,421	8,533	2,586	1,178	761
Spending under Division A of H.R. 1950 for the State Department and related agencies:						
Estimated authorization level ^{1, 2}	9,257	10,239	10,693	105	107	108
Estimated outlays	8,998	9,759	10,182	3,651	1,835	1,108

¹The 2003 level is the amount appropriated for that year and includes appropriations provided in Public Law 108–11, the Emergency War-time Supplemental Appropriations Act, 2003.

²Public Law 106–113, an act making consolidated appropriations for the fiscal year ending September 30, 2000, and for other purposes, authorized appropriations of \$900 million for Embassy Security, Construction, and Maintenance in 2004.

International Peacekeeping. Section 113 would authorize the appropriation of \$550 million in 2004 and such sums as may be necessary in 2005 for contributions to international peacekeeping activities. Based on information from the Department of State and adjusting for inflation, CBO estimates that the department would require \$560 million in 2005.

Middle East Broadcasting Network. Section 501 would authorize annual grants for a Mideast Radio and Television Network to provide radio and television broadcasts to the Middle East region. Under current law, Radio Sawa provides radio programming to the Middle East at an annual cost of about \$10 million. The Broadcasting Board of Governors (BBG) plans to add a satellite television network that would provide news, entertainment, and information

programs to complement this radio programming. Public Law 108–11, the Emergency Wartime Supplemental Appropriations Act, 2003, provided \$26 million in 2003 for start-up costs of the network. The bill provides an authorization of appropriations of \$47 million in each of 2004 and 2005 only. Based on information from the BBG, CBO estimates that operating costs for this television network would be \$37 million a year over the 2004–2008 period, and the costs for Radio Sawa would continue at about \$10 million a year.

Exchange Programs. Section 251 would establish new educational and cultural exchange programs and expand existing ones in countries with predominantly Muslim populations. Section 112 would authorize the appropriation of \$35 million a year for this purpose in 2004 and 2005. CBO estimates that continuing these programs would cost an additional \$112 million over the 2006–2008 period.

Promotion of Free Media. Section 607 would establish an International Free Media Fund within the department to promote the development of free and independent media all over the world. The bill would authorize appropriations of \$15 million in 2004 for this purpose. Section 608 would require the BBG to support free media, especially in countries where it is reducing or discontinuing international broadcasting, and would authorize appropriations of \$2.5 million each year in 2004 and 2005 for this purpose.

Hardship and Danger Pay Allowances. Section 307 would increase the cap on hardship and danger pay allowances from 25 percent to 35 percent of basic pay for State Department employees serving overseas. Based on information from the Department of State, CBO estimates implementing this section would cost \$8 million to \$9 million annually over the 2004–2008 period.

Office of Global Internet Freedom. Section 524 would authorize the BBG to establish an Office of Global Internet Freedom to prevent foreign governments from censoring or jamming the Internet and persecuting their citizens who use the Internet. The bill would specifically authorize appropriations of \$8 million a year in 2004 and 2005 to establish and operate this office. CBO estimates implementing this section would cost \$8 million to \$9 million annually over the 2004–2008 period.

Indefinite Authorizations for Currency Fluctuations. Section 113(c) would authorize the appropriation of such sums as may be necessary in 2004 to compensate for adverse fluctuations in exchange rates that might affect contributions to international organizations. Any funds appropriated for this purpose would be obligated and expended subject to certification by the Office of Management and Budget (OMB). Currency fluctuations are extremely difficult to estimate in advance, and they could result in spending either higher or lower than the amounts specifically authorized in the bill for contributions to international organizations and programs. Therefore, this estimate includes no costs associated with currency fluctuations.

Colin Powell Center for American Diplomacy. Section 230 would authorize the Secretary of State to establish the Colin Powell Center for American Diplomacy at the Harry S. Truman Building in Washington, DC. According to the Department of State, it would establish the center through a partnership with the nonprofit For-

Foreign Affairs Museum Council (FAMC). The department would provide the space, staff, and security for the center, while FAMC would provide funding from private sources. A feasibility study is currently underway, and the department was unable to provide details that would allow CBO to estimate the operating costs of the center.

Reimbursement Rate for Airlift Services. Section 224 would reduce by about half the reimbursement rate paid by the Department of State to the Department of Defense (DoD) for transporting armored vehicles by air. Over the 2000–2002 period, the department reimbursed DoD an average of \$2 million a year. Based on this information, CBO estimates that implementing this section would save the department \$1 million a year.

Reporting Requirements. Division A includes several provisions that would expand or introduce new reporting requirements. Combined, these provisions would raise spending subject to appropriation by about \$2 million annually, but each provision would likely cost less than \$500,000 a year.

Miscellaneous Provisions. CBO estimates that the following sections of Division A would have an insignificant impact on spending subject to appropriation:

- Section 206 would authorize a demonstration program in library sciences to help foreign governments improve literacy and public education in their countries by establishing or upgrading public library systems.
- Section 301 would authorize an exchange program for the assignment of civil and foreign service employees to fellowship positions in foreign governments, and the reciprocal assignment of foreign government employees as fellows in the department.
- Section 302 would clarify the department's authority to settle claims of back pay and other administrative claims and grievances.
- Section 310 would give the department greater flexibility in awarding meritorious step increases in salaries.
- Section 504 would authorize the BBG to conduct a pilot program to promote travel and tourism by broadcasting information on regions of the United States that rely on tourism.
- Subtitle C of title V would transfer all functions and assets of BBG and the International Broadcasting Bureau to a new independent agency named the International Broadcasting Agency.

Division B—Defense Trade and Security Assistance Reform Act of 2003. Division B would tighten regulation of trade in defense and dual-use articles and technologies and authorize funding for various security assistance programs (see Table 3). Unlike Division A, which provides a comprehensive two-year authorization of appropriations of foreign relations authorizations, this division would authorize funding for various programs, projects, and activities through specific and indefinite authorizations of appropriation or through earmarks of funds not authorized elsewhere in the bill. For this estimate, CBO treats these earmarks as authorizations of appropriations since there are no amounts authorized for the programs in general. CBO estimates that implementing Division B would cost \$3.6 billion in 2004 and \$11.1 billion over the 2004–2008 period, assuming the appropriation of the necessary amounts.

TABLE 3.—ESTIMATED SPENDING SUBJECT TO APPROPRIATION FOR DIVISION B OF H.R. 1950

	By fiscal year, in millions of dollars—					
	2003	2004	2005	2006	2007	2008
Spending under current law for various security assistance programs:						
Budget authority ¹	8,680	0	0	0	0	0
Estimated outlays	8,652	3,729	1,468	708	339	173
Proposed changes:						
Estimated authorization level	0	5,881	4,876	370	370	370
Estimated outlays	0	3,569	5,110	1,359	558	470
Spending under Division B of H.R. 1950 for various security assistance programs:						
Estimated authorization level ¹	8,680	5,881	4,876	370	370	370
Estimated outlays	8,652	7,298	6,578	2,067	897	643

¹The 2003 level is the amount appropriated for that year and includes appropriations provided in Public Law 108–11, the Emergency War-time Supplemental Appropriations Act, 2003.

Security Assistance and Related Provisions. Title XIII would authorize the appropriation of \$4.4 billion for foreign military financing and \$91.7 million for international military education and training in 2004.

Sections 1321 and 1322 would authorize foreign military financing and Economic Support Fund appropriations for Israel and Egypt through 2005. The sections would specify formulas that would continue through 2005 the gradual reduction of economic assistance to those two countries and the increase in foreign military financing for Israel begun in 1999. For Israel, section 1321 would authorize foreign military financing of \$2.160 billion in 2004 and \$2.220 billion in 2005, and Economic Support Fund appropriations of \$480 million in 2004 and \$360 million in 2005. For Egypt, section 1322 would authorize foreign military financing for Egypt of \$1.3 billion in both 2004 and 2005 and Economic Support Fund appropriations of \$575 million in 2004 and \$535 million in 2005.

Section 1337 would authorize the appropriation of \$60 million a year for the nonproliferation fund in 2004 and 2005 and \$25 million a year in 2004 and 2005 to secure highly enriched uranium in the states of the former Soviet Union.

Missile Threat Reduction Assistance. Title XIV would authorize the appropriation of \$250 million for assistance to countries that agree to destroy their ballistic missiles and their facilities for producing those missiles. Under the bill, the President would determine the terms and conditions for providing the assistance which could be economic or military in character. For this estimate, CBO assumes the funds would be appropriated at the rate of \$50 million a year over the 2004–2008 period, consistent with report language accompanying the bill, and the rate of spending would be comparable to that for the Former Soviet Union Threat Reduction.

Belarus. Title XVI would authorize the appropriation of such sums as may be necessary in 2004 and 2005 for assistance and radio broadcasting to promote the development of democracy and civil society in Belarus. The assistance could be used to develop democratic parties, nongovernmental organizations, an independent broadcasting and print media, or to observe elections. Based on information from the State Department, CBO estimates that funding for such assistance in Belarus would continue at the 2003 level of \$10 million each year. Based on information from the BBG, CBO further estimates that funding for international broad-

casting to Belarus would double to \$3 million a year, for an increase of \$1.5 million each year over the amount authorized in Division A of the bill.

Israeli-Palestinian Peace Enhancement Act. Title XVII would express the sense of the Congress with respect to U.S. recognition of a Palestinian state and express a willingness to provide substantial economic and humanitarian assistance to such a state. It would authorize the appropriation of such sums as may be necessary to promote the economic and civil development of a Palestinian state. However, the President must certify a binding peace agreement between Israel and the Palestinians has been achieved under a set of conditions before any assistance may be provided to a Palestinian state. The President may waive the certification and the restrictions would not apply to humanitarian or development assistance provided to nongovernmental organizations for the benefit of the Palestinian people. CBO estimates that implementing title XVII would cost \$0.8 billion over the 2004–2008 period, assuming the appropriation of the necessary amounts. The estimate assumes that funding in 2004 would continue at the 2003 rate and would increase to over \$0.3 billion a year over the 2006–2008 period.

It is difficult to estimate the cost of implementing title XVII because of the uncertainty over when or whether Israel and the Palestinians may reach an agreement recognizing a two-state solution to peace in the Middle East region. Under the roadmap to a permanent two-state solution, as outlined by the State Department on April 30, 2003, the goal would be a permanent status agreement in 2005. CBO estimates that substantially increased funding for the Palestinian people could begin by that year.

Neither the bill nor the Committee report accompanying the bill provide much guidance for interpreting the intent of the phrase “substantial economic and humanitarian assistance.” For the purpose of the estimate, CBO assumes that funding in 2004 for West Bank/Gaza in the Economic Support Fund would continue at the \$75 million funding level appropriated for 2003 and triple to \$225 million in 2005. For the 2006–2008 period, we assume that the funding for a Palestinian state would be increased by the \$95 million that the United States has in the past contributed for assistance to the Palestinian people through the United Nations Relief and Works Agency for Palestinian Refugees. That increase would raise funding to \$320 million a year. In the past, breakthrough agreements such as the Camp David accords and peace with Jordan have been followed by bilateral assistance appropriations of billions or many hundreds of millions of dollars. Funding after a true peace agreement between Israel and the Palestinians could be much higher than CBO estimates. Without an agreement, funding would be much lower.

Miscellaneous Provisions. Title XVIII contains a number of provisions that would authorize appropriations for various economic and security assistance programs. They include:

- Section 1803 would authorize \$2 million a year in 2004 and 2005 for a cooperative development program with Israel.
- Section 1806 would authorize \$25 million a year in 2004 and 2005 for economic assistance for East Timor.

- Section 1807 would authorize \$15 million a year in 2004 and 2005 for grants to individuals and groups supporting democracy building efforts in Cuba.
- Section 1809 would authorize \$18.6 million a year in 2004 and 2005 for a Congo Basin forest partnership program.
- Section 1810 would authorize \$10 million for programs to provide equipment and training to law enforcement officials, prosecutors, and judges in foreign countries in interpreting intellectual property laws and in complying with obligations under various international copyright and intellectual property treaties and agreements.
- Section 1811 would authorize assistance to law enforcement agencies in India and Ireland in 2004 and 2005. Based on information from the State Department, CBO estimates that implementing the provision would cost \$3 million each year, assuming the appropriation of the necessary funds.
- Section 1812 would authorize \$24 million in 2004 and such sums as may be necessary in 2005 for the human rights and democracy fund administered by the Department of State. CBO estimates funding in 2005 would continue at the level specified for 2004.
- Section 1815 would authorize the appropriation of \$1 million in 2004 and such sums as may be necessary in 2005 for a grant to the African Society for programs in Africa. CBO estimates funding in 2005 would continue at the level specified for 2004.

Direct spending and revenues

CBO estimates that several provisions in the bill would increase direct spending or have an insignificant effect on receipts.

Transfer of Defense Articles in the U.S. War Reserve Stockpile for Allies (USWRSA). Section 1342 would extend for five years the President's authority to transfer to Israel obsolete or surplus defense articles in the USWRSA in Israel in return for concessions to be negotiated by the Secretary of Defense. The concessions may include cash, services, waiver of charges otherwise payable by the United States, or other items of value. Since articles may be transferred by sale under current law, CBO estimates that the authority provided by the section could be used to negotiate noncash concessions thereby lowering offsetting receipts to the DoD.

According to DoD, much of the materiel in the USWRSA in Israel was used in the recent Iraq conflict and the department is conducting a new inventory to determine what stocks remain. DoD also indicates that the existing authority has not been used for Israel in the past, though similar authority has been used for the stockpile in Korea. Given the current status of the USWRSA in Israel, CBO estimates the authority would not be used in 2004 and probably not in 2005. If the authority provided in section 1342 were used to the same extent as that for the stockpile in Korea, CBO estimates forgone receipts would total between \$5 million and \$10 million a year over the 2006–2008 period.

Cost-Sharing for New Diplomatic Facilities. Section 227 would allow the Department of State, beginning in 2005, to charge a fee to every federal agency that has a presence at any U.S. diplomatic facility to help fund the construction of new diplomatic facilities. The amount of the fee charged would be determined by a formula

that takes into account the number of employees assigned to each diplomatic mission. Based on information from OMB and the Department of State, CBO estimates that construction of new diplomatic facilities could cost about \$1 billion a year over the next several years and that roughly 40 percent of these costs would be born by federal agencies other than the Department of State. Because the collection and spending of the fees would not be subject to the annual appropriation process, this provision would affect direct spending. CBO estimates that collections from the new fee would offset spending on construction, and that this proposal would not significantly increase or decrease federal spending as a whole, but would merely shift costs from the Department of State to other federal agencies. Ultimately, all such federal costs are and still would be subject to appropriation of the necessary amounts. (That is, the only direct spending effects relate to the intragovernmental transfers and their use by the Department of State.)

Colin Powell Center for American Diplomacy. Section 230 would authorize the Secretary to provide museum visitor and educational outreach services at the center and to sell, trade, or transfer documents and articles that are displayed at the center. Any proceeds generated from these services or sales would be retained and spent by the center. CBO estimates that this provision would have an insignificant net effect on direct spending.

Arms Export Controls. Provisions in titles XI and XII would revise licensing requirements for the export of certain defense articles and technology and would lower the standard and increase fines for violations of export controls. CBO estimates implementing the provisions would have an insignificant effect on receipts and direct spending.

Intergovernmental and private-sector impact: H.R. 1950 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimates: On April 24, 2003, CBO transmitted a cost estimate for S. 925, the Foreign Relations Authorization Act, Fiscal Year 2004, as ordered reported by the Senate Committee on Foreign Relations on April 9, 2003. Several sections in Division A of H.R. 1950 are similar or identical to sections of S. 925 and would have similar costs. (The Senate bill would authorize appropriations only for 2004, whereas H.R. 1950 would authorize appropriations for 2004 and 2005).

On June 9, 2003, CBO transmitted an estimate for S. 1161, the Foreign Assistance Authorization Act, Fiscal Year 2004, as reported by the Senate Committee on Foreign Relations on May 29, 2003. Several sections in Division B of H.R. 1950 are similar or identical to sections of S. 1161 and would have similar costs; however, the Senate bill would provide a more comprehensive authorization of appropriations for economic and security assistance programs in 2004.

Estimate prepared by: Federal Costs: State Department—Sunita D'Monte and Security Assistance and Foreign Aid—Joseph C. Whitehill, Impact on State, Local, and Tribal Governments: Victoria Heid Hall, and Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ADMIRAL JAMES W. NANCE AND MEG DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2000 AND 2001

* * * * *

TITLE VI—EMBASSY SECURITY AND COUNTERTERRORISM MEASURES

* * * * *

SEC. 604. AUTHORIZATIONS OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated by this or any other Act, there are authorized to be appropriated for “Embassy Security, Construction and Maintenance”—

(1) * * *

* * * * *

(4) for fiscal year 2003, \$1,000,000,000; [and]

(5) for fiscal year 2004, [\$900,000,000.] *\$1,000,000,000; and*

(6) *for fiscal year 2005, \$1,000,000,000.*

* * * * *

TITLE VIII—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

* * * * *

[SEC. 805. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

[(a) IN GENERAL.—Not later than May 1, 2003, and not later than May 1, 2004, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

[(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

[(2) A list of terrorist attacks, occurring between September 13, 1993 and the date of the report, against United States citi-

zens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

- 【(A) a list of all citizens of the United States killed or injured in such attacks;
 - 【(B) the date of each attack and the total number of people killed or injured in each attack;
 - 【(C) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;
 - 【(D) a list of suspects implicated in each attack and the nationality of each suspect, including information on—
 - 【(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;
 - 【(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and
 - 【(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.
- 【(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities, information on—
- 【(A) the date each suspect was incarcerated;
 - 【(B) whether any suspects have been released, the date of such release, and whether any released suspect was implicated in subsequent acts of terrorism; and
 - 【(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.
- 【(4) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.
- 【(5) A list of each request by the United States for assistance in investigating terrorist attacks listed in the report, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel since September 13, 1993, and the response to each request from the Palestinian Authority and Israel.
- 【(6) A description of efforts made by United States officials since September 13, 1993 to bring to justice perpetrators of terrorist acts against United States citizens as listed in the report.
- 【(7) A list of any terrorist suspects in these cases who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.
- 【(8) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1950 and September 13, 1993, to include in each case, where such information is reasonably available, any stated claim of responsibility and the resolution or disposition of each case, except that this list shall be submitted only once with the initial report required under this section unless additional relevant information on these cases becomes available.

[(b) CONSULTATION WITH OTHER DEPARTMENTS.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report. Nothing contained in this section shall require the disclosure, on a classified or unclassified basis, of information that would jeopardize sensitive sources and methods or other vital national security interests or jeopardize ongoing criminal investigations or proceedings.

[(c) INITIAL REPORT.—Except as provided in subsection (a)(8), the initial report filed under this section shall cover the period between September 13, 1993 and the date of the report.]

* * * * *

SECTION 305 OF THE MICROENTERPRISE FOR SELF-RELIANCE AND INTERNATIONAL ANTI-CORRUPTION ACT OF 2000

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated ~~[\$1,500,000]~~ \$2,500,000 for each fiscal year to carry out this title.

* * * * *

FOREIGN ASSISTANCE ACT OF 1961

PART I

CHAPTER 1—POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

* * * * *

SEC. 116. HUMAN RIGHTS.—(a) * * *

* * * * *

(d) The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by February 25 of each year, a full and complete report regarding—

(1) * * *

* * * * *

(9) 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, the extent to which the United States has taken or will take action to encourage an end to such practices in the country; **[and]**

(10)(A) * * *

* * * * *

(C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary~~[\.]~~; *and*

(11)(A) *wherever applicable, in a separate section with a separate heading, a description of the nature and extent of—*

(i) propaganda in government and government-controlled media and other sources, including government-produced educational materials and textbooks, that attempt to justify

or promote racial hatred or incite acts of violence against any race or people; and
(ii) complicity or involvement in the creation of such propaganda or incitement of acts of violence against any race; and
(B) a description of the actions, if any, taken by the government of the country to eliminate such propaganda or incitement.

* * * * *

CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 301. GENERAL AUTHORITY.—(a) * * *

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

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

* * * * *

CHAPTER 5—CONTINGENCIES

* * * * *

SEC. 502B. HUMAN RIGHTS.—(a) * * *

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987). Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious free-

dom (as defined in section 3 of the International Religious Freedom Act of 1998). Such report shall also include, 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, the extent to which the United States has taken or will take action to encourage an end to such practices in the country. Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year. Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement. Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State. *Each report under this section shall also include wherever applicable, in a separate section with a separate heading, a description of (i) the nature and extent of (I) propaganda in government and government-controlled media and other sources, including government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race, and (II) complicity or involvement in the creation of such propaganda or incitement of acts of violence against any race or people, and (ii) a description of the actions, if any, taken by the government of the country to eliminate such propaganda or incitement.* In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) * * *

* * * * *

SEC. 514. STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES.—(a) * * *

(b)(1) * * *

(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed \$100,000,000 [for fiscal year 2003] *for each of fiscal years 2003 and 2004.*

(B) Of the amount specified in subparagraph (A) [for fiscal year 2003] *for each of fiscal years 2003 and 2004,* not more than \$100,000,000 may be made available for stockpiles in the State of Israel.

* * * * *

SEC. 516. AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

(a) * * *

* * * * *

(f) **ADVANCE NOTIFICATION TO CONGRESS FOR TRANSFER OF CERTAIN EXCESS DEFENSE ARTICLES.—**

(1) **IN GENERAL.**—The President may not transfer excess defense articles that are [significant military equipment (as defined in section 47(9) of the Arms Export Control Act)] *major defense equipment (as defined in section 47(6) of the Arms Export Control Act)* or excess defense articles valued (in terms of original acquisition cost) at \$7,000,000 or more, under this section or under the Arms Export Control Act (22 U.S.C. 2751 et seq.) until 30 days after the date on which the President has provided notice of the proposed transfer to the congressional committees specified in section 634A(a) in accordance with procedures applicable to reprogramming notifications under that section.

* * * * *

SEC. [620G.] 620J. PROHIBITION ON ASSISTANCE TO COUNTRIES THAT AID TERRORIST STATES.

(a) * * *

* * * * *

SEC. 620K. LIMITATION ON ASSISTANCE TO A PALESTINIAN STATE.

(a) **LIMITATION.**—

(1) **IN GENERAL.**—*Notwithstanding any other provision of law, assistance may be provided under this Act or any other provision of law to the government of a Palestinian state only during a period for which a certification described in subsection (c) is in effect. The limitation contained in the preceding sentence shall not apply (A) to humanitarian or development assistance that is provided through nongovernmental organizations for the benefit of the Palestinian people in the West Bank and Gaza, or (B) to assistance that is intended to reform the Palestinian Authority and affiliated institutions, or a newly elected Palestinian governing entity, in order to help meet the requirements contained in subparagraphs (A) through (H) of subsection (c)(2) or to address the matters described in subparagraphs (A) through (E) of section 1705(2) of the Israeli-Palestinian Peace Enhancement Act of 2003.*

(2) **WAIVER.**—*The President may waive the limitation of the first sentence of paragraph (1) if the President determines and certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that it is vital to the national interest of the United States to do so.*

(b) **CONGRESSIONAL NOTIFICATION.**—

(1) **IN GENERAL.**—*Assistance made available under this Act or any other provision of law to a Palestinian state may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.*

(2) *SUNSET.*—Paragraph (1) shall cease to be effective beginning ten years after the date on which notice is first provided under such paragraph.

(c) *CERTIFICATION.*—A certification described in this subsection is a certification transmitted by the President to Congress that—

(1) a binding international peace agreement exists between Israel and the Palestinians that—

(A) was freely signed by both parties;

(B) guarantees both parties' commitment to a border between two states that constitutes a secure and internationally recognized boundary for both states, with no remaining territorial claims;

(C) provides a permanent resolution for both Palestinian refugees and Jewish refugees from Arab countries; and

(D) includes a renunciation of all remaining Palestinian claims against Israel through provisions that commit both sides to the "end of the conflict"; and

(2) the new Palestinian government—

(A) has been democratically elected through free and fair elections, has exclusive authority and responsibility for governing the national affairs of the Palestinian state, and has achieved the reforms outlined by President Bush in his June 24, 2002, speech;

(B) has completely renounced the use of violence against the State of Israel and its citizens, is vigorously attempting to prevent any acts of terrorism against Israel and its citizens, and punishes the perpetrators of such acts in a manner commensurate with their actions;

(C) has dismantled, and terminated the funding of, any group within its territory that conducts terrorism against Israel;

(D) is engaging in ongoing and extensive security cooperation with the State of Israel;

(E) refrains from any officially sanctioned or funded statement or act designed to incite Palestinians or others against the State of Israel and its citizens;

(F) has an elected leadership not compromised by terror;

(G) is demilitarized; and

(H) has no alliances or agreements that pose a threat to the security of the State of Israel.

(d) *RECERTIFICATIONS.*—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (c), and every 6 months thereafter for the 10-year period beginning on the date of transmittal of such certification—

(1) the President shall transmit to Congress a recertification that the requirements contained in subsection (c) are continuing to be met; or

(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

(e) *RULE OF CONSTRUCTION.*—A certification under subsection (c) shall be deemed to be in effect beginning on the day after the last day of the 10-year period described in subsection (d) unless the President subsequently determines that the requirements contained

in subsection (c) are no longer being met and the President transmits to Congress a report that contains the reasons therefor.

SEC. 620L. AUTHORIZATION OF ASSISTANCE TO A PALESTINIAN STATE.

(a) *ASSISTANCE.*—The President is authorized to provide assistance to a Palestinian state in accordance with the requirements of this section.

(b) *ACTIVITIES TO BE SUPPORTED.*—Assistance provided under subsection (a) shall be used to support activities within a Palestinian state to substantially improve the economy and living conditions of the Palestinians by, among other things, providing for economic development in the West Bank and Gaza, continuing to promote democracy and the rule of law, developing water resources, assisting in security cooperation between Israelis and Palestinians, and helping with the compensation and rehabilitation of Palestinian refugees.

(c) *AUTHORIZATION OF APPROPRIATIONS.*—Of the amounts made available to carry out chapter 4 of part II of this Act for a fiscal year, there are authorized to be appropriated to the President to carry out subsections (a) and (b) such sums as may be necessary for each such fiscal year.

(d) *COORDINATION OF INTERNATIONAL ASSISTANCE.*—

(1) *IN GENERAL.*—Beginning on the date on which the President transmits to Congress an initial certification under section 620K(c) of this Act, the Secretary of State shall seek to convene one or more donors conferences to gain commitments from other countries, multilateral institutions, and nongovernmental organizations to provide economic assistance to Palestinians to ensure that such commitments to provide assistance are honored in a timely manner, to ensure that there is coordination of assistance among the United States and such other countries, multilateral institutions, and nongovernmental organizations, to ensure that the assistance provided to Palestinians is used for the purposes for which it was provided, and to ensure that other countries, multilateral institutions, and nongovernmental organizations do not provide assistance to Palestinians through entities that are designated as terrorist organizations under United States law.

(2) *REPORT.*—Not later than 180 days after the date of the enactment of this section, and on an annual basis thereafter, the Secretary of State shall prepare and submit to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate a report that describes the activities undertaken to meet the requirements of paragraph (1), including a description of amounts committed, and the amounts provided, to a Palestinian state or Palestinians during the reporting period by each country and organization.

* * * * *

SEC. 656. ANNUAL FOREIGN MILITARY TRAINING REPORT.

(a) *ANNUAL REPORT.*—

(1) *IN GENERAL.*—Not later than **[January 31]** *March 1* of each year, the Secretary of Defense and the Secretary of State

shall jointly prepare and submit to the appropriate congressional committees a report on all military training provided to foreign military personnel by the Department of Defense and the Department of State during the previous fiscal year [and all such training proposed for the current fiscal year].

* * * * *

SEC. 660. PROHIBITING POLICE TRAINING.—(a) * * *

(b) Subsection (a) of this section shall not apply—

(1) * * *

* * * * *

(7) with respect to assistance provided to customs authorities and personnel, including training, technical assistance and equipment, for customs law enforcement and the improvement of customs laws, systems and procedures[.]; or

Notwithstanding clause (2), subsection (a) shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after such date of enactment.

(8) *with respect to assistance provided to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in internationally recognized human rights, the rule of law, strategic planning, and counter-narcotics, and through the promotion of civilian police roles that support democratic governance, including programs to combat corruption and the trafficking of persons, particularly by organized crime, prevent conflict, and foster improved police relations with the communities in which they serve.*

* * * * *

SECTION 404 OF THE ASIA FOUNDATION ACT

[FUNDING

[SEC. 404. There is authorized to be appropriated to the Secretary of State \$15,000,000 for the fiscal year 2003 for grants to The Asia Foundation pursuant to this title.]

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

STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

* * * * *

TITLE I—BASIC AUTHORITIES GENERALLY

ORGANIZATION OF THE DEPARTMENT OF STATE

SECTION 1. (a) * * *

(b) UNDER SECRETARIES.—

(1) * * *

* * * * *

(3) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, among the Under Secretaries

authorized by paragraph (1), an Under Secretary for Public Diplomacy, who shall have primary responsibility to assist the Secretary and the Deputy Secretary in the **formation and implementation of United States public diplomacy policies and activities, including international educational and cultural exchange programs, information, and international broadcasting.** *formation, supervision, and implementation of United States public diplomacy policies, programs, and activities, including the provision of guidance to Department personnel in the United States and overseas who conduct or implement such policies, programs, and activities. The Under Secretary for Public Diplomacy shall assist the United States Agency for International Broadcasting in presenting the policies of the United States clearly and effectively, shall submit statements of United States policy and editorial material to the Agency for broadcast consideration in addition to material prepared by the Agency, and shall ensure that editorial material created by the Agency for broadcast is reviewed expeditiously by the Department.*

* * * * *

SEC. 2. The Secretary of State, may use funds appropriated or otherwise available to the Secretary to—

(a) * * *

* * * * *

ADMINISTRATIVE SERVICES

SEC. 23. (a) AGREEMENTS.—Whenever the head of any Federal agency performing any foreign affairs functions (including, but not limited to, the Department of State, the **Broadcasting Board of Governors,** *United States International Broadcasting Agency,* and the Agency for International Development) determines that administrative services performed in common by the Department of State and one or more other such agencies may be performed more advantageously and more economically on a consolidated basis, the Secretary of State and the heads of the other agencies concerned may, subject to the approval of the Director of the Office of Management and Budget, conclude an agreement which provides for the transfer to and consolidation within the Department or within one of the other agencies concerned of so much of the functions, personnel, property, records, and funds of the Department and of the other agencies concerned as may be necessary to enable the performance of those administrative services on a consolidated basis for the benefit of all agencies concerned. Agreements for consolidation of administrative services under this section shall provide for reimbursement or advances of funds from the agency receiving the service to the agency performing the service in amounts which will approximate the expense of providing administrative services for the serviced agency.

* * * * *

SEC. 25. (a) * * *

* * * * *

(f) The authorities available to the Secretary of State under this section with respect to the Department of State shall be available

to the [Broadcasting Board of Governors] *United States International Broadcasting Agency* and the Administrator of the Agency for International Development with respect to [the Board and the Agency] *their respective agencies*.

SEC. 26. (a) * * *

(b) The authority available to the Secretary of State under this section shall be available to the [Broadcasting Board of Governors,] *United States International Broadcasting Agency* and the Administrator of the Agency for International Development with respect to [the Board and the Agency] *their respective agencies*.

* * * * *

SEC. 32. The Secretary of State may pay, without regard to section 5702 of title 5, United States Code, subsistence expenses of (1) special agents of the Department of State who are on authorized protective missions, and (2) members of the Foreign Service and employees of the Department who are required to spend extraordinary amounts of time in travel status. The authorities available to the Secretary of State under this section with respect to the Department of State shall be available to the [Broadcasting Board of Governors] *United States International Broadcasting Agency* and the Administrator of the Agency for International Development with respect to their respective agencies, except that the authority of clause (2) shall be available with respect to those agencies only in the case of members of the Foreign Service and employees of the agency who are performing security-related functions abroad.

* * * * *

SPECIAL AGENTS

SEC. 37. (a) * * *

* * * * *

(d) *ADMINISTRATIVE SUBPOENAS.—*

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

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

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

(2) *REQUIREMENTS.—*

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

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

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

- (i) Paragraphs (4) through (8) of subsection (a).
- (ii) Subsections (b), (c), and (d).

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

(4) *ANNUAL REPORT.*—Not later than February 1 of each year, the Secretary shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report regarding the exercise of the authority under this subsection during the previous calendar year.

* * * * *

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

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

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

(1) *IDENTIFICATION OF ASSISTANCE.*—In cooperation with the United States Agency for International Development (USAID) and other public and private assistance organizations and agencies, the Secretary shall ensure that information concerning foreign assistance provided by the United States Government, United States nongovernmental organizations and private entities, and the American people is disseminated widely and prominently, particularly, to the extent practicable, within countries and regions that receive such assistance. The Secretary

shall ensure that, to the extent practicable, projects funded by the United States Agency for International Development (USAID) that do not involve commodities, including projects implemented by private voluntary organizations, are identified as being supported by the United States of America, as American Aid or provided by the American people.

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

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

SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLOMACY.

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

(b) *ACTIVITIES.*—

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

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

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

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

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

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

be used for any purpose other than the acquisition and direct care of collections.

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

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

(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

(4) LOANS.—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.

* * * * *

UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948

* * * * *

TITLE V—DISSEMINATING INFORMATION ABOUT THE UNITED STATES ABROAD

* * * * *

USIA SATELLITE AND TELEVISION

SEC. 505. (a) IN GENERAL.—The [Broadcasting Board of Governors] *United States International Broadcasting Agency* is authorized to lease or otherwise acquire time on commercial or United States Government satellites for the purpose of transmitting materials and programs to posts and other users abroad.

(b) BROADCAST PRINCIPLES.—The Congress finds that the long-term interests of the United States are served by communicating directly with the peoples of the world by television. To be effective, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* must win the attention and respect of viewers. These principles will therefore govern the television broadcasts of the United States International Television Service:

(1) * * *

* * * * *

(c) PROGRAMS.—The [Broadcasting Board of Governors] *United States International Broadcasting Agency* is authorized to produce, acquire, or broadcast television programs, via satellite, only if such programs—

(1) * * *

* * * * *

(d) COSTS.—When a comparable program produced by United States public or commercial broadcasters and producers is available at a cost which is equal to or less than the cost of production by the United States International Television Service, the [Broadcasting Board of Governors] *United States International Broad-*

casting Agency shall use such materials in preference to the United States International Television Service produced materials.

(e) ALLOCATION OF FUNDS.—(1) Of the funds authorized to be appropriated to the [Broadcasting Board of Governors] *United States International Broadcasting Agency* not more than \$12,000,000 for the fiscal year 1990 and not more than \$12,480,000 for the fiscal year 1991 may be obligated or expended for the United States International Television Service.

(2) The [Broadcasting Board of Governors] *United States International Broadcasting Agency* shall prepare and submit to the Congress quarterly reports which contain a detailed explanation of expenditures for USIA-TV during the fiscal years 1990 and 1991. Such reports shall contain specific justification and supporting information pertaining to all programs, particularly those described in subsection (c)(4), that were produced in-house by USIA-TV. Each such report shall include a statement by the [Broadcasting Board of Governors] *United States International Broadcasting Agency* that, according to the best information available to the [Broadcasting Board of Governors] *United States International Broadcasting Agency*, no comparable United States commercially-produced or public television program is available at a cost which is equal to or less than the cost of production by USIA-TV.

(3) Of the funds authorized to be appropriated to the [Broadcasting Board of Governors] *United States International Broadcasting Agency*, \$1,500,000 for the fiscal year 1990 and \$1,500,000 for the fiscal year 1991 shall be available only for the purchase or use of programs produced with grants from the Corporation for Public Broadcasting or produced by United States public broadcasters.

VOICE OF AMERICA HIRING PRACTICES

SEC. 506. (a) * * *

* * * * *

(c) REPORT.—If the [Broadcasting Board of Governors] *United States International Broadcasting Agency* determines that the prohibition under subsection (a) would require the termination of a specific Voice of America foreign language service, then, not less than 90 days before the Board begins to recruit such candidates, the Board shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report concerning—

(1) the number and location of speakers of the applicable foreign language who could be recruited by the Voice of America without violating this section; and

(2) the efforts made by the Voice of America to recruit such individuals for employment.

TITLE VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

* * * * *

SEC. 604. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) ESTABLISHMENT.—【(1) There is established an advisory commission to be known as the United States Advisory Commission on Public Diplomacy.】

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

(2) The Commission shall consist of seven members appointed by the President, by and with the advice and consent of the Senate. The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, communications, cultural, scientific, technical, public service, labor, business, and professional backgrounds. Not more than four members shall be from any one political party. *At least 4 members shall have substantial experience in the conduct of public diplomacy or comparable activities in the private sector. At least 1 member shall be an American residing abroad. No member may be an officer or employee of the United States.*

* * * * *

(c) DUTIES AND RESPONSIBILITIES.—(1) * * *

【(2) The Commission shall submit to the Congress, the President, the Secretary of State, and the Director of the United States Information Agency annual reports on programs and activities carried out by the Agency, including appraisals, where feasible, as to the effectiveness of the several programs. The Commission shall also include in such reports such recommendations as shall have been made by the Commission to the Director for effectuating the purposes of the Agency, and the action taken to carry out such recommendations.】

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

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

* * * * *

(5) *The Commission shall—*

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

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

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

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

* * * * *

ACT OF JULY 3, 1926

Chap. 772.—AN ACT To regulate the issue and validity of passports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic and consular officers of the United States, and by such other employees of the Department of State who are citizens of the United States, as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports. For purposes of the issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen's legal guardian, record the place of birth as Israel. Unless authorized by law, a passport may not be designated as restricted for travel to or for use in any country other than a country with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States [travelers.] travelers, and no such restriction may apply to a country in which the United States is providing assistance authorized by the Foreign Assistance Act of 1961.

* * * * *

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

* * * * *

TITLE I—THE DEPARTMENT OF STATE

* * * * *

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

* * * * *

SEC. 140. ANNUAL COUNTRY REPORTS ON TERRORISM.

(a) * * *

(b) **PROVISIONS TO BE INCLUDED IN REPORT.**—The report required under subsection (a) should to the extent feasible include (but not be limited to)—

(1) * * *

(2) with respect to subsection (a)(2), any—

(A) * * *

* * * * *

(D) provision by foreign governments of sanctuary from prosecution to these groups or their members responsible for the commission, attempt, or planning of an act of international terrorism; **[and]**

(E) efforts by the United States to eliminate international financial support provided to those groups directly or provided in support of their activities**[.]**; and

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

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

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

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

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

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

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

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

(viii) the policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any information on whether a reward has been posted for suspects involved in terrorist attacks listed in the report.

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PART D—PERSONNEL MATTERS

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SEC. 172. PROTECTION OF CIVIL SERVICE EMPLOYEES.

(a) * * *

* * * * *

[(c) ESTABLISHMENT OF THE OFFICE OF THE OMBUDSMAN FOR CIVIL SERVICE EMPLOYEES.—There is established in the Office of the Secretary of State the position of Ombudsman for Civil Service Employees. The position of Ombudsman for Civil Service Employees shall be a career reserved position within the Senior Executive Service. The Ombudsman for Civil Service Employees shall report directly to the Secretary of State and shall have the right to participate in all Management Council meetings to assure that the ability of the Civil Service employees to contribute to the achievement of the Department’s mandated responsibilities and the career interests of those employees are adequately represented. The position of Ombudsman for Civil Service Employees shall be designated from one of the Senior Executive Service positions (as defined in section 3132(a)(2) of title 5, United States Code) in existence on the date of enactment of this Act.]

[(d)] (c) DEFINITION.—For purposes of this section, the term “Civil Service employees” means employees of the Federal Government except for members of the Foreign Service (as defined in section 103 of the Foreign Service Act of 1980).

* * * * *

SECTION 2642 OF TITLE 10, UNITED STATES CODE

§ 2642. Reimbursement rate for airlift services provided to Central Intelligence Agency and Department of State

(a) AUTHORITY.—The Secretary of Defense may authorize the use of the Department of Defense reimbursement rate for military airlift services provided by a component of the Department of Defense to the Central Intelligence [Agency,] *Agency or the Department of State*, if the Secretary of Defense determines that those military airlift services are provided for activities related to national security objectives.

* * * * *

FOREIGN SERVICE BUILDINGS ACT, 1926

Chap. 250.—AN ACT For the acquisition of buildings and grounds in foreign countries for the use of the Government of the United States of America.

*Be it enacted by the Senate the House of Representatives of the United States of America in Congress assembled, That (1) * * **

* * * * *

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

erate the provision of safe, secure, functional buildings for United States Government personnel overseas.

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

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

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

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

(6) In this subsection—

(A) the term "agency of the Federal Government"—

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

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

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

* * * * *

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1994 AND 1995

* * * * *

TITLE I—DEPARTMENT OF STATE AND RELATED AGENCIES

* * * * *

PART B—AUTHORITIES AND ACTIVITIES

* * * * *

SEC. 140. VISAS.

(a) **SURCHARGE FOR PROCESSING CERTAIN VISAS.**—Authority in this section delegated to the Secretary of State is further delegated to the Under Secretary for fiscal years 2004 and 2005, any amount that exceeds \$700,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.

* * * * *

TITLE II—UNITED STATES INFORMATIONAL, EDUCATIONAL, AND CULTURAL PROGRAMS

* * * * *

**PART B—USIA AND RELATED AGENCIES
AUTHORITIES AND ACTIVITIES**

* * * * *

SEC. 237. SCHOLARSHIPS FOR EAST TIMORESE STUDENTS.

Notwithstanding any other provision of law, the Bureau of Educational and Cultural Affairs of the United States Information Agency shall make available for each of the fiscal years 1994 and 1995, scholarships for East Timorese students qualified to study in the United States for the purpose of studying at the *graduate or undergraduate* level in a United States college or university. Each scholarship made available under this subsection shall be for not less than one semester of study.

* * * * *

TITLE IV—INTERNATIONAL ORGANIZATIONS

PART A—UNITED NATIONS REFORM AND PEACEKEEPING OPERATIONS

* * * * *

SEC. 404. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACEKEEPING OPERATIONS.

(a) * * *

(b) **LIMITATION ON UNITED STATES CONTRIBUTIONS.**—

(1) * * *

(2) **SUBSEQUENT FISCAL YEARS.**—(A) * * *

(B) **REDUCTION IN UNITED STATES SHARE OF ASSESSED CONTRIBUTIONS.**—Notwithstanding the percentage limitation contained in subparagraph (A), the United States share of assessed contributions for each United Nations peacekeeping operation during the following periods is authorized to be as follows:

(i) * * *

* * * * *

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

* * * * *

FOREIGN SERVICE ACT OF 1980

* * * * *

TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

* * * * *

CHAPTER 2—MANAGEMENT OF THE SERVICE

* * * * *

SEC. 202. OTHER AGENCIES UTILIZING THE FOREIGN SERVICE PERSONNEL SYSTEM.—(a)(1) The **【Broadcasting Board of Governors】** *United States International Broadcasting Agency* and the Administrator of the Agency for International Development may utilize the Foreign Service personnel system with respect to their respective agencies in accordance with this Act.

* * * * *

SEC. 210. BOARD OF THE FOREIGN SERVICE.—The President shall establish a Board of the Foreign Service to advise the Secretary of State on matters relating to the Service, including furtherance of the objectives of maximum compatibility among agencies authorized by law to utilize the Foreign Service personnel system and compatibility between the Foreign Service personnel system and the other personnel systems of the Government. The Board of the Foreign Service shall be chaired by an individual appointed by the President and shall include one or more representatives of the Department of State, the **【Broadcasting Board of Governors】** *United States International Broadcasting Agency*, the Agency for International Development, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Office of Personnel Management, the Office of Management and Budget, the Equal Employment Opportunity Commission, and such other agencies as the President may designate.

* * * * *

CHAPTER 3—APPOINTMENTS

* * * * *

SEC. 305. APPOINTMENT TO THE SENIOR FOREIGN SERVICE.—
(a) * * *

* * * * *

【(d) The Secretary shall by regulation establish a recertification process for members of the Senior Foreign Service that is equivalent to the recertification process for the Senior Executive Service under section 3993a of title 5, United States Code.】

* * * * *

CHAPTER 4—COMPENSATION

* * * * *

SEC. 406. WITHIN-CLASS SALARY INCREASES.—(a) * * *

(b) The Secretary may grant, on the basis of especially meritorious service, to any member of the Service [receiving an increase in salary under subsection (a),] an additional salary increase to any higher step in the salary class in which the member is serving.

* * * * *

CHAPTER 6—PROMOTION AND RETENTION

* * * * *

SEC. 603. BASIS FOR SELECTION BOARD REVIEW.—(a) * * *

(b) Precepts for selection boards shall include a description of the needs of the Service for performance requirements, skills, and qualities, which are to be considered in recommendations for promotion. The precepts for selection boards responsible for recommending promotions into and within the Senior Foreign Service shall emphasize performance which demonstrates the strong policy formulation capabilities, executive leadership qualities, and highly developed functional and area expertise, which are required for the Senior Foreign Service[.], and shall consider whether the member of the Service has served in a position whose primary responsibility is to formulate policy towards or represent the United States at an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument.

* * * * *

CHAPTER 7—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

* * * * *

SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

[(a) The] (a) *TRAINING ON HUMAN RIGHTS.*—The Secretary of State, with the assistance of other relevant officials, such as the Ambassador at Large for International Religious Freedom appointed under section 101(b) of the International Religious Freedom Act of 1998 and the director of the George P. Shultz National Foreign Affairs Training Center, shall establish as part of the standard training provided after January 1, 1999, for officers of the Service, including chiefs of mission, instruction in the field of internationally recognized human rights. Such training shall include—

(1) * * *

* * * * *

[(b) The] (b) *TRAINING ON REFUGEE LAW AND RELIGIOUS PERSECUTION.*—The Secretary of State shall provide sessions on refugee law and adjudications and on religious persecution to each individual seeking a commission as a United States consular officer. The Secretary shall also ensure that any member of the Service who is assigned to a position that may be called upon to assess requests for consideration for refugee admissions, including any consular officer, has completed training on refugee law and refugee adjudications in addition to the training required in this section.

(c) *TRAINING IN MULTILATERAL DIPLOMACY.*—

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

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

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

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

* * * * *

CHAPTER 9—TRAVEL, LEAVE, AND OTHER BENEFITS

SEC. 901. TRAVEL AND RELATED EXPENSES.—The Secretary may pay the travel and related expenses of members of the Service and their families, including costs or expenses incurred for—

(1) * * *

* * * * *

(6) rest and recuperation travel of members of the Service who are United States citizens, and members of their families, while serving at locations abroad specifically designated by the Secretary for purposes of this paragraph, to—

(A) * * *

* * * * *

except that, unless the Secretary otherwise specifies in extraordinary circumstances, travel expenses under this paragraph shall be limited to the cost for a member of the Service, and for each member of the family of the member, of 1 round trip during any continuous 2-year tour [unbroken by home leave] and of 2 round trips during any continuous 3-year tour [unbroken by home leave];

* * * * *

SEC. 903. REQUIRED LEAVE IN THE UNITED STATES.—(a) The Secretary may order a member of the Service (other than a member employed under section 311) who is a citizen of the United States

to take a leave of absence under section 6305 of title 5, United States Code (without regard to the introductory clause of subsection (a) of that section), upon completion by that member of **[18]** 12 months of continuous service abroad. The Secretary shall order on such a leave of absence a member of the Service (other than a member employed under section 311) who is a citizen of the United States as soon as possible after completion by that member of 3 years of continuous service abroad.

* * * * *

CHAPTER 10—LABOR-MANAGEMENT RELATIONS

* * * * *

SEC. 1003. APPLICATION.—(a) This chapter applies only with respect to the Department of State, the **[Broadcasting Board of Governors]** *United States International Broadcasting Agency*, the Agency for International Development, the Department of Agriculture, and the Department of Commerce.

* * * * *

CHAPTER 11—GRIEVANCES

SEC. 1101. DEFINITION OF GRIEVANCE.—(a) * * *

* * * * *

(c) This chapter applies only with respect to the Department of State, **[Broadcasting Board of Governors,]** *the United States International Broadcasting Agency*, the Agency for International Development, the Department of Agriculture, and the Department of Commerce.

* * * * *

TITLE 5, UNITED STATES CODE

* * * * *

PART III—EMPLOYEES

* * * * *

Subpart D—Pay and Allowances

* * * * *

CHAPTER 53—PAY RATES AND SYSTEMS

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SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

* * * * *

§ 5314. Positions at level III

Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate de-

terminated with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Solicitor General of the United States.

Under Secretary of Commerce, Under Secretary of Commerce for Economic Affairs, **[Under Secretary of Commerce for Export Administration]** *Under Secretary of Commerce for Industry and Security* and Under Secretary of Commerce for Travel and Tourism.

* * * * *

Director, United States International Broadcasting Agency.

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.

Associate Administrator of the National Aeronautics and Space Administration.

* * * * *

[Director of the International Broadcasting Bureau.]

* * * * *

CHAPTER 59—ALLOWANCES

* * * * *

SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

* * * * *

§ 5925. Post differentials

(a) A post differential may be granted on the basis of conditions of environment which differ substantially from conditions of environment in the continental United States and warrant additional pay as a recruitment and retention incentive. A post differential may be granted to an employee officially stationed in the United States who is on extended detail in a foreign area. A post differential under this subsection may not exceed **[25]** 35 percent of the rate of basic pay.

* * * * *

§ 5928. Danger pay allowance

An employee serving in a foreign area may be granted a danger pay allowance on the basis of civil insurrection, civil war, terrorism, or wartime conditions which threaten physical harm or imminent danger to the health or well-being of the employee. A danger pay allowance may not exceed **[25]** 35 percent of the basic pay of the employee, except that if an employee is granted an additional differential under section 5925(b) of this title with respect to an assignment, the sum of that additional differential and any danger pay allowance granted to the employee with respect to that assignment may not exceed **[25]** 35 percent of the basic pay of the

employee. The presence of nonessential personnel or dependents shall not preclude payment of an allowance under this section. In each instance where an allowance under this section is initiated or terminated, the Secretary of State shall inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of the action taken and the circumstances justifying it.

* * * * *

Subpart G—Insurance and Annuities

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CHAPTER 83—RETIREMENT

* * * * *

SUBCHAPTER III—CIVIL SERVICE RETIREMENT

* * * * *

§ 8332. Creditable service

(a) * * *

(b) The service of an employee shall be credited from the date of original employment to the date of separation on which title to annuity is based in the civilian service of the Government. Except as provided in paragraph (13) of this subsection, credit may not be allowed for a period of separation from the service in excess of 3 calendar days. The service includes—

(1) * * *

* * * * *

(11) subject to sections 8334(c) and 8339(i) of this title, service in any capacity of at least 130 days (or its equivalent) per calendar year performed after July 1, 1946, for the National Committee for a Free Europe; Free Europe Committee, Incorporated; Free Europe, Incorporated; Radio Liberation Committee; Radio Liberty Committee; subdivisions of any of those organizations; Radio Free Europe/Radio Liberty, Incorporated; Radio Free Asia; the Asia Foundation; *Mideast Radio and Television Network, Inc.*; or the Armed Forces Network, Europe (AFN-E), but only if such service is not credited for benefits under any other retirement system which is established for such entities and funded in whole or in part by the Government and only if the individual later becomes subject to this subchapter;

* * * * *

**FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL
YEAR 2003**

* * * * *

**DIVISION A—DEPARTMENT OF STATE
AUTHORIZATION ACT, FISCAL YEAR
2003**

* * * * *

**TITLE I—AUTHORIZATIONS OF
APPROPRIATIONS**

* * * * *

Subtitle A—Department of State

* * * * *

**SEC. 112. UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DI-
PLOMACY PROGRAMS.**

The following amounts are authorized to be appropriated for the Department to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:

(1) * * *

* * * * *

(3) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—For the “Center for Cultural and Technical Interchange between East and West”, **[\$15,000,000]** *\$18,000,000* for the fiscal year 2003.

* * * * *

**TITLE III—ORGANIZATION AND PER-
SONNEL OF THE DEPARTMENT OF
STATE**

* * * * *

Subtitle B—Personnel Matters

* * * * *

**SEC. 321. RETIREMENT CREDIT FOR CERTAIN GOVERNMENT SERVICE
PERFORMED ABROAD.**

(a) * * *

* * * * *

(f) IMPLEMENTATION.—The Office of Personnel Management, in consultation with the Secretary, shall prescribe such [regulations] regulations, not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005, and take such action as may be necessary and appropriate to implement this section.

* * * * *

SEC. 324. REPORT CONCERNING MINORITY EMPLOYMENT.

On April 1, 2003, [and April 1, 2004] April 1, 2004, and April 1, 2005, the Secretary shall submit a comprehensive report to Congress, with respect to the preceding calendar year, concerning the employment of members of minority groups at the Department, including the Civil Service and the Foreign Service. The report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) * * *

* * * * *

SEC. 325. USE OF FUNDS AUTHORIZED FOR MINORITY RECRUITMENT.

(a) * * *

* * * * *

(c) EVALUATION OF RECRUITMENT EFFORTS.—The Secretary shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees on the evaluation of efforts to recruit such individuals, including an analysis of the information collected in the database created under this subsection. Such report shall be included in each of the [two] three reports required under section 324.

* * * * *

TITLE VI—MISCELLANEOUS PROVISIONS

* * * * *

Subtitle C—East Timor Transition to Independence Act of 2002

* * * * *

SEC. 632. BILATERAL ASSISTANCE.

(a) * * *

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the President to carry out this section \$25,000,000 for [the fiscal year 2003] each of the fiscal years 2003, 2004, and 2005.

* * * * *

Subtitle G—Other Matters

* * * * *

SEC. 690. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.

(a) FINDINGS.—Congress finds the following:

(1) * * *

* * * * *

(5) *Since the founding of the Magen David Adom in 1930, the American Red Cross has regarded it as a sister national society forging close working ties between the two societies and has consistently advocated recognition and membership of the Magen David Adom in the International Red Cross and Red Crescent Movement.*

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

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

(1) * * *

* * * * *

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent; **[and]**

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

[(4)] (5) the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.

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

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

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

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

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

* * * * *



ACT OF JULY 30, 1946

JOINT RESOLUTION

Providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor.

* * * * *

SEC. 2. The President by and with the consent of the Senate shall designate from time to time to attend a specified session or specified sessions of the General Conference of the Organization not to exceed five representatives of the United States and such number of alternates not to exceed five as he may determine consistent with the rules of procedure of the General Conference: *Provided, however*, That each such representative and each such alternate must be an American citizen. [One of the representatives shall be designated as the senior representative. Such representatives and alternates shall each be entitled to receive compensation at such rates provided for members of the Senior Foreign Service under section 402 of the Foreign Service Act of 1980, or provided for Foreign Service officers under section 403 of that Act, as the President may determine, for such periods as the President may specify, except that no Member of the Senate or House of Representatives or officer of the United States who is designated under this section as a representative of the United States or as an alternate to attend any specified session or specified sessions of the General Conference shall be entitled to receive such compensation. Whenever a representative of the United States is elected by the General Conference to serve on the Executive Board, or is elected President of the General Conference and thus becomes an ex officio adviser to the Executive Board, under provision of article V of the constitution of the Organization, the President may extend the above provisions for compensation to such representative during periods of service in connection with the Executive Board.]

[SEC. 3. In fulfillment of article VII of the constitution of the Organization, the Secretary of State shall cause to be organized a National Commission on Educational, Scientific, and Cultural Corporation of not to exceed one hundred members. Such Commission shall be appointed by the Secretary of State and shall consist of (a) not more than sixty representatives of principal national, voluntary organizations interested in educational, scientific, and cultural matters; and (b) not more than forty outstanding persons selected by the Secretary of State, including not more than ten persons holding office under or employed by the Government of the United States, not more than fifteen representatives of the educational, scientific, and cultural interests of State and local governments, and not more than fifteen persons chosen at large. The Secretary of State is authorized to name in the first instance fifty of the principal national voluntary organizations, each of which shall be invited to designate one representative for appointment to the National Commission. Thereafter, the National Commission shall periodically review and, if deemed advisable, revise the list of such organizations designating representatives in order to achieve a desirable rotation among organizations represented. To constitute the initial Commission, one-third of the members shall be appointed to

serve for a term of one year, one-third for a term of two years, and one-third or the remainder thereof for a term of three years; from thence on following, all members shall be appointed for a term of three years each, but no member shall serve more than two consecutive terms. The National Commission shall meet at least once annually. The National Commission shall designate from among its members an executive committee, and may designate such other committees as may prove necessary, to consult with the Department of State and to perform such other functions as the National Commission shall delegate to them. No member of the National Commission shall be allowed any salary or other compensation for services: *Provided, however,* That he may be paid transportation and other expenses as authorized by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2). The Department of State is authorized to provide the necessary secretariat for the Commission.】

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

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

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

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

(e) Upon request of the National Commission, the Secretary of State may detail any of the personnel of the Department of State to

the National Commission to assist it in carrying out its duties under this Act.

* * * * *

**CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY
(LIBERTAD) ACT OF 1996**

(Public Law 104-114)

* * * * *

**TITLE I—STRENGTHENING INTER-
NATIONAL SANCTIONS AGAINST THE
CASTRO GOVERNMENT**

* * * * *

SEC. 107. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the [International Broadcasting Bureau] *United States International Broadcasting Agency* shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of the enactment of this Act, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director of the [International Broadcasting Bureau] *United States International Broadcasting Agency* shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

* * * * *

SEC. 109. AUTHORIZATION OF SUPPORT FOR DEMOCRATIC AND HUMAN RIGHTS GROUPS AND INTERNATIONAL OBSERVERS.

(a) * * *

(b) OAS EMERGENCY FUND.—

(1) * * *

* * * * *

(3) VOLUNTARY CONTRIBUTIONS FOR FUND.—Notwithstanding section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) or any other provision of law limiting the United States proportionate share of assistance to Cuba by any international organization, the President [should provide not less than \$5,000,000] *shall provide for each of the fiscal years 2004 and 2005 not less than \$500,000* of the voluntary contributions of the United States to the Organization of American States solely for the purposes of the special fund referred to in paragraph (1).

* * * * *

**UNITED STATES INTERNATIONAL BROADCASTING ACT
OF 1994**

**TITLE III—UNITED STATES INTERNATIONAL
BROADCASTING ACT**

SEC. 301. SHORT TITLE.

This title may be cited as the “United States International Broadcasting Act of 1994”.

* * * * *

SEC. 303. STANDARDS AND PRINCIPLES.

(a) **BROADCASTING STANDARDS.**—United States international broadcasting shall—

(1) * * *

* * * * *

(7) be designed so as to effectively reach a significant audience; and

(8) promote respect for human rights, including freedom of religion[.]; and

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

* * * * *

SEC. 304. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.

(a) * * *

* * * * *

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

[Effective on the last day of the 6-month period beginning on the date of the enactment of this Act (Foreign Relations Authorization Act, Fiscal Years 2004 and 2005), section 304 of the United States International Broadcasting Act of 1994 is revised in its entirety, shown below.]

[SEC. 304. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.

[(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

[(1) IN GENERAL.—The Broadcasting Board of Governors shall continue to exist within the Executive branch of Government as an entity described in section 104 of title 5, United States Code.

[(2) RETENTION OF EXISTING BOARD MEMBERS.—The members of the Broadcasting Board of Governors appointed by the President pursuant to subsection (b)(1)(A) before the effective date of title XIII of the Foreign Affairs Agencies Consolidation

Act of 1998 and holding office as of that date may serve the remainder of their terms of office without reappointment.

[(3) INSPECTOR GENERAL AUTHORITIES.—

[(A) IN GENERAL.—The Inspector General of the Department of State and the Foreign Service shall exercise the same authorities with respect to the Broadcasting Board of Governors and the International Broadcasting Bureau as the Inspector General exercises under the Inspector General Act of 1978 and section 209 of the Foreign Service Act of 1980 with respect to the Department of State.

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

[(b) COMPOSITION OF THE BOARD.—

[(1) The Board shall consist of 9 members, as follows:

[(A) 8 voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

[(B) The Secretary of State who shall also be a voting member.

[(2) The President shall appoint one member (other than the Secretary of State) as Chairman of the Board, subject to the advice and consent of the Senate.

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

[(c) TERM OF OFFICE.—The term of office of each member of the Board shall be three years, except that the Secretary of State shall remain a member of the Board during the Director's term of service. Of the other 8 voting members, the initial terms of office of two members shall be one year, and the initial terms of office of 3 other members shall be two years, as determined by the President. The President shall appoint, by and with the advice and consent of the Senate, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until a successor has been appointed and qualified. When there is no Secretary of State, the Acting Secretary of State shall serve as a member of the Board until a Director is appointed.

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

[(e) COMPENSATION.—Members of the Board, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. While away from their homes or regular places

of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The Secretary of State shall not be entitled to any compensation under this title, but may be allowed travel expenses as provided under this subsection.

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

[(g) Immunity from Civil Liability.—Notwithstanding any other provision of law, any and all limitations on liability that apply to the members of the Broadcasting Board of Governors also shall apply to such members when acting in their capacities as members of the boards of directors of RFE/RL, Incorporated and Radio Free Asia.]

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) *TERM OF OFFICE.*—*The term of office of each member of the Board of Governors shall be three years, except that the Secretary of State shall remain a member of the Board of Governors during the Secretary’s term of service. The President shall appoint, by and with the advice and consent of the Senate, board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term*

has expired may serve until a successor has been appointed and qualified. When there is no Secretary of State, the Acting Secretary of State shall serve as a member of the board until a Secretary is appointed.

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

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

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

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

(c) *DIRECTOR.*—

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

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

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

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

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

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

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

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

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

(H) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code.

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

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

(d) INSPECTOR GENERAL AUTHORITIES.—

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

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

SEC. 305. AUTHORITIES OF THE BOARD.

(a) AUTHORITIES.—The Board shall have the following authorities:

(1) * * *

* * * * *

(5) To make and supervise grants for broadcasting and related activities in accordance with sections [308 and 309] 308, 309, and 310.

(6) To allocate funds appropriated for international broadcasting activities among the various elements of the International Broadcasting Bureau and grantees, subject to the limitations in sections [308 and 309] 308, 309, and 310 and subject to reprogramming notification requirements in law for the reallocation of funds.

* * * * *

(c) BROADCASTING BUDGETS.—The Director of the Bureau and the grantees identified in sections [308 and 309] 308, 309, and 310 shall submit proposed budgets to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the Office of Management and Budget.

* * * * *

[Effective on the last day of the 6-month period beginning on the date of the enactment of this Act (Foreign Relations Authorization Act, Fiscal Years 2004 and 2005), section 305 of the United States International Broadcasting Act of 1994 is revised in its entirety, shown below.]

[SEC. 305. AUTHORITIES OF THE BOARD.

[(a) AUTHORITIES.—The Board shall have the following authorities:

[(1) To supervise all broadcasting activities conducted pursuant to this title, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, and Worldnet Television, except as provided in section 306(b).

[(2) To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all such activities within the context of the broad foreign policy objectives of the United States.

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

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

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

[(6) To allocate funds appropriated for international broadcasting activities among the various elements of the International Broadcasting Bureau and grantees, subject to the limitations in sections 308 and 309 and subject to reprogramming notification requirements in law for the reallocation of funds.

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

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

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

[(10) To the extent considered necessary to carry out the functions of the Board, procure supplies, services, and other personal property.

[(11) To appoint such staff personnel for the Board as the Board may determine to be necessary, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

[(12) To obligate and expend, for official reception and representation expenses, such amount as may be made available through appropriations (which for each of the fiscal years 1998 and 1999 may not exceed the amount made available to the Board and the International Broadcasting Bureau for such purposes for fiscal year 1997).

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

[(14) The Board may provide for the use of United States Government transmitter capacity for relay of Radio Free Asia.

[(15)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of title 5, United States Code.

[(B) To allow those providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

[(16) To procure, pursuant to section 1535 of title 31, United States Code (commonly known as the "Economy Act"), such goods and services from other departments or agencies for the Board and the International Broadcasting Bureau as the Board determines are appropriate.

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

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

[(b) DELEGATION OF AUTHORITY.—The Board may delegate to the Director of the International Broadcasting Bureau, or any other officer or employee of the United States, to the extent the Board determines to be appropriate, the authorities provided in this section, except those authorities provided in paragraph (1), (2), (3), (4), (5), (6), (9), or (11) of subsection (a).

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

[(d) PROFESSIONAL INDEPENDENCE OF BROADCASTERS.—The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the International Broadcasting Bureau, its broadcasting services, and the grantees of the Board.

[(e) TECHNICAL AMENDMENT.—

[(1) Section 4 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465b) is amended by striking “and the Associate Director for Broadcasting of the United States Information Agency” and inserting “of the Voice of America”.

[(2) Section 5(b) of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465c(b)) is amended by striking “Director and Associate Director for Broadcasting of the United States Information Agency” and inserting “Broadcasting Board of Governors”.]

SEC. 305. AUTHORITIES AND FUNCTIONS OF THE AGENCY.

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

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

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

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

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

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

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

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

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

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

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

(11) *To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948, and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act*

of 1998, to the extent the Director considers necessary in carrying out the provisions and purposes of this title.

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

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

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

【SEC. 306. ROLE OF THE SECRETARY OF STATE.

【(a) FOREIGN POLICY GUIDANCE.—To assist the Board in carrying out its functions, the Secretary of State shall provide information and guidance on foreign policy issues to the Board, as the Secretary may deem appropriate.

【(b) CERTAIN WORLDNET PROGRAMMING.—The Secretary of State is authorized to use Worldnet broadcasts for the purposes of continuing interactive dialogues with foreign media and other similar overseas public diplomacy programs sponsored by the Department of State. The Chairman of the Broadcasting Board of Governors shall provide access to Worldnet for this purpose on a non-reimbursable basis.】

SEC. 306. ROLE OF THE SECRETARY OF STATE.

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

SEC. 307. INTERNATIONAL BROADCASTING BUREAU.

(a) **ESTABLISHMENT.**—There is hereby established an International Broadcasting Bureau under the Board (hereafter in this title referred to as the “Bureau”), to carry out all nonmilitary international broadcasting activities supported by the United States Government other than those described in sections **【308 and 309】** 308, 309, and 310.

* * * * *

(c) **RESPONSIBILITIES OF THE DIRECTOR.**—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free

Asia, *Mideast Radio and Television Network, Inc.*, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.

* * * * *

[Effective on the last day of the 6-month period beginning on the date of the enactment of this Act (Foreign Relations Authorization Act, Fiscal Years 2004 and 2005), section 307 of the United States International Broadcasting Act of 1994 is revised in its entirety, shown below.]

[SEC. 307. INTERNATIONAL BROADCASTING BUREAU.

[(a) ESTABLISHMENT.—There is hereby established an International Broadcasting Bureau under the Board (hereafter in this title referred to as the “Bureau”), to carry out all nonmilitary international broadcasting activities supported by the United States Government other than those described in sections 308 and 309.

[(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.]

SEC. 307. ADMINISTRATIVE PROVISIONS.

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

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

(c) *ACCEPTANCE OF VOLUNTARY SERVICES.*—

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

(A) are to be uncompensated; and

(B) are not used to displace any employee.

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

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

(e) *CONTRACTS.*—

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

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

(f) *REGULATIONS.*—*The Director may prescribe such rules and regulations as the Board of Governors considers necessary or appropriate to administer and manage the functions of the Agency, in accordance with chapter 5 of title 5, United States Code.*

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

SEC. 308. LIMITS ON GRANTS FOR RADIO FREE EUROPE AND RADIO LIBERTY.

(a) **BOARD OF RFE/RL, INCORPORATED.**—The [Board] Agency may not make any grant to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the [Broadcasting Board of Governors] *Board Governors of the International Broadcasting Agency* established under section 304 and of no other members; and

* * * * *

(b) **LOCATION OF PRINCIPAL PLACE OF BUSINESS.**—

[(1)] The [Board] Agency may not make any grant to RFE/RL, Incorporated unless the headquarters of RFE/RL, Incorporated and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability to the [Board] Agency.

[(2)] Not later than 90 days after confirmation of all members of the Board, the Board shall provide a report to Congress on the number of administrative, managerial, and technical staff of RFE/RL, Incorporated who will be located within the metropolitan area of Washington, D.C., and the number of employees whose principal place of business will be located outside the metropolitan area of Washington, D.C.]

(c) The total amount of grants made for the operating costs of RFE/RL, Incorporated, may not exceed \$85,000,000 in fiscal year 2003.

(d) ALTERNATIVE GRANTEE.—If the [Board determines at any time that RFE/RL, Incorporated, is not carrying out the functions described in section 309 in an effective and economical manner, the Board may award the grant to carry out such functions to another entity after soliciting and considering applications from eligible entities in such manner and accompanied by such information as the [Board] Agency may reasonably require.

* * * * *

(g) GRANT AGREEMENT.—Grants to RFE/RL, Incorporated, by the [Board] Agency shall only be made in compliance with a grant agreement. The grant agreement shall establish guidelines for such grants. The grant agreement shall include the following provisions—

(1) that a grant be used only for activities which the [Board] Agency determines are consistent with the purposes of subsection (f);

(2) that RFE/RL, Incorporated, shall otherwise comply with the requirements of this section;

(3) that failure to comply with the requirements of this section may result in suspension or termination of a grant without further obligation by the [Board] Agency or the United States;

(4) that duplication of language services and technical operations between RFE/RL, Incorporated and the [International Broadcasting Bureau] Agency be reduced to the extent appropriate, as determined by the [Board] Agency; and

(5) that RFE/RL, Incorporated, justify in detail each proposed expenditure of grant funds, and that such funds may not be used for any other purpose unless the [Board] Agency gives its prior written approval.

(h) PROHIBITED USES OF GRANT FUNDS.—No grant funds provided under this section may be used for the following purposes:

(1) * * *

* * * * *

(5) To compensate freelance contractors without the approval of the [Board] Agency.

(i) REPORT ON MANAGEMENT PRACTICES.—(1) Effective not later than March 31 and September 30 of each calendar year, the Inspector General of the Department of State [and the Foreign Service] shall submit to the [Board] Agency and the Congress a report on management practices of RFE/RL, Incorporated, under this section. The Inspector General of the Department of State [and the Foreign Service] shall establish a special unit within the Inspector General's office to monitor and audit the activities of RFE/RL, Incorporated, and shall provide for on-site monitoring of such activities.

(j) AUDIT AUTHORITY.—

(1) * * *

* * * * *

(3) Notwithstanding any other provision of law and upon repeal of the Board for International Broadcasting Act, the Inspector General of the Department of State [and the Foreign Service] is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to RFE/RL, Incorporated.

* * * * *

SEC. 309. RADIO FREE ASIA.

(a) * * *

* * * * *

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

(1) The [Board] Agency may not make any grant to Radio Free Asia unless the headquarters of Radio Free Asia and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability to the [Board] Agency.

* * * * *

[(e) ASSESSMENT OF THE EFFECTIVENESS OF RADIO FREE ASIA.—Not later than 3 years after the date on which initial funding is provided for the purpose of operating Radio Free Asia, the Board shall submit to the appropriate congressional committees a report on—

[(1) whether Radio Free Asia is technically sound and cost-effective,

[(2) whether Radio Free Asia consistently meets the standards for quality and objectivity established by this title,

[(3) whether Radio Free Asia is received by a sufficient audience to warrant its continuation,

[(4) the extent to which such broadcasting is already being received by the target audience from other credible sources; and

[(5) the extent to which the interests of the United States are being served by maintaining broadcasting of Radio Free Asia.]

(f) SUNSET PROVISION.—The [Board] Agency may not make any grant for the purpose of operating Radio Free Asia after September 30, 2009.

(g) NOTIFICATION AND CONSULTATION REGARDING DISPLACEMENT OF VOICE OF AMERICA BROADCASTING.—The [Board] Agency shall notify the appropriate congressional committees before entering into any agreements for the utilization of Voice of America transmitters, equipment, or other resources that will significantly reduce the broadcasting activities of the Voice of America in Asia or any other region in order to accommodate the broadcasting activities of Radio Free Asia. The [Chairman of the Board] Agency shall consult with such committees on the impact of any such reduction in Voice of America broadcasting activities.

* * * * *

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

(a) AUTHORITY.—Grants authorized under section 305 shall be available to make annual grants to Mideast Radio and Television

Network, Inc. (hereinafter in this title also referred to as "Mideast Network") for the purpose of carrying out radio and television broadcasting to the Middle East region.

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

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

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

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

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

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

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

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

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

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

(e) *AUDIT AUTHORITY.*—

(1) *Such financial transactions of Mideast Network, as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as*

may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of Mideast Network are normally kept.

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

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

[SEC. 311. PRESERVATION OF AMERICAN JOBS.

[It is the sense of the Congress that the Director of the United States Information Agency and the Chairman of the Board for International Broadcasting should, in developing the plan for consolidation and reorganization of overseas international broadcasting services, limit, to the maximum extent feasible, consistent with the purposes of the consolidation, elimination of any United States-based positions and should affirmatively seek to transfer as many positions as possible to the United States.]

* * * * *

SEC. 313. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 1994 and for each subsequent fiscal year, any funds appropriated for the purposes of broadcasting subject to supervision of the **[Board] Agency** shall not be available for obligation or expenditure—

(1) * * *
* * * * *

SEC. 314. DEFINITIONS.

For the purposes of this title—

(1) * * *
[(2) the term “RFE/RL, Incorporated” includes—
[(A) the corporation having the corporate title described in section 307(b)(3); and
[(B) any alternative grantee described in section 307(e); and]

* * * * *

[SEC. 315. TECHNICAL AND CONFORMING AMENDMENTS.

[(a) VOICE OF AMERICA BROADCASTS.—Section 503 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1463) is repealed.

[(b) ISRAEL RELAY STATION.—Section 301(c) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, is repealed.

[(c) BOARD FOR INTERNATIONAL BROADCASTING ACT.—Section 4(a)(1) of the Board for International Broadcasting Act of 1973 is amended to read as follows:

["(1) to make grants to RFE/RL, Incorporated and, until September 30, 1995, to make grants to entities established in the privatization of certain functions of RFE/RL, Incorporated in order to carry out the purposes set forth in section 2 of this Act;".

[(d) RELOCATION COSTS.—Notwithstanding any other provision of law, funds derived from the sale of real property assets of RFE/RL in Munich, Germany, may be retained, obligated, and expended to meet one-time costs associated with the consolidation of United States Government broadcasting activities in accordance with this title, including the costs of relocating RFE/RL offices and operations.]

RADIO BROADCASTING TO CUBA ACT

* * * * *

ADDITIONAL FUNCTIONS OF THE [BROADCASTING BOARD OF GOVERNORS] *UNITED STATES INTERNATIONAL BROADCASTING AGENCY*

SEC. 3. (a) In order to carry out the objectives set forth in section 2, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* (hereafter in this Act referred to as [the "Board"]) *the "Agency"*) shall provide for the open communication of information and ideas through the use of radio broadcasting to Cuba. Radio broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective, and comprehensive news.

* * * * *

(c) Radio broadcasting to Cuba authorized by this Act shall utilize the broadcasting facilities located at Marathon, Florida, and the 1180 AM frequency that were used by the Voice of America prior to the date of enactment of this Act. [Other frequencies, not on the commercial Amplitude Modulation (AM) Band (535 kHz to 1605 kHz), may also be simultaneously utilized: *Provided*, That no frequency shall be used for radio broadcasts to Cuba in accordance with this Act which is not also used for all other Voice of America broadcasts to Cuba.] *The Board is authorized to simultaneously utilize other broadcasting transmission facilities, and other frequencies, including the Amplitude Modulation (AM) Band (535 kHz to 1705 kHz), the Frequency Modulation (FM) Band, and the Shortwave (SW) Band.* Time leased from nongovernmental shortwave radio stations may be used to carry all or part of the Service programs and to rebroadcast Service programs[: *Provided*, That not less than 30 per centum of the programs broadcast or rebroadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80–402].

(d) Notwithstanding subsection (c), in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 per centum or more than the average daily jamming or interference in the twelve months preceding September 1, 1983, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* may lease time on commercial or noncommercial educational AM band radio broadcasting sta-

tions. The Federal Communications Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. [In the event that more than two hours a day of time is leased, not less than 30 per centum of the programing broadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.]

[(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated "Voice of America: Cuba Service" or "Voice of America: Radio Marti program".]

(e) Any program of United States Government radio broadcasts to Cuba authorized by this section shall be designated "Radio Marti program".

(f) In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* may, for the period in which the facilities are inoperable but not to exceed one hundred and fifty days, use other United States Government-owned transmission facilities for [Voice of America] broadcasts to Cuba authorized by this Act.

CUBA SERVICE OF THE VOICE OF AMERICA

SEC. 4. [The Broadcasting Board of Governors shall establish within the International Broadcasting Bureau] *The Board of Governors of the United States International Broadcasting Agency shall establish within the Agency a Cuba Service (hereafter in this section referred to as the "Service").* The Service shall be responsible for all radio broadcasts to Cuba authorized by section 3. The [Broadcasting Board of Governors] *Board of Governors of the United States International Broadcasting Agency* shall appoint a head of the Service and shall employ such staff as the head of the Service may need to carry out his duties. The Cuba Service shall be administered separately from other Voice of America functions and the head of the Cuba Service shall report directly to the [Board of the International Broadcasting Bureau] *Board of Governors of the United States International Broadcasting Agency.*

ADVISORY BOARD FOR CUBA BROADCASTING

SEC. 5. (a) There is established within the Office of the President the Advisory Board for Cuba Broadcasting (in this division referred to as the "Advisory Board"). The Advisory Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the *Advisory Board* to serve as chairperson.

(b) The *Advisory Board* shall review the effectiveness of the activities carried out under this Act and the Television Broadcasting to Cuba Act shall make such recommendations to the President and the [Broadcasting Board of Governors] *Board of Governors of the United States International Broadcasting Agency* as it may consider necessary.

(c) In appointing the initial voting members of the *Advisory Board*, the President shall designate three members to serve for a term of three years, three members to serve for a term of two years, and three members to serve for a term of one year. Thereafter, the term of each member of the *Advisory Board* shall be three years. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

(d) The head of the Cuba Service and the head of the Television Marti Service shall serve, ex officio, as members of the *Advisory Board*.

(e) Members of the *Advisory Board* appointed by the President shall, while attending meetings of the *Advisory Board* or while engaged in duties relating to such meetings or in other activities of the *Advisory Board* pursuant to this section, including traveltime, be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. While away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently. The ex officio members of the *Advisory Board* shall not be entitled to any compensation under this section, but may be allowed travel expenses as provided in the preceding sentence.

(f) The *Advisory Board* may, to the extent it deems necessary to carry out its functions under this section, procure supplies, services, and other personal property, including specialized electronic equipment.

(g) Notwithstanding any other provision of law, the *Advisory Board* shall remain in effect indefinitely.

(h) There are authorized to be appropriated \$130,000 to carry out the provisions of this section.

ASSISTANCE FROM OTHER GOVERNMENT AGENCIES

SEC. 6. (a) In order to assist the [Broadcasting Board of Governors] *United States International Broadcasting Agency* in carrying out the purposes set forth in section 2, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the [Board] *Board of Directors of the United States International Broadcasting Agency*. Support and services shall be provided on a reimbursable basis. Any reimbursement shall be credited to the appropriation from which the property, support, or services was derived.

(b) The Board may carry out the purposes of section 3 by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the Board determines will be most effective.

FACILITY COMPENSATION

SEC. 7. (a) * * *

(b) Accordingly, the [Board] *United States International Broadcasting Agency* may make payments to the United States radio broadcasting station licensees upon their application for expenses which they have incurred before, on or after the date of this Act in mitigating, pursuant to special temporary authority from the Federal Communications Commission, the effects of activities by the Government of Cuba which directly interfere with the transmission or reception of broadcasts by these licensees. Such expenses shall be limited to the costs of equipment replaced (less depreciation) and associated technical and engineering costs.

* * * * *

(d) There are authorized to be appropriated to the [Board] *United States International Broadcasting Agency*, \$5,000,000 for use in compensating United States radio broadcasting licensees pursuant to this section. Amounts appropriated under this section are authorized to be available until expended.

* * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. (a) There are authorized to be appropriated for the Broadcasting Board of Governors \$14,000,000 for fiscal year 1984, and \$11,000,000 for fiscal year 1985 to carry out sections 3 and 4 of this Act. The amount obligated by the Broadcasting Board of Governors in ensuing fiscal years shall be sufficient to maintain broadcasts to Cuba under this Act at rates no less than the fiscal year 1985 level.

* * * * *

TELEVISION BROADCASTING TO CUBA ACT

PART D—TELEVISION BROADCASTING TO CUBA

SEC. 241. SHORT TITLE.

This part may be cited as the “Television Broadcasting to Cuba Act”.

* * * * *

SEC. 243. TELEVISION BROADCASTING TO CUBA.

(a) TELEVISION BROADCASTING TO CUBA.—In order to carry out the purposes set forth in section 242 and notwithstanding the limitation of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) with respect to the dissemination in the United States of information prepared for dissemination abroad to the extent such dissemination is inadvertent, the [Broadcasting Board of Governors] *United States International Broadcasting Agency* (hereafter in this part referred to as the “Agency”) shall provide for the open communication of information and ideas through the use of television broadcasting to Cuba. Television broadcasting to Cuba shall serve as a consistently reliable

and authoritative source of accurate, objective, and comprehensive news.

* * * * *

SEC. 244. TELEVISION MARTI SERVICE.

(a) TELEVISION MARTI SERVICE.—There is within the Voice of America a Television Marti Service. The Service shall be responsible for all television broadcasts to Cuba authorized by this part. [The Broadcasting Board of Governors shall appoint a head of the Service who shall report directly to the International Broadcasting Bureau.] *The Board of Governors of the United States International Broadcasting Agency shall appoint a head of the Service who shall report directly to the Board of Governors.* The head of the Service shall employ such staff as the head of the Service may need to carry out the duties of the Service.

(b) USE OF EXISTING FACILITIES OF THE USIA.—To assure consistency of presentation and efficiency of operations in conducting the activities authorized under this part, the Television Marti Service shall make maximum feasible utilization of [Board] *United States International Broadcasting Agency* facilities and management support, including Voice of America: Cuba Service, Voice of America, and the United States International Television Service.

(c) AUTHORITY.—[The Board] *The Agency* may carry out the purposes of this part by means of grants, leases, or contracts (subject to the availability of appropriations), or such other means as the [Board determines] *Board of Governors of the United States International Broadcasting Agency determines* will be most effective.

* * * * *

SEC. 246. ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.

In order to assist the [United States Information Agency] *United States International Broadcasting Agency* in carrying out the provisions of this part, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the [Board] *Board of Governors of the United States International Broadcasting Agency.*

* * * * *

**SECTION 7 OF THE 1998 SUPPLEMENTAL
APPROPRIATIONS AND RESCISSIONS ACT**

SEC. 7. (a) * * *

(b) The President shall submit to [Congress—

[(1) not later] *Congress not later than June 30, 1998*, a report on efforts to gain agreement on arrangements described in subsection (a), and such report should include an explanation of the Administration's view of whether it would promote United States interests to adopt firm schedules or deadlines for achieving such benchmarks[; and].

[(2) semiannually after that report, so long as United States ground combat forces continue to participate in the Stabilization Force for Bosnia (SFOR), a report on the progress made toward achieving the benchmarks referred to in subsection

(a)(1), including any developments which may affect the ability of the relevant parties to achieve the benchmarks in a timely manner.】

* * * * *

SECTION 1203 OF THE STROM THRUOND NATIONAL DEFENSE AUTHORIZATION FOR FISCAL YEAR 1999

【SEC. 1203. PRESIDENTIAL REPORTS.

【(a) **REQUIRED REPORTS.**—The President shall ensure that the semiannual reports required by section 7(b) of the general provisions of chapter I of the 1998 Supplemental Appropriations and Re-scissions Act (Public Law 105–174; 112 Stat. 64) are submitted to Congress in a timely manner as long as United States ground combat forces continue to participate in the Stabilization Force (SFOR). In addition, whenever the President submits to Congress a request for funds for continued operations of United States forces in Bosnia and Herzegovina, the President shall submit a supplemental report providing information to update Congress on developments since the last semiannual report.

【(b) **REQUIRED INFORMATION.**—In addition to the information required by the section referred to in subsection (a) to be included in a report under that section, each report under that section or under subsection (a) shall include the following:

【(1) The expected duration of the deployment of United States ground combat forces in Bosnia and Herzegovina in support of implementation of the benchmarks set forth in the President’s report of March 3, 1998 (referred to in section 1201(5)) for achieving a sustainable peace process.

【(2) The percentage of those benchmarks that have been completed as of the date of the report, the percentage that are expected to be completed within the next reporting period, and the expected time for completion of the remaining tasks.

【(3) The status of the NATO force of gendarmes or paramilitary police, including the mission of the force, the composition of the force, and the extent, if any, to which members of the Armed Forces of the United States are participating (or are to participate) in the force.

【(4) The military and nonmilitary missions that the President has directed for United States forces in Bosnia and Herzegovina, including a specific discussion of—

【(A) the mission of those forces, if any, in connection with the pursuit and apprehension of war criminals;

【(B) the mission of those forces, if any, in connection with civilian police functions;

【(C) the mission of those forces, if any, in connection with the resettlement of refugees; and

【(D) the missions undertaken by those forces, if any, in support of international and local civilian authorities.

【(5) An assessment of the risk for the United States forces in Bosnia and Herzegovina, including, for each mission identified pursuant to paragraph (4), the assessment of the Chairman of the Joint Chiefs of Staff regarding the nature and level

of risk of the mission for the safety and well-being of United States military personnel.

[(6) An assessment of the cost to the United States, by fiscal year, of carrying out the missions identified pursuant to paragraph (4) and a detailed projection of any additional funding that will be required by the Department of Defense to meet mission requirements for those operations for the remainder of the fiscal year.

[(7) A joint assessment by the Secretary of Defense and the Secretary of State of the status of planning for—

[(A) the assumption of all remaining military missions inside Bosnia and Herzegovina by European military and paramilitary forces; and

[(B) the establishment and support of a forward-based United States rapid response force outside of Bosnia and Herzegovina that would be capable of deploying rapidly to defeat military threats to a European follow-on force inside Bosnia and Herzegovina and of providing whatever logistical, intelligence, and air support is needed to ensure that a European follow-on force is fully capable of accomplishing its missions under the Dayton Accords.]

SECTION 203 OF THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT

GRANTS OF AUTHORITIES

SEC. 203. (a)(1) At the times and to the extent specified in section 202, the President may, under such regulations as he may prescribe, by means of instructions, licenses, or otherwise—

(A) * * *

* * * * *

(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest, or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.

* * * * *

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

pose for which such vested property or liquidated assets will be so used.

* * * * *

SECTION 207 OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission \$3,000,000 for the fiscal year 2003 and for each subsequent fiscal year to carry out the provisions of this title.

* * * * *

SECTION 15 OF THE EXPORT ADMINISTRATION ACT OF 1979

ADMINISTRATIVE AND REGULATORY AUTHORITY

SEC. 15. (a) UNDER SECRETARY OF COMMERCE.—[The President shall appoint, by and with the advice and consent of the Senate, an Under Secretary of Commerce for Export Administration who shall carry out all functions of the Secretary under this Act and such other statutes that relate to national security which were delegated to the office of the Assistant Secretary of Commerce for Trade Administration before the date of the enactment of the Export Administration Amendments Act of 1985, and such other functions under this Act which were delegated to such office before such date of enactment, as the Secretary may delegate.] The President shall appoint, by and with the advice and consent of the Senate, two Assistant Secretaries of Commerce to assist the Under Secretary [in carrying out such functions] of Commerce for Industry and Security in carrying out the functions of the Under Secretary.

* * * * *

ARMS EXPORT CONTROL ACT

* * * * *

Chapter 1.—FOREIGN AND NATIONAL SECURITY POLICY OBJECTIVES AND RESTRAINTS

* * * * *

SEC. 3. ELIGIBILITY.—(a) * * *

* * * * *

(c)(1)(A) No credits (including participations in credits) may be issued and no guaranties may be extended for any foreign country under this Act as hereinafter provided, if such country uses defense articles or defense services furnished under this Act, [or any predecessor Act,] any predecessor Act, or licensed or approved under section 38 of this Act, to carry out a transaction with a country, the government of which the Secretary of State has determined is a

state sponsor of international terrorism for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such defense articles or defense services in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act (i) by using such articles or services for a purpose not authorized under section 4 or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 4 for a purpose not authorized under such agreement; (ii) by transferring such articles or services to, or permitting any use of such articles or services by, anyone not an officer, employee, or agent of the recipient country without the consent of the President; or (iii) by failing to maintain the security of such articles or services.

(B) No cash sales or deliveries pursuant to previous sales may be made with respect to any foreign country under this Act as hereinafter provided, if such country uses defense articles or defense services furnished under this Act, [or any predecessor Act,] , *any predecessor Act, or licensed or approved under section 38 of this Act, to carry out a transaction with a country, the government of which the Secretary of State has determined is a state sponsor of international terrorism for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such defense articles or defense services in substantial violation (either in terms of quantity or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act by using such articles or services for a purpose not authorized under section 4 or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 4, for a purpose not authorized under such agreement.*

(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.*

* * * * *

(e) If the President receives any information that a transfer of any defense article, or related training or other defense service, has been made without his consent as required under this section or under section 505 of the Foreign Assistance Act of 1961, *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*, he shall report such information immediately to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

* * * * *

**Chapter 2.—FOREIGN MILITARY SALES
AUTHORIZATIONS**

* * * * *
SEC. 21. SALES FROM STOCKS.—(a) * * * * *
* * * * *

(h)(1) * * *

(2) In carrying out the objectives of this section, the President is authorized to provide cataloging data and cataloging services, without charge, to the North Atlantic Treaty Organization [or to any member government of that Organization if that Organization or member government], *to any member of that Organization, or to the Governments of Australia, New Zealand, or Japan if that Organization, member government, or the Governments of Australia, New Zealand, or Japan provides such data and services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government.*

* * * * *

SEC. 25. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.—(a) Except as provided in subsection (d) of this section, no later than February 1 of each year, the President shall transmit to the appropriate congressional committees, as a part of the annual presentation materials for security assistance programs proposed for the next fiscal year, a report which sets forth—

(1) an Arms Sales Proposal covering all sales and licensed commercial exports under this Act of major weapons or weapons-related defense equipment for \$7,000,000 or more (*or, in the case of a member country of the North Atlantic Treaty Organization (NATO), Australia, New Zealand, or Japan, \$25,000,000 or more*), or of any other weapons or weapons-related defense equipment for \$25,000,000 or more, which are considered eligible for approval during the current calendar year, together with an indication of which sales and licensed commercial exports are deemed most likely actually to result in the issuance of a letter of offer or of an export license during such year;

* * * * *

CHAPTER 3.—MILITARY EXPORT CONTROLS

* * * * *

SEC. 36. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION.—(a) * * *

* * * * *

(c)(1) Subject to paragraph (5), in the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export of any major defense equipment sold under a contract in the amount of \$14,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$50,000,000 or more (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more, *or, notwithstanding section 27(g) of this Act, for any special comprehensive authorization under sections 120–130 of title 22, Code of Federal Regulations (commonly known as the “International Traffic in Arms Regulations”) for the export of defense articles or defense services in an aggregate amount of \$100,000,000 or more*), before issuing such license the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate an unclassified numbered certification with

respect to such application specifying (A) the foreign country or international organization to which such export will be made, (B) the dollar amount of the items to be exported, and (C) a description of the items to be exported. Each such numbered certification shall also contain an item indicating whether any offset agreement is proposed to be entered into in connection with such export and a description of any such offset agreement. In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request a description of the capabilities of the items to be exported, an estimate of the total number of United States personnel expected to be needed in the foreign country concerned in connection with the items to be exported and an analysis of the arms control impact pertinent to such application, prepared in consultation with the Secretary of Defense. In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (B) and the details of the description specified in clause (C) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information.

(2) Unless the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, a license for export described in paragraph (1)—

(A) * * *

[(B) in the case of a license for an export of a commercial communications satellite for launch from, and by nationals of, the Russian Federation, Ukraine, or Kazakhstan, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export; and]

[(C)] (B) in the case of any other license, shall not be issued until at least 30 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 30-day period, enacts a joint resolution prohibiting the proposed export.

* * * * *

(5) In the case of an application by a person (other than with regard to a sale under section 21 or 22 of this Act) for a license for the export to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on the issuance of the license

set forth in paragraph (1) or paragraph (2) shall apply only if the license is for export of—

(A) * * *

* * * * *

(d)(1) * * *

* * * * *

(6) *In the case of a commercial technical assistance or manufacturing license agreement with a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the requirements contained in paragraphs (2) and (4) shall apply only if—*

(A) *the agreement involves—*

(i) *major defense equipment in the amount of \$7,000,000 or more; or*

(ii) *significant military equipment in the amount of \$25,000,000 or more; and*

(B) *the amount referred to in clause (i) or (ii) of subparagraph (A), as the case may be, includes the estimated value of all defense articles and defense services to be manufactured or transferred throughout the duration of the approval period.*

* * * * *

SEC. 38. CONTROL OF ARMS EXPORTS AND IMPORTS.—(a)(1) In furtherance of world peace and the security and foreign policy of the United States, the President is authorized to control the import and the export of defense articles and defense services, or the transfer of such articles, other than firearms (or ammunition, components, parts, accessories, or attachments for firearms), and services within the United States to foreign persons, and to provide foreign policy guidance to persons of the United States involved in the export and import of such articles and services. The President is authorized to designate those items which shall be considered as defense articles and defense services for the purposes of this section and to promulgate regulations for the import and export of such articles and services. The items so designated shall constitute the United States Munitions List.

(b)(1)(A) * * *

(B) A copy of each registration made under this paragraph shall be transmitted to the Secretary of the Treasury and the Director of the Federal Bureau of Investigation for review regarding law enforcement concerns. The Secretary and the Director shall report to the President regarding such concerns as necessary.

[(B)] (C) The prohibition under such regulations required by the second sentence of subparagraph (A) shall not extend to any military firearms (or ammunition, components, parts, accessories, and attachments for such firearms) of United States manufacture furnished to any foreign government by the United States under this Act or any other foreign assistance or sales program of the United States if—

(i) * * *

* * * * *

(2) Except as otherwise specifically provided in regulations issued under subsection (a)(1), no defense articles or defense services des-

ignated by the President under subsection (a)(1) may be exported or imported without a license for such export or import, issued in accordance with this Act and regulations issued under this Act, except that no license shall be required for exports or imports made by or for an agency of the United States Government (A) for official use by a department or agency of the United States Government, or (B) for carrying out any foreign assistance or sales program authorized by law and subject to the control of the President by other means. *In promulgating regulations under subsection (a)(1) in accordance with the preceding sentence, any provision in such regulations that permits the export of defense articles or defense services without a license shall include a determination by the Attorney General, in consultation with the Secretary of Homeland Security and the Director of the Federal Bureau of Investigation, that the compilation and maintenance of sufficient documentation relating to the export without a license of the articles or services is ensured, notwithstanding the absence of a license, to facilitate law enforcement efforts to detect, prevent, and prosecute criminal violations of any provision of this section, section 39, or section 40 of this Act, including the efforts on the part of countries and factions engaged in international terrorism to illicitly acquire defense articles and defense services. No defense article or defense service designated by the President under subsection (a)(1) may be exported without a license pursuant to a regulation under subsection (a)(1) that is promulgated on or after January 1, 2003, until 30 days after the date on which the President provides notice of the proposed regulation to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961, including a description of the criteria that would be used to permit the export of the article or service and any measures to facilitate law enforcement efforts associated with the Attorney General's determination required by the preceding sentence.*

* * * * *

(c) Any person who **[willfully]** *knowingly* violates any provision of **[this section or section 39]** *this section, section 39, or section 40*, or any rule or regulation issued under either section, or who **[willfully]** *knowingly*, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined for each violation not more than **[\$1,000,000]** *\$1,000,000 (in the case of a violation of this section or section 39), \$2,000,000 (in the case of a violation involving any country covered by section 40), and \$1,500,000 (in the case of a violation involving any country other than a country covered by section 40 that is subject by United States law or policy to an arms embargo)*, or imprisoned not more than ten years, or both.

* * * * *

(e) In carrying out functions under this section with respect to the export of defense articles and defense services, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies and

officials by subsections (c), (d), (e), and (g) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act, subject to the same terms and conditions as are applicable to such powers under such Act, except that section 11(c)(2)(B) of such Act shall not apply, and instead, as prescribed in regulations issued under this section, the Secretary of State may assess civil penalties for violations of this Act and regulations prescribed thereunder and further may commence a civil action to recover such civil penalties, and except further that the names of the countries and the types and quantities of defense articles for which licenses are issued under this section shall not be withheld from public disclosure unless the President determines that the release of such information would be contrary to the national interest, *and except further, that the Federal Bureau of Investigation and the Bureau of Customs and Border Protection of the Department of Homeland Security shall have concurrent jurisdiction for criminal violations and enforcement of this Act.* Nothing in this subsection shall be construed as authorizing the withholding of information from the Congress. Notwithstanding section 11(c) of the Export Administration Act of 1979, the civil penalty for each violation involving controls imposed on the export of defense articles and defense services **[under this section may not exceed \$500,000]** *n 11(c) of the Export Administration Act of 1979, the civil penalty for each violation involving controls imposed on the export of defense articles and defense services [under this section may not exceed \$500,000] or any other activities subject to control under this section, section 39, or section 40, may not exceed \$500,000 for each violation of section 38 or section 39, \$1,000,000 for each violation involving any country covered by section 40, and \$750,000 for each violation relating to an arms embargo (other than a violation covered by section 40).*

(f)(1) * * *

* * * * *

(4) In the absence of a binding bilateral agreement with the Government of Australia or the Government of the United Kingdom (as the case may be) that meets the requirements of paragraph (2) and subsection (j), the Secretary of State shall ensure that any application submitted under this section for the export of defense items to Australia or the United Kingdom (as the case may be) that meets all other requirements of this section (including requirements relating to eligibility of parties to the transaction, the absence of risk of diversion to unauthorized end use and end users, and preservation of United States intelligence and law enforcement interests), and which are also transactions involving defense items that would be exempt pursuant to sections 120–130 of title 22, Code of Federal Regulations (commonly known as the “International Traffic in Arms Regulations”) from export licensing or other written approvals if such items were items to be exported to Canada, are processed by the Department of State not later than ten days after the date of receipt of the application without referral to any other Federal department or agency, except on an extraordinary basis upon receipt of a written request from the Attorney General, the Secretary of Homeland Security, the Director of Central Intelligence, or the Secretary of Defense.

(g)(1) The President shall develop appropriate mechanisms to identify, in connection with the export licensing process under this section—

(A) persons who are the subject of an indictment for, or have been convicted of, a violation under—

(i) * * *

* * * * *

(iii) section 793, 794, or 798 of title 18, United States Code (relating to espionage involving defense or classified information) **[or section 2339A]**, *section 2339A* of such title (relating to providing material support to terrorists), *or section 2339C of such title (relating to financing terrorism)*,

* * * * *

(x) section 601 of the National Security Act of 1947 (relating to intelligence identities protection; 50 U.S.C. 421), **[or]**

(xi) section 603 (b) or (c) of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5113 (b) and (c))**];**

(xii) *subclause (I) or (II) of section 1956(c)(7)(B)(v) of title 18, United States Code;*

(xiii) *section 329 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001;*

(xiv) *section 5332 of title 31, United States Code;*

(xv) *section 1960 of title 18, United States Code;*

(xvi) *section 175(b), 175b, 1993, 2339 of title 18, United States Code;*

(xvii) *section 2332a, 2332b, or 2332f of title 18, United States Code; or*

(xviii) *section 175 of title 18, United States Code;*

* * * * *

(3) If the President determines—

(A) * * *

* * * * *

the President may disapprove the application. The President shall consider requests by the Secretary of the Treasury *and the Director of the Federal Bureau of Investigation* to disapprove any export license application based on these criteria.

(4) A license to export an item on the United States Munitions List may not be issued to a person—

(A) * * *

* * * * *

except as may be determined on a case-by-case basis by the President, after consultation with the Secretary of the Treasury *and the Director of the Federal Bureau of Investigation*, after a thorough review of the circumstances surrounding the conviction or ineligibility to export and a finding by the President that appropriate steps have been taken to mitigate any law enforcement concerns.

* * * * *

(7) The President shall, in coordination with law enforcement and national security agencies, develop standards for identifying

high-risk exports for regular end-use verification. These standards shall be published in the Federal Register and the initial standards shall be published not later than October 1, 1988. *Such standards shall be coordinated biennially with the Secretary of Homeland Security, the Attorney General, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, and the heads of other Federal departments or agencies, as appropriate.*

(8) Upon request of the Secretary of State, the Secretary of Defense and the Secretary of the Treasury *and the Director of the Federal Bureau of Investigation* shall detail to the office primarily responsible for export licensing functions under this section, on a nonreimbursable basis, personnel with appropriate expertise to assist in the initial screening of applications for export licenses under this section in order to determine the need for further review of those applications for foreign policy, national security, and law enforcement concerns.

* * * * *

(k) Whenever the United States maintains an arms embargo pursuant to United States law, or through public notice by the President or Secretary of State pursuant to the authorities of this Act, no defense article or defense service subject to sections 120–130 of title 22, Code of Federal Regulations (commonly known as the “International Traffic in Arms Regulations”) and no dual use good or technology subject to sections 730–774 of title 15, Code of Federal Regulations (commonly known as the “Export Administration Regulations”) shall be sold or transferred to the military, police, or intelligence services of the embargoed government, including any associated governmental agency, subdivision, entity, or other person acting on their behalf, unless, at a minimum and without prejudice to any additional requirements established in United States law or regulation, the Secretary of State and the Secretary of Defense have concurred in the sale or transfer through issuance of a license.

* * * * *

SEC. 40. TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

(a) * * *

* * * * *

(j) CRIMINAL PENALTY.—Any person who **[willfully]** *knowingly* violates this section shall be fined for each violation not more than **[\$1,000,000]** \$2,000,000, imprisoned not more than 10 years, or both.

(k) CIVIL PENALTIES; ENFORCEMENT.—In the enforcement of this section, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies, and officials by sections 11(c), 11(e), 11(g), and 12(a) of the Export Administration Act of 1979 (subject to the same terms and conditions as are applicable to such powers under that Act), except that section 11(c)(2)(B) of such Act shall not apply, and instead, as prescribed in regulations issued under this section, the Secretary of State may assess civil penalties for violations of this Act and regulations prescribed thereunder and further may commence a civil action to recover such civil penalties, and except further that, notwithstanding section 11(c) of that Act, the civil

penalty for each violation of this section may not exceed ~~[\$500,000]~~ \$1,000,000.

(1) DEFINITIONS.—As used in this section—

(1) the term “munitions item” means ~~any item enumerated on the United States Munitions list~~ a defense article or defense service (as defined in subparagraph (A) or (B) of section 47(7), respectively), an item enumerated on the United States Munitions List (as designated by the President pursuant to section 38(a)), or any other activity for which a license or other approval is required pursuant to the regulations promulgated under subsection (a)(1) (without regard to whether the item is imported into or exported from the United States);

* * * * *

CHAPTER 3A—END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES

* * * * *

SEC. 47. DEFINITIONS.—For purposes of this Act, the term—

(1) * * *

* * * * *

[(7) “defense articles and defense services” means, with respect to commercial exports subject to the provisions of section 38 of this Act, those items designated by the President pursuant to subsection (a)(1) of such section;]

(7)(A) “defense articles”, with respect to exports subject to sections 38, 39, and 40 of this Act, has the meaning given such term in sections 120–130 of title 22, Code of Federal Regulations (commonly known as the “International Traffic in Arms Regulations”), as such regulations were in effect on January 1, 2003, and includes such additional articles as may be designated by the President under section 38(a)(1); and

(B) “defense services”, with respect to exports subject to sections 38, 39, and 40 of this Act, has the meaning given such term in sections 120–130 of title 22, Code of Federal Regulations (commonly known as the “International Traffic in Arms Regulations”), as such regulations were in effect on January 1, 2003, and includes—

(i) the provision of assistance (including aiding, abetting, or training) to foreign persons; and

(ii) such other activities as may be designated by the President pursuant to section 38(a)(1).

* * * * *

CHAPTER 6—LEASES OF DEFENSE ARTICLES AND LOAN AUTHORITY FOR COOPERATIVE RESEARCH AND DEVELOPMENT PURPOSES

* * * * *

SEC. 65. LOAN OF MATERIALS, SUPPLIES, AND EQUIPMENT FOR RESEARCH AND DEVELOPMENT PURPOSES.—(a)(1) Except as provided in subsection (c), the Secretary of Defense may loan to a country that is a NATO or major non-NATO ally or a friendly foreign country materials, supplies, or equipment for the purpose of carrying out a program of cooperative research, development, testing, or

evaluation. The Secretary may accept as a loan or a gift from a country that is a NATO or major non-NATO ally or a friendly foreign country materials, supplies, or equipment for such purpose.

* * * * *

[(d) For purposes of this section, the term "NATO ally" means a member country of the North Atlantic Treaty Organization (other than the United States).]

(d) For purposes of this section—

(1) the term "NATO ally" means a member country of the North Atlantic Treaty Organization (other than the United States); and

(2) the term "friendly foreign country" means any non-NATO member country determined by the President to be eligible for a cooperative project agreement with the United States pursuant to section 27(j) of this Act.

* * * * *

CHAPTER 7—CONTROL OF MISSILES AND MISSILE EQUIPMENT OR TECHNOLOGY

* * * * *

SEC. 73. TRANSFERS OF MISSILE EQUIPMENT OR TECHNOLOGY BY FOREIGN PERSONS

(a) SANCTIONS.—(1) * * *

(2) The sanctions which apply to a foreign person under paragraph (1) are the following:

(A) If the item involved in the export, transfer, or trade is within category II of the MTCR Annex, then the President shall deny, for a period of [2] 4 years—

(i) * * *

* * * * *

(B) If the item involved in the export, transfer, or trade is within category I of the MTCR Annex, then the President shall deny, for a period of not less than [2] 4 years—

(i) * * *

* * * * *

or production of missiles in a country that is not an MTCR adherent, then the President shall prohibit, for a period of not less than [2] 4 years, the importation into the United States of products produced by that foreign person.

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

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

(C) The President may also prohibit, for such period of time as he may determine, any transaction or dealing, by a United States

person or within the United States, with any foreign person on whom sanctions have been imposed under this subsection.

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

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

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

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

* * * * *

(e) WAIVER AND REPORT TO CONGRESS.—(1) * * *

(2) In the event that the President decides to apply the waiver described in paragraph (1), the President shall so notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives not less than 45 working days before issuing the waiver. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver. 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.

* * * * *

SEC. 74. DEFINITIONS

(a) IN GENERAL.—For purposes of this chapter—

(1) * * *

* * * * *

[(8)(A) the term “person” 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 operating as a business enterprise, and any successor of any such entity; and]

(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

* * * * *

SECURITY ASSISTANCE ACT OF 2000

* * * * *

TITLE V—INTEGRATED SECURITY ASSISTANCE PLANNING

* * * * *

Subtitle B—Allocations for Certain Countries

* * * * *

SEC. 513. ASSISTANCE FOR ISRAEL.

(a) * * *

(b) ESF ASSISTANCE.—

(1) IN GENERAL.—Of the amounts made available for each of the fiscal years **[2002 and 2003]** *2003 through 2005* for ESF assistance, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Israel. Such funds are authorized to be made available on a grant basis as a cash transfer.

* * * * *

(c) FMF PROGRAM.—

(1) IN GENERAL.—Of the amount made available for each of the fiscal years **[2002 and 2003]** *2003 through 2005* for assistance under the Foreign Military Financing Program, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available on a grant basis for Israel.

* * * * *

(3) DISBURSEMENT OF FUNDS.—Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) of this subsection for fiscal years **[2002 and 2003]** *2004 and 2005* shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year **[2002]** *2004*, and not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year **[2003]** *2005*, or October 31 of the respective fiscal year, whichever is later..

(4) AVAILABILITY OF FUNDS FOR ADVANCED WEAPONS SYSTEMS.—To the extent the Government of Israel requests that funds be used for such purposes, grants made available for Israel out of funds authorized to be available under paragraph (1) for Israel for fiscal years **[2002 and 2003]** *2003 through 2005* shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than **[\$535,000,000 for fiscal year 2002 and not less than \$550,000,000 for fiscal year 2003]** *\$550,000,000 for fiscal year 2003, not less than \$565,000,000 for fiscal year 2004, and not less than \$580,000,000 for fiscal year 2005* shall be available

for the procurement in Israel of defense articles and defense services, including research and development.

* * * * *

SEC. 514. ASSISTANCE FOR EGYPT.

(a) * * *

(b) ESF ASSISTANCE.—

(1) IN GENERAL.—Of the amounts made available for each of the fiscal years **[2002 and 2003]** *2003 through 2005* for ESF assistance, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Egypt.

* * * * *

(c) FMF PROGRAM.—Of the amount made available for each of the fiscal years **[2002 and 2003]** *2003 through 2005* for assistance under the Foreign Military Financing Program, \$1,300,000,000 is authorized to be made available on a grant basis for Egypt.

* * * * *

(e) DISBURSEMENT OF FUNDS.—Funds estimated to be outlayed for Egypt under subsection (c) during fiscal years **[2002 and 2003]** *2004 and 2005* shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year **[2002]** *2004*, and not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year **[2003]** *2005*, or by October 31 of the respective fiscal year, whichever is later, provided that—

(1) * * *

* * * * *

AFGHANISTAN FREEDOM SUPPORT ACT OF 2002

* * * * *

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

* * * * *

SEC. 103. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—Notwithstanding **[section 512 of Public Law 107–115 or any other similar]** *any other* provision of law, the President is authorized to provide assistance for Afghanistan for the following activities:

(1) * * *

* * * * *

**TITLE II—MILITARY ASSISTANCE FOR
AFGHANISTAN AND CERTAIN OTHER
FOREIGN COUNTRIES AND INTER-
NATIONAL ORGANIZATIONS**

* * * * *

SEC. 207. RELATIONSHIP TO OTHER AUTHORITY.

(a) * * *

(b) **LAWS RESTRICTING AUTHORITY.**—Assistance under this title to the Government of Afghanistan may be provided notwithstanding [section 512 of Public Law 107–115 or any similar] *any other* provision of law.

* * * * *

**SECTION 664 OF THE FREEDOM INVESTMENT ACT OF
2002**

SEC. 664. HUMAN RIGHTS AND DEMOCRACY FUND.

(a) * * *

* * * * *

(c) **FUNDING.**—

(1) **IN GENERAL.**—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 [for fiscal year 2003, \$21,500,000 is] *for each of the fiscal years 2003 through 2005, \$21,500,000 for fiscal year 2003, \$24,000,000 for fiscal year 2004, and such sums as may be necessary for fiscal year 2005* are authorized to be available to the Fund for carrying out the purposes described in subsection (b). Amounts made available to the Fund under this paragraph shall also be deemed to have been made available under section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)).