

PROVIDING FOR CONSIDERATION OF H.R. 1950, FOREIGN  
RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004  
AND 2005

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JULY 14, 2003.—Referred to the House Calendar and ordered to be printed

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Mr. LINCOLN DIAZ-BALART, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 316]

The Committee on Rules, having had under consideration House Resolution 316, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1950, the Foreign Relations Authorization Act, Fiscal Years 2004 and 2005, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The rule waives all points of order against consideration of the bill.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on International Relations now printed in the bill modified by the amendments recommended by the Committees on Armed Services and Energy and Commerce also printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on International Relations modified by the amendments recommended by the Committees on Armed Services and Energy and Commerce.

The rule makes in order only those amendments printed in this report and en bloc amendments as described in section 2 of the resolution. The rule provides that amendments shall be considered only in the order specified in this report (except as specified in section 3 of the resolution), may be offered only by a Member designated in this report, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an

opponent shall not be subject to amendment except as specified in this report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

The rule waives all points or order against amendments printed in this report and against en bloc amendments as described in section 2 of the resolution. The rule authorizes the chairman of the Committee on International Relations or his designee to offer amendments en bloc consisting of amendments printed in this report, which shall be considered as read, shall be debatable for 20 minutes equally divided and controlled between the chairman and ranking minority member of the Committee on International Relations or their designees, and shall not be subject to amendment or demand for a division of the question. The rule provides that the original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

The rule allows the Chairman of the committee of the whole to recognize for the consideration of any amendment printed in the report out of the order printed, but not sooner than one hour after the chairman of the Committee on International Relations or a designee announces from the floor a request to that effect.

Finally, the rule provides one motion to recommit with or without instructions.

#### COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee Record Vote No. 160*

Date: July 14, 2003.

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

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Representative Menendez expressing the sense of Congress that asks the Administration to conclude a comprehensive migration agreement with Mexico, and that the Administration should submit legislation to Congress based on such an accord that would encourage new and realistic approaches to migration to ensure it is safe, orderly, legal, and dignified.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; Hastings (FL)—Yea; Dreier—Nay.

##### *Rules Committee Record Vote No. 161*

Date: July 14, 2003.

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

Motion by: Mr. Frost.

Summary of motion: To make in order the amendment offered by Representative Schiff expressing the sense of Congress calling for a thorough and expeditious joint investigation by the Inspector

General of the Department of State and the Inspector General of the Central Intelligence Agency into the documents or other materials that the President relied on to conclude that Iraq had attempted to obtain uranium from Africa.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee Record Vote No. 162*

Date: July 14, 2003.

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

Motion by: Mrs. Slaughter.

Summary of motion: To make in order the amendment offered by Representative Menendez expressing the sense of Congress that the United States should demonstrate international leadership in mitigating the threat of global warming by participating in international negotiations on climate change to reduce greenhouse gases internationally.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; Hastings (FL)—Yea; Drier—Nay.

*Rules Committee Record Vote No. 163*

Date: July 14, 2003.

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

Motion by: Mrs. Slaughter.

Summary of motion: To make in order the amendment offered by Representative Waxman expressing the sense of Congress concerning Holocaust-era insurance restitution and the need for insurance companies participating in the International Commission on Holocaust-era Insurance Claims (ICHEIC) to publish policyholder lists for Holocaust survivors and their families to use to file effective claims.

Results: Defeated 3 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee Record Vote No. 164*

Date: July 14, 2003.

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

Motion by: Mr. Hastings of Florida.

Summary of motion: To make in order the following amendments en bloc: Andrews No. 39; Andrews No. 40; Andrews No. 42; Andrews No. 70; Walsh No. 2; Engel No. 57; Engel No. 58; Lee No. 48; Maloney No. 55; Menendez No. 68; Pallone No. 65; and Sherman No. 13.

Results: Defeated 4 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Reynolds—Nay;

Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee Record Vote No. 165*

Date: July 14, 2003.

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

Motion by: Mr. Hastings of Florida

Summary of motion: To make in order the amendment offered by Representative McCollum as an amendment to the amendment offered by Representatives Hyde and Lantos (No. 10).

Results: Defeated 4 to 8.

Vote by Members: Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Reynolds—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee Record Vote No. 166*

Date: July 14, 2003.

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

Motion by: Mr. Goss.

Summary of motion: To reconsider the vote on the motion offered by Mrs. Slaughter to make in order the amendment offered by Representatives Tauscher and Bereuter, which was previously defeated by a voice vote.

Results: Agreed to 12 to 0.

Vote by Members: Goss—Yea; Linder—Yea; Pryce—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Reynolds—Yea; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Yea.

*Rules Committee Record Vote No. 167*

Date: July 14, 2003.

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

Motion by: Mr. Goss.

Summary of motion: To not make in order the amendment offered by Representative Tauscher, which calls on the United Nations to put in place broad U.N. Security Council authority to help the people of Iraq and to share the burden with the United States of reconstructing and stabilizing Iraq.

Results: Agreed to 8 to 4.

Vote by Members: Goss—Yea; Linder—Yea; Pryce—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Sessions—Yea; Reynolds—Yea; Frost—Nay; Slaughter—Nay; McGovern—Nay; Hastings (FL)—Nay; Dreier—Yea.

SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE

(Summaries of amendments derived from information provided by the sponsor.)

1. Smith (NJ)/Oberstar/Hyde: Strikes the Crowley amendment on United Nations Population Fund (UNFPA) that was adopted in committee and returns the underlying legislation to a neutral posi-

tion on UNFPA. Eliminates the additional \$25 million in funding for UNFPA that the Crowley amendment added. (40 Minutes)

2. Hyde/Lantos: Authorizes the establishment of a new program of foreign assistance for countries that meet and maintain certain eligibility criteria. Authorizes and expands the Peace Corps. The Millennium Challenge Authorization Act authorizes a new program of assistance (\$1.3 billion in FY04, \$3 billion in FY05, and \$5 billion FY06) for eligible countries for programs that help such countries achieve lasting economic growth and poverty reduction. The assistance would be administered by the Millennium Challenge Corporation, a new government-owned corporation. The Peace Corps Expansion Act contains a Congressional declaration of policy in support of the goal announced by the President of doubling the number of Peace Corps volunteers to 14,000 by 2007. Authorizes \$366.8 million in FY04, \$411.8 million in FY05, \$455.9 million in FY06, and \$499.4 million in FY07 for the Peace Corps. (20 Minutes)

3. Kennedy (MN): Amendment to the amendment offered by Mr. Hyde and Mr. Lantos. Clarifies that both public and private sector expenditures should be taken into account when considering eligibility for the Millennium Challenge Account, not solely government spending. (10 Minutes)

4. Kolbe: Amendment to the amendment offered by Mr. Hyde and Mr. Lantos. Accelerates when lower middle income countries could be eligible for Millennium Challenge Account appropriations, subject to same overall limitation requirement. Would permit lower middle income countries to receive funding in fiscal year 2004 and 2005. (20 Minutes)

5. Kolbe: Amendment to the amendment offered by Mr. Hyde and Mr. Lantos. Clarifies the role of USAID and its relationship with the Millennium Challenge Corporation (MCC). Clarifies that both the MCC and USAID should be authorized to receive appropriated funds directly; benefit from transparent reporting and policy lines of authority to the President and Secretary of State; and work together in implementing the MCA vision. (10 Minutes)

6. Paul: Prohibits funds authorized under this act to be used to pay any U.S. contribution to the United Nations or any affiliated agency of the United Nations. (10 Minutes)

7. Hayworth: Limits the U.S. contribution to the U.N. regular budget (contributions to other U.N. programs would not be affected) to an amount to greater than that paid by any other permanent Security Council member. (10 Minutes)

8. Tauscher/Bereuter: Allows exporters of commercial communications satellites to share marketing information with respective customers in NATO countries, and in Japan, Australia, and New Zealand. Would not allow the transfer of any sensitive encryption and/or source code data, detailed design data, engineering analysis, or manufacturing know-how. (10 Minutes)

9. Rohrabacher: Permits the President, in the case of exports to NATO countries and major non-NATO allies only, to revise the regulations for the export of satellites as he sees fit. Same version that was adopted in committee and later struck. (10 Minutes)

10. Menendez: Prohibits foreign assistance to support energy-related projects in the States of Tamil Nadu, India. (10 Minutes)

11. Weldon (PA): Provides that funds to Moldova shall not be made available unless the President of the United States determines that the government of Moldova has met its obligations with respect to investments made by United States citizens in the Aroma factory in Moldova. (10 Minutes)

12. Manzullo: Requires that no funds authorized under the bill be used for procurement, subject to the Buy American Act, be spent to acquire articles, materials, and supplies manufactured in the United States that do not have at least 65 percent, rather than the present 50 percent, domestic content. The same requirement is applicable to contracts for construction, alteration, and repair of any public building or public work funded by the bill. (10 Minutes)

13. Crowley: Re-authorizes the Voice of America (VOA) Modernization Program Contractor Requirements and makes them applicable to all new International Broadcasting Bureau (IBB) competitive programs. (10 Minutes)

14. Schiff: Expresses the sense of Congress calling for the expeditious issuance of visas to the extent possible and consistent with national security objectives for Russian weapons scientists involved in arms control and non-proliferation exchanges in the United States. (10 Minutes)

15. Schakowsky: Expresses the sense of Congress that the State Department should provide adequate resources to U.S. embassies and consulates in order to meet the workload requirements for visa application processing. (10 Minutes)

16. Gallegly: Eliminates requirement that designations of foreign terrorist organizations (FTOs) lapse after two years unless renewed by the Secretary of State. Institutes procedures allowing FTOs to petition the Secretary every two years to have their designations revoked. In the event that in any four year period an entity designated as a FTO does not petition to have its designation revoked, the Secretary would be required to review the entity's designation and determine whether the designation should be revoked. Establishes a 180-day deadline for the Secretary to complete reviews of certain FTO designations. Allows the Secretary to amend an entity's designation as a FTO to take account of aliases or different names used by the entity after it is designated, without the need to create a separate administrative record for such an amendment. (10 Minutes)

17. Hostettler/Gallegly/Tancredo: Provides the Secretary of State with the authority to regulate the issuance of consular identification cards by foreign missions in the United States. Directs the Secretary of State to issue regulations requiring foreign missions to: issue consular identification cards only to bona fide nations of the issuing country; maintain accurate records of all such cards issued; require recipients of such cards to notify the mission of address changes; notify the Secretary of each such card issued in the United States, including the recipient's name and address; and make records of such cards issued available for audit and review by the State Department at the Secretary's request. Where the Secretary determines that a foreign mission's violation of the aforementioned regulations potentially threatens the security of the United States or facilitates criminal or fraudulent acts, directs Secretary to notify the government of the mission to suspend issuance of consular cards until compliance with the regulations is estab-

lished. If the foreign mission fails to suspend issuance in response to such notice, directs Secretary to stop issuing non-immigrant and/or immigrant visa to nationals of the country until Secretary determines mission is in compliance with its regulations. (10 Minutes)

18. Burton: Extends State Department authority to deny visas to extended family of abductors. Requires the State Department to submit an Annual Report to Congress regarding the measures that they have taken on international child abduction on a country-by-country basis. Requires the State Department to send notices regarding child abduction cases to countries where they are believed to be abducted to. Requires the Secretary to set forth guidelines on how Department of State personnel treat abducted persons who seek asylum. (10 Minutes)

19. Ackerman/King (NY): Raises the authorized level for reimbursement to localities for services provided for the protection of foreign missions and officials from \$25 million in each of fiscal year 2004 and 2005. Also authorizes the State Department to pay \$30.6 million in back payments for expenses incurred since 1999. Authorizes the State Department to reprogram up to \$5 million for these purposes. (10 Minutes)

20. Ackerman: Makes it a misdemeanor crime to obstruct, resist or interfere with a federal law enforcement officer who is acting in the performance of the protective functions authorized by the State Department Basic Authorities Act of 1956. (10 Minutes)

21. Andrews: Expresses the grave concerns of Congress regarding the People's Republic of China's deployment of hundreds of ballistic missiles directed towards Taiwan. Calls upon the President of the United States to direct all appropriate U.S. officials to raise these concerns with PRC officials, and seek renunciation from all leaders of the PRC of any threat or use of force against Taiwan. Calls upon the President to authorize the sale of the Aegis missile defense system to Taiwan if China refuses to dismantle the missiles in question. Reaffirms that the future of Taiwan should be determined peacefully and with the expressed consent of the Taiwanese people. (10 Minutes)

22. Bereuter: Expresses the sense of Congress that the President should consider requesting that NATO raise a force for deployment in post-war Iraq and that other nations contribute troops to stabilize and rebuild Iraq. (10 Minutes)

23. Bordallo: Would include the territories and possessions within the geographic definition of the United States for the purposes of allowing State Department personnel from Guam to be able to transfer back home from a foreign area posture. (10 Minutes)

24. Brown (OH)/Chabot/Rohrabacher/Wexler: Directs the Secretary of State to submit an unclassified report to Congress describing the plan of the United States to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. (10 Minutes)

25. Crane: Offers Congress' condolences to the loved ones of those innocent Americans that have been killed in Israel, and calls on the Palestinian Authority to work with Israel to protect all innocent people (regardless of citizenship) from terrorist violence. Requires that the State Department include the killing of every American by terrorists in its annual "Chronology of Significant Ter-

rorist Incidents,” as reported in the Patterns of Global Terrorism report. (10 Minutes)

26. Hunter/Cunningham/Davis (CA): Expresses the sense of Congress that the International Boundary and Water Commission shall make treaty negotiations with Mexico on the establishment of a public-private partnership to construct and operate a wastewater treatment facility in Mexico as outlined in P.L. 106-457 a priority. Specifies that the International Boundary and Water Commission shall keep the Congress fully informed on the progress of their negotiations with monthly reports to the authorizing committees. (10 Minutes)

27. Hyde: Authorizes the transfer of certain surplus naval vessels to five countries: Bahrain, Portugal, Brazil, Chile, and Turkey, resulting in \$65 million for the U.S. Treasury. (10 Minutes)

28. Hyde: Strikes Section 227 and provides the Secretary of State with the authority to establish and implement a security capital cost-sharing program which is designed to collect funds from each agency to assist in the cost of building new secure facilities. Starting in fiscal year 2005, the Secretary of State is authorized to determine on an annual basis fees to be collected from other government agencies that have personnel assigned overseas in diplomatic facilities and to use such fees to construct safe and secure new embassy compounds. The funds generated by this new cost-sharing program are expected to expedite the construction schedule for new secure facilities shortening the average time from 26 years to 12 years. (10 Minutes)

29. Hyde: Makes technical corrections including correction of a misspelled word; delete Section 208 which was repeated as Section 230; provides the correct title to an Act; corrects subparagraph lettering and numbering; strikes repetitive language. (10 Minutes)

30. Lantos: Requires that any assistance provided under the limited “democratic policing” exemption to section 660 of the Foreign Assistance Act of 1961 may only be provided pursuant to the notification procedures of Section 634A of the Foreign Assistance Act of 1961. (10 Minutes)

31. Maloney/Lantos: Authorizes an Afghan Women’s Fund of not less than \$22.5 million each year between fiscal year 2003 and 2005. The Fund would give special attention to programs designed to increase women and girls’ access to health care, education, and income earning opportunities as well as to programs to prevent trafficking in persons. Requires not less than 15% of the Fund to support the programmatic activities and organizational development of Afghan women-led non-governmental organizations in each fiscal year from 2003 to 2005. (10 Minutes)

32. Rangel/Lee: Allows the addition of Antigua and Barbuda, the Bahamas, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, and the Dominican Republic to the list of countries eligible for assistance from the HIV/AIDS Global Fund. (10 Minutes)

33. Sherman: Declares that it is the policy of the United States that there be a free and fully democratic government in Iran; that the United States supports transparent, fully democracy in Iran; that the United States supports the right of the Iranian people to choose their system of government through an internationally mon-



itored referendum; and that the United States condemns the brutal treatment, imprisonment, and torture of Iranian civilians expressing political dissent. (10 Minutes)

34. Smith (NJ): Prohibits an increase in non-humanitarian U.S. assistance to Vietnam in fiscal year 2004 unless the government makes substantial progress toward releasing political and religious prisoners, respecting religious freedom, allowing open access to the U.S. for its refugee program, respecting the rights of ethnic minority groups in the central highlands, is not acting in complicity with organizations trafficking human persons. Authorizes \$2 million for each fiscal year 2004 and 2005 for non-governmental organizations promoting universally recognized human rights in Vietnam. Authorizes \$9.1 million in fiscal year 2004 and \$1.1 million in fiscal year 2005 to overcome Vietnamese jamming of Radio Free Asia. Establishes cultural exchanges with Vietnam. Extends U.S. refugee programs to Vietnamese who would have previously been eligible but missed deadlines due to circumstances beyond their control. Calls upon the Secretary of State to issue an annual report on Vietnam's progress toward freedom and democracy. (10 Minutes)

35. Souder: Requires all new embassies, consulates, and other diplomatic buildings conform to and fit within the architectural integrity of the neighborhood in which they are located. (10 Minutes)

36. Stearns: Supports the role of the State Department as the central authority for the Hague Convention on Inter-country adoptions. (10 Minutes)

37. McKeon: Expresses the sense of Congress that the Executive Branch of the Mexican Government should work closely with the Mexican Supreme Court in order to persuade the court to reconsider its October 2001 ruling so that the possibility of a life imprisonment sentence would not interfere with the timely extradition of criminal suspects from Mexico to the United States. (10 Minutes)

38. Dreier/Stenholm: Expresses the sense of Congress that the United States and Mexico should as soon as is practicable commence negotiations in an attempt to reach a migration accord that is as comprehensive as possible and which addresses the key issues of concerns for both nations. Also expresses the sense of Congress that as part of any migration agreement between the U.S. and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed. Strikes the provision in Section 731 relating to Petroleos Mexicanos (PEMEX). (10 Minutes)

39. Walsh: Extends the Irish Peace Cultural and Training Program Act of 1998 through 2008. The program provides for admission into the United States of up to 4,000 young disadvantaged aliens each fiscal year from designated counties Northern Ireland and the Republic of Ireland suffering from sectarian violence and high unemployment. (10 Minutes)

40. Collins: Provides for the transfer of a Vietnam-era Cessna L-19D Bird Dog aircraft that is excess to the needs of the State Department to the Army Aviation Heritage Foundation. The conveyance shall be made by means of a conditional deed of gift. (10 Minutes)

41. Waters: Requires the Secretary of the Treasury to submit annual reports that describe the progress made in modifying the En-

hanced HIPC Initiative to provide deeper debt relief to heavily indebted poor countries. (10 Minutes)

42. Hefley: Prohibits Indonesia from receiving International Military Education and Training (IMET) funds until the President certifies to the appropriate Congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures to determine culpability for an August 2002 terrorist attack against ten Americans, including cooperation with the Director of the FBI in conducting a full investigation of the attack and criminally prosecuting those responsible for the attack. (10 Minutes)

TEXT OF AMENDMENTS MADE IN ORDER UNDER THE RULE

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 40 MINUTES

In section 116(a) of the bill—

(1) after the first dollar amount, insert “(reduced by \$25,000,000)”; and

(2) after the second dollar amount, insert “(reduced by \$25,000,000)”.

Strike subsection (e) of section 116 of the bill.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Strike section 1 of the bill and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003”.

Strike subsection (a) of section 2 of the bill and insert the following:

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

(1) DIVISION A.—Millennium Challenge Account Act of 2003.

(2) DIVISION B.—Peace Corps Expansion Act of 2003.

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

(4) DIVISION D.—Defense Trade and Security Assistance Reform Act of 2003.

Redesignate division A of the bill as division C of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Redesignate division B of the bill as division D of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Insert after section 3 of the bill the following two new divisions (and conform the table of contents accordingly):

## **DIVISION A—MILLENNIUM CHALLENGE ACCOUNT**

### **TITLE I—GENERAL PROVISIONS**

#### **SEC. 101. SHORT TITLE.**

This division may be cited as the “Millennium Challenge Account Act of 2003”.

#### **SEC. 102. DEFINITIONS.**

In this division:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

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

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

(2) **BOARD.**—The term “Board” means the Board of Directors of the Corporation established pursuant to section 303 of this Act.

(3) **COMPACT.**—The term “Compact” means the Millennium Challenge Compact described in section 204 of this Act.

(4) **CORPORATION.**—The term “Corporation” means the Millennium Challenge Corporation established under section 301 of this Act.

(5) **COUNCIL.**—The term “Council” means the Millennium Challenge Advisory Council established under section 308 of this Act.

(6) **MILLENNIUM DEVELOPMENT GOALS.**—The term “Millennium Development Goals” means the key development objectives described in the United Nations Millennium Declaration, as contained in United Nations General Assembly Resolution 55/2 (September 2000), which aim to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria, and other infectious diseases, ensure environmental sustainability, and develop a global partnership for development.

#### **SEC. 103. SUNSET.**

All authorities under this division (other than title IV) shall terminate on October 1, 2007.

### **TITLE II—MILLENNIUM CHALLENGE ASSISTANCE**

#### **SEC. 201. FINDINGS; STATEMENT OF POLICY.**

(a) **FINDINGS.**—Congress finds the following:

(1) A principal objective of United States foreign assistance programs, as stated in section 101 of the Foreign Assistance Act of 1961, is the “encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build

the economic, political, and social institutions which will improve the quality of their lives”.

(2) The expanding acceptance of free trade and open markets and the spread of democracy and the rule of law have brought a better way of life to an increasing number of people in the world.

(3) Inequalities between men and women undermine development and poverty-reduction efforts in fundamental ways. A woman’s limited access to resources and restrictions on the exercise of her rights, including the right to participate in social and political processes, disables her from maximizing her contribution to her family’s health, education, and general well-being.

(4) On March 14, 2002, the President noted the successes of development assistance programs: “The advances of free markets and trade and democracy and rule of law have brought prosperity to an ever-widening circle of people in this world. During our lifetime, per capita income in the poorest countries has nearly doubled. Illiteracy has been cut by one-third, giving more children a chance to learn. Infant mortality has been almost halved, giving more children a chance to live.”

(5) Development is neither an easy process nor a linear one. There are successes and there are failures. Today, too many people are still living in poverty, disease has eroded many of the economic and social gains of previous decades, and many countries have not adopted policies, for a variety of reasons, that would enable them to compete in an open and equitable international economic system.

(6) More countries and more people will be able to participate in and benefit from the opportunities afforded by the global economy if the following conditions for sound and sustainable economic development are met:

(A) SECURITY.—Security is necessary for economic development. Persistent poverty and oppression can lead to hopelessness, despair, and to failed states that become havens for terrorists.

(B) POLICIES THAT SUPPORT BROAD-BASED ECONOMIC GROWTH.—Successful long-term development can only occur through broad-based economic growth that enables the poor to increase their incomes and have access to productive resources and services so that they can lead lives of decency, dignity, and hope.

(C) DEMOCRACY AND THE RULE OF LAW.—Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. The ability of people to participate in the economic and political processes affecting their lives is essential to sustained growth. The rule of law and a commitment to fight corruption is also critical to the development of a prosperous society.

(D) INVESTMENTS IN PEOPLE.—Economic growth and democracy can be sustained only if both men and women have the basic tools and capabilities that foster the opportunity for participation in the economic, social, and political life of their countries. Successful development of coun-

tries requires citizens who are literate, healthy, and prepared and able to work.

(7) Economic assistance programs authorized under part I of the Foreign Assistance Act of 1961, as administered by the United States Agency for International Development and other Federal agencies, are of critical importance in assisting countries to be in a position to maximize the effectiveness of assistance authorized by this title.

(8) It is in the national interest of the United States to help those countries that are implementing the economic and political reforms necessary for development to occur.

(9) On March 14, 2002, the President stated that the “growing divide between wealth and poverty, between opportunity and misery, is both a challenge to our compassion and a source of instability . . . [w]e must confront it . . . [w]e must include every African, every Asian, every Latin American, every Muslim, in an expanding circle of development.”

(10) The President has pledged that funds requested for the Millennium Challenge Account shall be in addition to, and not a substitute for, existing development and humanitarian programs.

(11) Development assistance alone is not sufficient to stimulate economic growth and development. Assistance has been shown to have a positive impact on growth and development in developing countries with sound policies and institutions. If countries have poor policies and institutions, however, it is highly unlikely that assistance will have a net positive effect.

(12) Economic development, and the achievement of the Millennium Development Goals, must be a shared responsibility between donor and recipient countries.

(b) STATEMENT OF POLICY REGARDING A NEW COMPACT FOR GLOBAL DEVELOPMENT.—It is, therefore, the policy of the United States to support a new compact for global development that—

(1) increases support by donor countries to those developing countries that are fostering democracy and the rule of law, investing in their people, and promoting economic freedom for all their people;

(2) recognizes, however, that it is the developing countries themselves that are primarily responsible for the achievement of those goals;

(3) seeks to coordinate the disparate development assistance policies of donor countries, and to harmonize the trade and finance policies of donor countries with their respective development assistance programs; and

(4) aims to reduce poverty by significantly increasing the economic growth trajectory of beneficiary countries through investing in the productive potential of the people of such countries.

#### **SEC. 202. AUTHORIZATION OF ASSISTANCE.**

(a) ASSISTANCE.—The President, acting through the Chief Executive Officer of the Millennium Challenge Corporation, is authorized to provide assistance to eligible countries to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction and are in furtherance of the purposes of this title.

(b) PRINCIPAL OBJECTIVES.—Assistance provided under subsection (a) should advance a country's progress toward promoting the following principal objectives:

(1) FOSTERING DEMOCRATIC SOCIETIES, HUMAN RIGHTS, AND THE RULE OF LAW.—The assistance should promote—

- (A) political, social, and economic pluralism;
- (B) respect for the rule of law;
- (C) anti-corruption initiatives and law enforcement;
- (D) development of institutions of democratic governance, including electoral and legislative processes;
- (E) transparent and accountable public administration at all levels of government;
- (F) a fair, competent, and independent judiciary; and
- (G) a free and independent media.

(2) FOSTERING INVESTMENT IN EDUCATION AND HEALTH INFRASTRUCTURE AND SYSTEMS.—The assistance should foster improved educational opportunities and health conditions, particularly for women and children, including through—

(A) support for programs and personnel that promote broad-based primary education, including through the development of academic curricula, by making available textbooks and other educational materials, and through appropriate use of technology;

(B) support for programs to strengthen and build institutions, including primary health care systems, infrastructure, facilities, and personnel that provide quality health care;

(C) support for improved systems for the delivery of healthy water and sanitation services; and

(D) support for programs that reduce child mortality (including those programs that combat HIV/AIDS, malaria, tuberculosis, and other infectious diseases, consistent with sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961).

(3) PROMOTING ECONOMIC FREEDOM, BROAD-BASED ECONOMIC GROWTH, AND FOSTERING FREE MARKET SYSTEMS.—The assistance should foster the institutions and conditions needed to promote free market systems, trade, and investment, including—

(A) the reform and restructuring of banking and financial systems, including by allowing foreign competition in the banking and financial sectors, where appropriate;

(B) the development of transparent and efficient commercial codes and reduction in the regulatory burden on business;

(C) the protection of property rights, including—

(i) private property and intellectual property rights, including through the adoption and effective enforcement of intellectual property treaties or international agreements; and

(ii) the establishment and maintenance of an efficient and integrated legal property system that, among other things, facilitates the ability of the poor, particularly women, to convert physical and intellectual assets into capital, such as utilizing existing prac-

tices and customs that allow assets to be documented in a manner that makes the assets widely transferable, leveragable, and fungible, that allows individuals to hold legal title to their property, and that holds owners accountable for transactions involving their property;

(D) support for market-based policies that support increased agricultural production;

(E) a strong commitment to sound monetary and budgetary policies;

(F) the development of small businesses, private cooperatives, credit unions, and trade and labor unions;

(G) the protection of internationally recognized workers' rights; and

(H) the capacity of eligible countries to ameliorate damage to the environment and respect other environmental standards.

**SEC. 203. ELIGIBILITY AND RELATED REQUIREMENTS.**

(a) ASSISTANCE FOR LOW INCOME COUNTRIES.—

(1) FISCAL YEAR 2004.—A country shall be eligible to receive assistance under section 202 for fiscal year 2004 if—

(A) the country is eligible for assistance from the International Development Association, and the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for that year, as defined by the International Bank for Reconstruction and Development;

(B) subject to paragraph (3), the country is not ineligible to receive United States economic assistance by reason of the application of section 116, 490, or 620A of the Foreign Assistance Act of 1961, or by reason of the application of any other provision of law; and

(C) the Chief Executive Officer of the Corporation determines that the country has demonstrated a commitment to—

(i) bolster democracy, human rights, good governance and the rule of law;

(ii) invest in the health and education of its citizens; and

(iii) promote sound economic policies that promote economic freedom and opportunity.

(2) FISCAL YEARS 2005 AND 2006.—A country shall be eligible to receive assistance under section 202 for fiscal years 2005 and 2006 if—

(A) the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development;

(B) the country meets the requirements of paragraph (1)(B); and

(C) the country meets the requirements of clauses (i) through (iii) of paragraph (1)(C), as determined by the Chief Executive Officer.

(3) **RULE OF CONSTRUCTION.**—For the purposes of determining whether a country is eligible for receiving assistance under section 202 pursuant to paragraph (1)(B), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph shall not be construed as satisfying the requirement of such paragraph.

(b) **ASSISTANCE FOR LOWER MIDDLE INCOME COUNTRIES.**—

(1) **IN GENERAL.**—In addition to countries described in subsection (a), a country shall be eligible to receive assistance under section 202 for fiscal year 2006 if the country—

(A) is classified as a lower middle income country in the then most recent edition of the World Development Report published by the International Bank for Reconstruction and Development;

(B) meets the requirements of subsection (a)(1)(B); and

(C) meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer.

(2) **LIMITATION.**—The total amount of assistance provided to countries under this subsection for fiscal year 2006 may not exceed 20 percent of the total amount of assistance provided to all countries under section 202 for fiscal year 2006.

(c) **ASSISTANCE FOR SELECTED LOW INCOME COUNTRIES.**—

(1) **IN GENERAL.**—A country shall be eligible to receive assistance for any of fiscal years 2004 through 2006 solely for the purpose of becoming eligible to receive assistance under subsection (a) if the country—

(A) meets the requirements of paragraphs (1)(B) and (2)(A) of subsection (a);

(B) demonstrates a commitment to meeting the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer; but

(C) fails to meet the eligibility criteria necessary to receive assistance under section 202, as established under subsection (e).

(2) **ADMINISTRATION.**—Assistance for countries eligible by reason of the application of this subsection shall be provided through the United States Agency for International Development.

(3) **ALLOCATION OF FUNDS.**—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, not more than 15 percent of such amount is authorized to be appropriated to the President for the fiscal year to carry out this subsection.

(d) **GENERAL AUTHORITY TO DETERMINE ELIGIBILITY.**—

(1) **GENERAL AUTHORITY.**—The Chief Executive Officer shall determine whether or not a country is eligible to receive assistance under section 202.

(2) **CONGRESSIONAL NOTIFICATION.**—Not later than 7 days after making a determination of eligibility for a country under paragraph (1), the Chief Executive Officer shall provide notice thereof to the appropriate congressional committees. Such notice shall include a certification of the determination of the Chief Executive Officer that the country meets the require-



ments of clauses (i) through (iii) of subsection (a)(1)(C) in accordance with such subsection, subsection (a)(2)(C), subsection (b)(1)(C), or subsection (c)(1)(B), as the case may be.

(e) ELIGIBILITY CRITERIA.—

(1) INITIAL CRITERIA AND METHODOLOGY.—At soon as practicable after the date of the enactment of this Act, but not later than 30 days prior to making any determination of eligibility for a country under this section, the Chief Executive Officer—

(A) shall consult in-person with the appropriate congressional committees with respect to the establishment of eligibility criteria and methodology that the Chief Executive Officer proposes to use for purposes of determining eligibility under this section;

(B) shall establish such eligibility criteria and methodology; and

(C) shall prepare and transmit to such committees a written report that contains such eligibility criteria and methodology.

(2) REVISIONS TO CRITERIA AND METHODOLOGY.—If the Chief Executive Officer proposes to use revised or different criteria from the criteria described in paragraph (1) in making a determination of eligibility for a country under this section, then, not later than 15 days prior to making such determination, the Chief Executive Officer shall consult in-person with the appropriate congressional committees with respect to such revised or different criteria and methodology in accordance with paragraph (1)(A) and shall prepare and transmit a written report in accordance with paragraph (1)(C).

(f) FORM OF ASSISTANCE; RECIPIENTS.—

(1) FORM OF ASSISTANCE.—Assistance provided under section 202 for a country shall be provided to one or more of the entities described in paragraph (2) on a nonrepayable basis and in accordance with a fair, open, and competitive selection process that results in the awarding of such assistance on a merit basis using selection criteria that are made public by the Corporation in advance and are otherwise in accordance with standard and customary best practices for the provision of similar types of assistance.

(2) RECIPIENTS.—The entities referred to in paragraph (1) are the following:

(A) The national government of the country.

(B) Regional or local governmental units of the country.

(C) Nongovernmental organizations, including for-profit, not-for-profit, and voluntary organizations.

(D) International organizations and trust funds.

(g) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer may not make any grant or enter into any contract for assistance for a country under section 202 that exceeds \$5,000,000 until 15 days after the date on which the Chief Executive Officer provides notification of the proposed grant or contract to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(h) PROHIBITION ON USE OF FUNDS.—The prohibitions on use of funds contained in paragraphs (1) through (3) of section 104(f) of

the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)–(3)) shall apply to funds made available to carry out this division to the same extent and in the same manner as such prohibitions apply to funds made available to carry out part I of such Act.

**SEC. 204. MILLENNIUM CHALLENGE COMPACT.**

(a) COMPACT.—The President, acting through the Chief Executive Officer of the Corporation, may provide assistance to an eligible country under section 202 only if the country enters into a contract with the United States, to be known as a “Millennium Challenge Compact”, that establishes a multi-year plan for achieving shared development objectives in furtherance of the purposes of this title, and only if the President, acting through the Chief Executive Officer, provides to Congress notice regarding such Compact pursuant to subsection (h).

(b) ELEMENTS.—

(1) IN GENERAL.—The Compact shall take into account the national development strategy of the eligible country and shall contain—

(A) the specific objectives that the country and the United States expect to achieve;

(B) the responsibilities of the country and the United States in the achievement of such objectives;

(C) regular benchmarks to measure, where appropriate, progress toward achieving such objectives;

(D) an identification of the intended beneficiaries, disaggregated by income level, gender, and age, to the maximum extent practicable;

(E) a multi-year financial plan, including the estimated amount of contributions by the Corporation and the country and proposed mechanisms to implement the plan and provide oversight, that describes how the requirements of subparagraphs (A) through (D) will be met, including identifying the role of civil society in the achievement of such requirements;

(F) where appropriate, a description of the responsibility of other donors in the achievement of such objectives; and

(G) a plan to ensure appropriate fiscal accountability for the use of assistance provided under section 202.

(2) LOWER MIDDLE INCOME COUNTRIES.—In addition to the elements described in subparagraphs (A) through (G) of paragraph (1), with respect to a lower middle income country described in section 203(b), the Compact shall identify an appropriate contribution from the country relative to its national budget, taking into account the prevailing economic conditions, toward meeting the objectives of the Compact. Such contribution shall be in addition to government spending allocated for such purposes in the country’s budget for the year immediately preceding the establishment of the Compact and shall continue for the duration of the Compact.

(c) DEFINITION.—In subsection (b), the term “national development strategy” means any strategy to achieve market-driven economic growth that has been developed by the government of the country in consultation with a wide variety of civic participation, including nongovernmental organizations, private and voluntary

organizations, academia, women and student organizations, local trade and labor unions, and the business community.

(d) **ADDITIONAL PROVISION RELATING TO PROHIBITION ON TAXATION.**—In addition to the elements described in subsection (b), each Compact shall contain a provision that states that assistance provided by the United States under the Compact shall be exempt from taxation by the government of the eligible country.

(e) **LOCAL INPUT.**—In entering into a Compact, the United States and the eligible country—

(1) shall take into account the local-level perspectives of the rural and urban poor in the eligible country; and

(2) should consult with private and voluntary organizations, the business community, and other donors, in the eligible country.

(f) **CONSULTATION.**—During any discussions with a country for the purpose of entering into a Compact with the country, officials of the Corporation participating in such discussions shall, at a minimum, consult with appropriate officials of the United States Agency for International Development, particularly with those officials responsible for the appropriate region or country on development issues related to the Compact.

(g) **COORDINATION WITH OTHER DONORS.**—To the maximum extent feasible, activities undertaken to achieve the objectives of the Compact shall be undertaken in coordination with the assistance activities of other donors.

(h) **CONGRESSIONAL AND PUBLIC NOTIFICATION.**—Not later than 15 days prior to entering into a Compact with an eligible country, the President, acting through the Chief Executive Officer—

(1) shall consult in-person with the appropriate congressional committees with respect to the proposed Compact;

(2) shall provide notification of the proposed Compact to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961;

(3) shall prepare and transmit to such committees a written report that contains a detailed summary of the proposed Compact and a copy of the full text of the Compact; and

(4) shall publish such detailed summary and full text of the proposed Compact in the Federal Register and on the Internet website of the Corporation.

(i) **ASSISTANCE FOR DEVELOPMENT OF COMPACT.**—Notwithstanding subsection (a), the Chief Executive Officer may enter into contracts or make grants for any eligible country for the purpose of facilitating the development of the Compact between the United States and the country.

## **SEC. 205. SUSPENSION AND TERMINATION OF ASSISTANCE.**

(a) **SUSPENSION OF ASSISTANCE.**—

(1) **IN GENERAL.**—The President shall suspend assistance in whole or in part for a country under this title if the President determines that—

(A) the country is engaged in activities which are contrary to the national security interests of the United States;

(B) the elected head of state of the country or any member of the country's highest judicial tribunal has been re-

moved from that office or forcibly detained through extra-constitutional processes; or

(C) the country has failed to adhere to its responsibilities under the Compact.

(2) REINSTATEMENT.—The President may reinstate assistance for a country under this title only if the President determines that the country has demonstrated a commitment to correcting each condition for which assistance was suspended under paragraph (1).

(3) CONGRESSIONAL NOTIFICATION.—A suspension of assistance under paragraph (1), or a reinstatement of assistance under paragraph (2), shall be effective beginning 15 days after the date on which the President transmits to the appropriate congressional committees a report that contains the determination of the President under paragraph (1) or paragraph (2), as the case may be.

(b) TERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—The President, acting through the Chief Executive Officer of the Corporation, shall terminate all assistance for a country under this title if the President determines that the country has consistently failed to adhere to its responsibilities under the Compact or has significantly failed to meet the requirements of this title.

(2) CONGRESSIONAL NOTIFICATION.—A termination of assistance under paragraph (1) shall be effective beginning 15 days after the date on which the President, acting through the Chief Executive Officer, provides notification of the proposed termination of assistance to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

**SEC. 206. ANNUAL REPORT.**

(a) REPORT.—Not later than April 1, 2005, and not later than April 1 of each year thereafter, the Chief Executive Officer of the Corporation shall prepare and transmit to the appropriate congressional committees a report on the implementation of this title for the preceding year.

(b) CONTENTS.—The report shall include the following:

(1) A description and assessment of the eligibility criteria and methodology utilized by the Chief Executive Officer to determine eligibility for each country under section 203.

(2) A description of the agreed upon measures of progress contained in each Compact.

(3)(A) An analysis, on a country-by-country, project-by-project basis, of the impact of assistance provided under this title on the economic development of each country.

(B) For each country, the analysis shall—

(i) to the maximum extent possible, be done on a sector-by-sector basis, gender basis, and per capita income basis, and identify trends within each of these bases;

(ii) identify economic policy reforms conducive to economic development that are supported by assistance provided under this title;

- (iii) describe, in quantified terms to the extent practicable, the progress made in achieving assistance objectives for the country;
  - (iv) describe the amount and nature of economic assistance provided by other major donors which further the purposes of this title; and
  - (v) discuss the commitment and contribution of the country to achieving the assistance objectives contained in its Compact.
- (4) A description and assessment of property rights in each country, including—
- (A) the total value of legal and extralegal property and business holdings;
  - (B) the average time required to acquire land; and
  - (C) the average time required to register and wind up a business enterprise.

**SEC. 207. PARTICIPATION OF CERTAIN UNITED STATES BUSINESSES.**

(a) PARTICIPATION.—To the maximum extent practicable, the President, acting through the Chief Executive Officer, shall ensure that United States small, minority-owned, and disadvantaged business enterprises fully participate in the provision of goods and services that are financed with funds made available under this title.

(b) REPORT.—The Chief Executive Officer shall prepare and submit to the appropriate congressional committees an annual report that contains a description of the extent to which the requirement of subsection (a) has been met for the preceding year.

**SEC. 208. AUTHORIZATION OF APPROPRIATIONS; RELATED AUTHORITIES.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, acting through the Chief Executive Officer of the Corporation, to carry out this division (other than title IV) \$1,300,000,000 for fiscal year 2004, \$3,000,000,000 for fiscal year 2005, and \$5,000,000,000 for fiscal year 2006.

(b) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

- (1) may be referred to as the “Millennium Challenge Account”;
- (2) are authorized to remain available until expended; and
- (3) are in addition to amounts otherwise available for such purposes.

## **TITLE III—MILLENNIUM CHALLENGE CORPORATION**

**SEC. 301. MILLENNIUM CHALLENGE CORPORATION.**

(a) ESTABLISHMENT.—There is hereby established in the executive branch a corporation to be known as the “Millennium Challenge Corporation” that shall be responsible for carrying out title II.

(b) GOVERNMENT CORPORATION.—The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

**SEC. 302. CHIEF EXECUTIVE OFFICER.**

(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chief Executive Officer of the Corporation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) COMPENSATION AND RANK.—

(1) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(2) AMENDMENT.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Millennium Challenge Corporation.”

(c) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall exercise the powers and discharge the duties of the Corporation and any other duties, as conferred on the Chief Executive Officer by the President.

(d) AUTHORITY TO APPOINT OFFICERS.—The Chief Executive Officer shall appoint all officers of the Corporation.

**SEC. 303. BOARD OF DIRECTORS.**

(a) IN GENERAL.—There shall be in the Corporation a Board of Directors.

(b) DUTIES.—The Board may prescribe, amend, and repeal by-laws, rules, regulations, and procedures governing the manner in which the business of the Corporation may be conducted and in which the powers granted to it by law may be exercised.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of—

(A) the Secretary of State, the Secretary of Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative; and

(B) four other individuals who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(2) EX-OFFICIO MEMBERS.—In addition to members of the Board described in paragraph (1), the Director of the Office of Management and Budget, the President and Chief Executive Officer of the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, and the Direc-

tor of the Peace Corps shall be non-voting members, ex officio, of the Board.

(d) TERMS.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—Each member of the Board described in paragraphs (1)(A) and (2) of subsection (c) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(2) OTHER MEMBERS.—Each member of the Board described in subsection (c)(1)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 2 years.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Secretary of State shall serve as the Chairperson of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum, which shall include at least one member of the Board described in subsection (c)(1)(B).

(g) MEETINGS.—The Board shall meet at the call of the Chairperson.

(h) COMPENSATION.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—

(A) IN GENERAL.—A member of the Board described in paragraphs (1)(A) and (2) of subsection (c) may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(B) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) OTHER MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Board described in subsection (c)(1)(B)—

(i) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(ii) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(B) LIMITATION.—A member of the Council may not be paid compensation under subparagraph (A)(i) for more than thirty days in any calendar year.

**SEC. 304. INTERAGENCY COORDINATION.**

In carrying out the functions described in this title, and consistent with section 101 of the National Security Act of 1947 (50 U.S.C. 402), the President shall ensure coordination of assistance

authorized under title II with foreign economic assistance programs and activities carried out by other Federal departments and agencies.

**SEC. 305. POWERS OF THE CORPORATION; RELATED PROVISIONS.**

(a) **POWERS.**—The Corporation—

(1) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(2) may prescribe, amend, and repeal such rules, regulations, and procedures as are necessary for carrying out the functions of the Corporation and all Compacts;

(3) may make and perform such contracts, grants, and other agreements with any individual, corporation, or other private or public entity, however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding \$95,000 in any fiscal year;

(5) may lease, purchase, or otherwise acquire, own, hold, improve, use or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation;

(6) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this division;

(7) may hire or obtain passenger motor vehicles;

(8) may use the United States mails in the same manner and on the same conditions as the Executive departments (as defined in section 101 of title 5, United States Code);

(9) may, with the consent of any Executive agency (as defined in section 105 of title 5, United States Code), use the information, services, facilities, and personnel of that agency on a full or partial reimbursement in carrying out the purposes of this division; and

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction.

(b) **OFFICES.**—

(1) **PRINCIPAL OFFICE.**—The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(2) **OTHER OFFICES.**—The Corporation may establish other offices in any place or places outside the United States in which the Corporation may carry out any or all of its operations and business.

(c) **COOPERATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.**—In order to avoid unnecessary expense and duplication of functions, efforts, and activities between the Corporation and other Federal departments and agencies the Chief Executive Officer, or the Chief Executive Officer's designee—

(1)(A) shall consult, to the maximum extent practicable, with the Administrator of the United States Agency for International Development, or the Administrator's designee, in



order to coordinate the activities of the Corporation and the Agency for International Development; and

(B) shall consult with the heads of other departments and agencies to ensure similar coordination of activities;

(2)(A) shall ensure proper coordination of activities of the Corporation with the provision of development assistance of relevant international financial institutions, including the International Bank for Reconstruction and Development, the International Monetary Fund, and the regional multilateral development banks; and

(B) shall provide to each United States Executive Director (or other United States representative) to the relevant international financial institutions a copy of each proposed Compact between the United States and an eligible country and a copy of each such final Compact.

(d) POSITIONS WITH FOREIGN GOVERNMENTS.—When approved by the Corporation, in furtherance of its purposes, employees of the Corporation (including individuals detailed to the Corporation) may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries or with international organizations.

**SEC. 306. TRANSPARENCY AND ACCOUNTABILITY OF THE CORPORATION.**

The Corporation and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

**SEC. 307. DETAIL OF PERSONNEL TO THE CORPORATION; OTHER AUTHORITIES AND LIMITATIONS.**

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer of the Corporation, the head of an agency may detail any employee of such agency to the Corporation on a fully or partially reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) LIMITATION ON TOTAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no individual may serve in or under the Corporation (whether as an employee of the Corporation, a detailee to the Corporation, or a combination thereof) for a total period exceeding 5 years.

(2) EXCEPTIONS.—

(A) EXTENSION AUTHORITY.—The Chief Executive Officer may extend the 5-year period under paragraph (1) for up to an additional 3 years, in the case of any particular individual, if the Chief Executive Officer determines that such extension is essential to the achievement of the purposes of this division.

(B) OFFICERS.—Nothing in this subsection shall limit the period for which an individual may serve as an officer of the Corporation appointed pursuant to section 302(d) nor shall any period of service as such an officer be taken into account for purposes of applying this subsection.

(c) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equiv-

alent), and who, with the consent of the head of such agency, transfers to the Corporation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Corporation—

(i) by reason of the application of subsection (b); or

(ii) for any other reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Corporation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Corporation without regard to the provisions of—

(1) chapter 51 of title 5, United States Code (relating to the classification of positions), and

(2) subchapter III of chapter 53 of such title (relating to General Schedule pay rates),

except that no employee of the Corporation may receive a rate of basic pay that exceeds the rate for level II of the Executive Schedule under section 5313 of such title.

(e) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post, or United States Agency for International Development field mission.

(f) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(g) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

(h) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to the United States Agency for International Development or any other agency any part of any funds available for carrying

out the purposes of this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer shall notify the appropriate congressional committees not later than 15 days prior to a transfer of funds under paragraph (1) that exceeds \$5,000,000.

(3) USE OF SERVICES.—For carrying out the purposes of this division, the Corporation may utilize the services and facilities of, or procure commodities from, any agency under such terms and conditions as may be agreed to by the head of the agency and the Corporation.

(i) FUNDING LIMITATION.—Of the funds allocated under subsection (h) in any fiscal year, not more than 7 percent of such funds may be used for administrative expenses.

(j) OTHER AUTHORITIES.—Except to the extent inconsistent with the provisions of this division, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 shall apply to the provision of assistance under this division to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act.

(k) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Corporation shall be subject to the provisions of chapter 91 of subtitle VI of title 31, United States Code, except that the Corporation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

“(Q) the Millennium Challenge Corporation.”

(l) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the United States Agency for International Development shall serve as Inspector General of the Corporation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Corporation.

(2) AUTHORITY OF THE BOARD.—In carrying out its responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board of Directors.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Corporation shall reimburse the United States Agency for International Development for all expenses incurred by the Inspector General in connection with the Inspector General’s responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, up to \$1,000,000 is authorized to be made available to the Inspector General of the United States Agency for International Development to conduct reviews, inves-

tigations, and inspections of operations and activities of the Corporation.

(m) **COMPTROLLER GENERAL.**—

(1) **IN GENERAL.**—The Comptroller General shall conduct audits, evaluations, and investigations of the Corporation.

(2) **SCOPE.**—The activities and financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be evaluated, investigated, or audited by the Comptroller General in accordance with such rules and regulations as may be prescribed by the Comptroller General.

(3) **ACCESS AND RECORDS.**—Any evaluation, investigation, or audit shall be conducted at the place or places where pertinent information of the Corporation is normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the evaluation, investigation, or audit; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Corporation shall remain in the possession and custody of the Corporation throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, papers, or property for a longer period under section 3523(c) of title 31, United States Code.

(4) **REPORT.**—A report of such audit, evaluation, or investigation shall be made by the Comptroller General to the appropriate congressional committees and to the President, together with such recommendations with respect thereto as the Comptroller General shall deem advisable.

(n) **DEFINITIONS.**—For purposes of this section—

(1) the term “agency” means an Executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term “detail” means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Corporation.

**SEC. 308. MILLENNIUM CHALLENGE ADVISORY COUNCIL.**

(a) **ESTABLISHMENT.**—There is hereby established in the executive branch an advisory council to the Corporation to be known as the Millennium Challenge Advisory Council.

(b) **FUNCTIONS.**—

(1) **GENERAL FUNCTIONS.**—The Council shall advise and consult with the Chief Executive Officer of the Corporation and the Board of Directors with respect to policies and programs designed to further the purposes of this division and shall periodically report to the Congress with respect to the activities of the Corporation. In addition, the Council shall review on an annual basis the criteria and methodology used to determine eligibility of countries for assistance under title II and make recommendations to the Chief Executive Officer and the Board

to improve the effectiveness of such criteria and methodology in order to achieve the purposes of this division.

(2) **ADDITIONAL FUNCTIONS.**—Members of the Council shall (subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Corporation in the United States and in other countries in order to—

(A) evaluate the accomplishments of the Corporation;

(B) assess the potential capabilities and the future role of the Corporation;

(C) make recommendations to the Chief Executive Officer, the Board of Directors, and Congress, for the purpose of guiding the future direction of the Corporation and of helping to ensure that the purposes and programs of the Corporation are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law;

(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.

(3) **PUBLIC PARTICIPATION.**—The Council may provide for public participation in its activities, consistent with section 552b of title 5, United States Code.

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Council shall consist of seven individuals, who shall be appointed by the Chief Executive Officer, and who shall be broadly representative of nongovernmental entities with expertise and interest in international trade and economic development, including business and business associations, trade and labor unions, private and voluntary organizations, foundations, public policy organizations, academia, and other entities as the Chief Executive Officer determines appropriate.

(2) **ADDITIONAL REQUIREMENT.**—No member appointed under paragraph (1) may be an officer or employee of the United States Government.

(d) **COMPENSATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a member of the Council—

(A) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Council; and

(B) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Council, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(2) **LIMITATION.**—A member of the Council may not be paid compensation under paragraph (1)(A) for more than thirty days in any calendar year.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum for the purposes of transacting any business.

(f) FINANCIAL INTERESTS OF MEMBERS.—A member of the Council shall disclose to the Chairperson of the Council and the Chief Executive Officer of the existence of any direct or indirect financial interest of that member in any particular matter before the Council and may not vote or otherwise participate as a Council member with respect to that particular matter.

(g) CHAIRPERSON.—The Chief Executive Officer shall designate one of the members of the Council as Chairperson, who shall serve in that capacity for a term of two years. The Chief Executive Officer may renew the term of the member appointed as Chairperson under the preceding sentence.

(h) MEETINGS, BYLAWS, AND REGULATIONS.—

(1) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Chief Executive Officer, the Chairperson of the Board, the Chairperson of the Council, or two members of the Council.

(2) BYLAWS AND REGULATIONS.—The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.

(i) REPORT TO THE PRESIDENT, CHIEF EXECUTIVE OFFICER, AND BOARD.—

(1) REPORT.—Not later than January 1, 2005, and not later than January 1 of each year thereafter that the Corporation is in existence, the Council shall submit to the President, the Chief Executive Officer, and the Board a report on its views on the programs and activities of the Corporation.

(2) CONTENTS.—Each report shall contain a summary of the advice and recommendations provided by the Council to the Chief Executive Officer and the Board during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress.

(3) ADDITIONAL REQUIREMENT.—Not later than 90 days after receiving each such report, the Chief Executive Officer shall transmit to Congress a copy of the report, together with any comments concerning the report that the Chief Executive Officer considers appropriate.

(j) ADMINISTRATIVE ASSISTANCE.—The Chief Executive Officer shall make available to the Council such personnel, administrative support services, and technical assistance as are necessary to carry out its functions effectively.

(k) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Council. Notwithstanding section 102 of this Act, the authorities of the Council shall terminate on December 31, 2007.

**SEC. 309. MILLENNIUM CHALLENGE SEED GRANTS.**

(a) FINDINGS.—Congress finds the following:

(1) Many countries in the developing world lack the academic and public policy advocacy base essential to attaining the principal objectives of the Millennium Challenge Account.

(2) Because of widespread government repression of free speech and poverty, the countries of Africa in particular suffer an acute shortage of nongovernmental organizations which effectively study and promote the principal objectives of the Millennium Challenge Account.

(3) Many developing countries, particularly low income countries, lack the institutional capacity to enhance the quality and accuracy of data upon which the eligibility criteria in section 203 relies. Such countries may also lack the ability to monitor and evaluate development projects effectively.

(4) The Millennium Challenge Account will struggle to reach its goals unless countries in the developing world possess a home grown intellectual commitment and culture of advocacy aimed at promoting its principal objectives.

(b) ASSISTANCE.—The Chief Executive Officer of the Corporation is authorized to provide assistance in support of nongovernmental organizations (including universities, independent foundations, and other organizations) in low income and lower middle income countries, and, where appropriate, directly to agencies of foreign governments in low income countries, that are undertaking research, education, and advocacy efforts aimed at promoting democratic societies, human rights, the rule of law, improved educational opportunities and health conditions, particularly for women and children, and economic freedom, including research aimed at improving data related to the eligibility criteria and methodology established by this division with respect to such a country or monitoring and evaluating the impact of assistance provided under this division.

(c) LIMITATION.—Not more than \$10,000,000 of the amount made available to carry out this division for a fiscal year may be made available to carry out this section.

## **TITLE IV—PROVISIONS RELATING TO UNITED STATES ECONOMIC ASSISTANCE**

### **SEC. 401. DEFINITION.**

In this title, the term “United States economic assistance” means any bilateral economic assistance, from any budget functional category, that is provided by any department or agency of the United States to a foreign country, including such assistance that is intended—

(A) to assist the development and economic advancement of friendly foreign countries and peoples, including assistance provided under title II (relating to the Millennium Challenge Account);

(B) to promote the freedom, aspirations, or sustenance of friendly peoples under oppressive rule by unfriendly governments;

(C) to promote international trade and foreign direct investment as a means of aiding economic growth;

(D) to save lives and alleviate suffering of foreign peoples during or following war, natural disaster, or complex crisis;

(E) to assist in recovery and rehabilitation of countries or peoples following disaster or war;

(F) to protect refugees and promote durable solutions to aid refugees;

(G) to promote sound environmental practices;

(H) to assist in development of democratic institutions and good governance by the people of foreign countries;

(I) to promote peace and reconciliation or prevention of conflict;

(J) to improve the technical capacities of governments to reduce production of and demand for illicit narcotics; and

(K) to otherwise promote through bilateral foreign economic assistance the national objectives of the United States.

**SEC. 402. FRAMEWORK FOR ASSISTANCE.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that a coherent framework for United States economic assistance should be established in accordance with this section.

(b) ELEMENTS.—The framework described in subsection (a) includes the following elements:

(1) The United States Agency for International Development, under the direction and foreign policy guidance of the Secretary of State, should be responsible for—

(A) providing assistance to countries that face natural and man-made disasters in order to provide humanitarian relief to the peoples of such countries, in coordination with refugee programs administered by the Department of State;

(B) providing assistance to countries that are suffering from conflicts or are in post-conflict situations in order to provide humanitarian relief, transition assistance, and reconstruction assistance;

(C) providing assistance to help moderate-to-poorly performing countries achieve development progress in the areas described in part I of the Foreign Assistance Act of 1961, including progress toward becoming eligible for assistance under this title, and to promote international health worldwide, as well as assisting in the development of country and regional development strategies;

(D) addressing transnational problems, such as environmental degradation, food insecurity, and health problems; and

(E) assisting other Federal departments and agencies, including the Corporation established under title III, to carry out assistance activities abroad, including providing technical assistance and advice to such departments and agencies, coordinating its assistance programs with such departments and agencies, and using its field offices to help implement such assistance.

(2) The Corporation established under title III should provide assistance to countries that have demonstrated a commitment to bolstering democracy, good governance, and the rule of



law, to investing in the health and educations of their people, and to promoting sound economic policies that foster economic opportunity for their people.

(3) The Department of State should be responsible for allocating security assistance to support key foreign policy objectives of the United States and shall administer assistance in such areas as non-proliferation, anti-terrorism, counter-narcotics, and relief for refugees.

(4) Other Federal departments and agencies with expertise in international development-related activities, such as the Overseas Private Investment Corporation, the Trade and Development Agency, the Department of Agriculture, the Department of Health and Human Services, and the Centers for Disease Control and Prevention, to the extent such departments and agencies have the authority to carry out development-related programs, and in coordination with the Department of State and the United States Agency for International Development, should provide expertise in specific technical areas and shall provide assistance, including assistance provided with funds made available from the Corporation to assist United States Government international development activities.

**SEC. 403. REPORT RELATING TO IMPACT AND EFFECTIVENESS OF ASSISTANCE.**

(a) REPORT.—Not later than December 31, 2004, and December 31 of each third year thereafter, the President shall transmit to Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of United States economic assistance furnished under the framework established in section 402 to each country during the preceding three fiscal years. The report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding three fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding three fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding three fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or non-governmental organizations.

(b) LISTING OF MOST AND LEAST SUCCESSFUL ASSISTANCE PROGRAMS.—The report required by this section shall identify—

(1) each country in which United States economic assistance has been most successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were achieved; and

(2) each country in which United States economic assistance has been least successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were not achieved.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(d) DE MINIMUS EXCEPTION.—Information under subsections (a) and (b) for a fiscal year shall not be required with respect to a country for which United States economic assistance for the country for the fiscal year is less than \$5,000,000.

## **DIVISION B—REAUTHORIZATION AND EXPANSION OF THE PEACE CORPS**

### **TITLE X—GENERAL PROVISIONS**

#### **SEC. 1001. SHORT TITLE.**

This division may be cited as the “Peace Corps Expansion Act of 2003”.

#### **SEC. 1002. DEFINITIONS.**

In this division:

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

(2) DIRECTOR.—The term “Director” means the Director of the Peace Corps.

(3) HOST COUNTRY.—The term “host country” means a country whose government has invited the Peace Corps to establish a Peace Corps program within the territory of the country.

(4) PEACE CORPS VOLUNTEER.—The term “Peace Corps volunteer” means a volunteer or a volunteer leader under the Peace Corps Act.

(5) RETURNED PEACE CORPS VOLUNTEER.—The term “returned Peace Corps volunteer” means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

**SEC. 1003. FINDINGS.**

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service abroad of volunteers who are United States citizens. The spirit of service and commitment to helping others is a fundamental component of democracy.

(2) Since its establishment, more than 168,000 volunteers have served in the Peace Corps in 136 countries throughout the world.

(3) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) The Peace Corps has sought to fulfill three goals—to help people in developing countries meet basic needs, promote understanding abroad of the values and ideals of the United States, and promote an understanding of other peoples by the people of the United States.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development by working with families and communities to improve health care for children, expand agricultural production, teach in schools, fight infectious diseases, protect the environment, and initiate small business opportunities.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote international peace, cross-cultural awareness, and mutual understanding between the United States and other countries.

(7) The Peace Corps is an independent agency, and, therefore, no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers and should be expanded, to the maximum extent practicable, to utilize the talent of returned Peace Corps volunteers.

(9) In fiscal year 2003, the Peace Corps is operating with an annual budget of \$295,000,000 in 70 countries, with more than 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation in many parts of the world, particularly in countries with substantial Muslim populations, with respect to United States values and ideals. A new or expanded Peace Corps presence in such places could foster better understanding between the people of the United States and such countries.

(11) Congress has declared, and the Peace Corps Act provides, that the Peace Corps shall maintain, to the maximum extent practicable and appropriate, a volunteer corps of at least 10,000 individuals.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps should not jeopardize the quality of the Peace Corps volunteer experience and, therefore, necessitates, among other things, an appropriate increase in field and headquarters support staff.

(14) In order to ensure that the proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan Peace Corps National Advisory Council composed of distinguished returned Peace Corps volunteers, former Peace Corps staff, and other individuals with diverse backgrounds and expertise can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps as the Director discharges the duties and responsibilities as head of the agency.

## **TITLE XI—AMENDMENTS TO PEACE CORPS ACT; RELATED PROVISIONS**

### **SEC. 1101. ADVANCING THE GOALS OF THE PEACE CORPS.**

(a) **RECRUITMENT OF VOLUNTEERS.**—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: “As an independent agency, the Peace Corps shall be responsible for recruiting all of its volunteers.”.

(b) **DETAILS AND ASSIGNMENTS.**—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by striking “*Provided, That*” and inserting “*Provided, That* such detail or assignment furthers the fulfillment of Peace Corps’ development and public diplomacy goals as described in section 2: *Provided further, That*”.

### **SEC. 1102. REPORTS AND CONSULTATIONS.**

(a) **ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.**—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by striking the section heading and the text of section 11 and inserting the following:

#### **“SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.**

“(a) **ANNUAL REPORTS.**—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information—

“(1) describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

“(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

“(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

“(2) describing—

“(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to the Congress;

“(B) the rationale for undertaking such new initiatives;

“(C) an estimate of the cost of such initiatives; and

“(D) the impact on the safety of volunteers;

“(3) describing in detail the Peace Corps plans, including budgetary plans, to have 14,000 volunteers in service by 2007 while maintaining the quality of the volunteer experience, ensuring the safety and security of all volunteers, and providing for appropriate administrative and other support; and

“(4) describing standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

“(A) by co-locating volunteers with international or local nongovernmental organizations; or

“(B) with the placement of multiple volunteers in one location.

“(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps shall consult with the appropriate congressional committees with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, or as soon as practicable thereafter.”

(b) ONE-TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) comparing such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommending any additional student loan forgiveness programs which could attract more applications from low- and middle-income individuals who are carrying considerable student-loan debt burdens.

(c) ANNUAL REPORT TO CONGRESS ON THE FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM (FEORP).—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director shall report on the progress of the Peace Corps in recruiting historically underrepresented groups. The Director shall prepare this report in accordance with section 7201 of title 5, United States Code, and subpart B of part 720 of title 5, Code of Federal Regulations.

(d) REPORT ON MAINTAINING THE INTEGRITY OF THE MEDICAL SCREENING AND MEDICAL PLACEMENT COORDINATION PROCESSES.—Not later than 120 days after the date of enactment of this Act, the

Director shall prepare and submit to the appropriate congressional committees a report that—

(1) describes the medical screening procedures and standards of the Office of Medical Services/Screening Unit of the Peace Corps to determine whether an applicant for Peace Corps service has worldwide clearance, limited clearance, a deferral period, or is not medically, including psychologically, qualified to serve in the Peace Corps as a volunteer;

(2) describes the procedures and criteria for matching applicants for Peace Corps service with a host country to ensure that the applicant, reasonable accommodations notwithstanding, can complete at least two years of volunteer service without interruption to host country national projects due to foreseeable medical conditions; and

(3) with respect to each of fiscal years 2000 through 2002 and the first six months of fiscal year 2003, states the number of—

(A) medical screenings conducted;

(B) applicants who have received worldwide clearance, limited clearance, deferral periods, and medical disqualifications to serve;

(C) Peace Corps volunteers who the agency has had to separate from service due to the discovery of undisclosed medical information; and

(D) Peace Corps volunteers who have terminated their service early due to medical, including psychological, reasons.

**SEC. 1103. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR CERTAIN COUNTRIES.**

(a) **REPORT.**—Not later than 60 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report that—

(1) describes the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in host countries; and

(2) lists the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) **USE OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.**—The Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers and former Peace Corps staff who have relevant language and cultural experience and may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

**SEC. 1104. GLOBAL INFECTIOUS DISEASES INITIATIVE; COORDINATION OF HIV/AIDS ACTIVITIES.**

(a) **INITIATIVE.**—

(1) **IN GENERAL.**—The Director, in cooperation with international public health experts, such as the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall expand the Peace Corps' program of training for Peace Corps volunteers in the

areas of education, prevention, and treatment of infectious diseases which are prevalent in host countries in order to ensure that the Peace Corps increases its contribution to the global campaign against such diseases.

(2) **ADDITIONAL REQUIREMENT.**—Activities for the education, prevention, and treatment of infectious diseases in host countries by the Peace Corps shall be undertaken in a manner that is consistent with activities authorized under sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961.

(b) **COORDINATION OF HIV/AIDS ACTIVITIES.**—

(1) **IN GENERAL.**—The Director should designate an officer or employee of the Peace Corps who is located in the United States to coordinate all HIV/AIDS activities within the Peace Corps. Such individual may be an individual who is an officer or employee of the Peace Corps on the date of the enactment of this Act.

(2) **FIELD COORDINATION.**—In addition to the position established under paragraph (1), the Director should designate an individual within each country in sub-Saharan Africa, the Western Hemisphere, and Asia in which Peace Corps volunteers carry out HIV/AIDS activities to coordinate all such activities of the Peace Corps in such countries.

(c) **DEFINITIONS.**—In this section:

(1) **AIDS.**—The term “AIDS” means the acquired immune deficiency syndrome.

(2) **HIV.**—The term “HIV” means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) **HIV/AIDS.**—The term “HIV/AIDS” means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) **INFECTIOUS DISEASES.**—The term “infectious diseases” means HIV/AIDS, tuberculosis, and malaria.

**SEC. 1105. PEACE CORPS NATIONAL ADVISORY COUNCIL.**

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking “and” after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

“(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers and former Peace Corps staff in fulfilling the goals of the Peace Corps; and”;

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence—

(I) by striking “fifteen” and inserting “eleven”; and

(II) by striking “President, by and with the advice and consent of the Senate” and inserting “Director of the Peace Corps”;

(ii) by striking the second sentence and inserting the following: “Six of the members shall be former Peace Corps volunteers, at least one of whom shall have

been a former staff member abroad or in the Washington headquarters, and not more than six shall be members of the same political party.”;

(B) by striking subparagraph (B);

(C) by amending subparagraph (D) to read as follows:

“(D) The members of the Council shall be appointed to 2-year terms.”;

(D) in subparagraph (H), by striking “nine” and inserting “seven”;

(E) in subparagraph (I), by striking “President shall nominate” and inserting “Director shall appoint”; and

(F) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), (G), and (H), respectively; and

(3) by amending subsection (g) to read as follows:

“(g) CHAIR.—The Director shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a term of two years. The Director may renew the term of a voting member appointed as Chair under the preceding sentence.”.

**SEC. 1106. READJUSTMENT ALLOWANCES.**

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking “\$125 for each month of satisfactory service” and inserting “\$275 for each month of satisfactory service during fiscal year 2004 and \$300 for each month of satisfactory service thereafter”; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking “\$125 for each month of satisfactory service” and inserting “\$275 for each month of satisfactory service during fiscal year 2004 and \$300 for each month of satisfactory service thereafter”.

**SEC. 1107. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.**

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the objectives of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)).

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—

(A) IN GENERAL.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director may award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out the programs and projects described in paragraph (2).

(B) DELEGATION OF AUTHORITY AND TRANSFER OF FUNDS.—The Director may delegate the authority to award grants under subparagraph (A) and may transfer funds authorized under this section subject to the notification procedures of section 634A of the Foreign Assistance Act of 1961 to the Chief Executive Officer of the Corporation for National and Community Service (referred to in this section as the “Corporation”).

(2) PROGRAMS AND PROJECTS.—Such programs and projects may include—



(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers and former Peace Corps staff with a background in community service, education, or health. If the grants are made by the Corporation, the nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Peace Corps or the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than \$50,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than \$2 for every \$3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Peace Corps or the Corporation, as the case may be, on each program or project for which the nonprofit corporation receives a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) **FACTORS IN AWARDING GRANTS.**—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Peace Corps or the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) **CONGRESSIONAL OVERSIGHT.**—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) **FUNDING.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to carry out this section up to \$10,000,000. Such sum shall be in addition to funds made available to the Peace Corps under this division.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(h) **CRISIS CORPS.**—

(1) **STATEMENT OF POLICY.**—Congress states that the Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers.

(2) **INCREASE IN NUMBER OF CRISIS CORPS ASSIGNMENTS.**—The Director, in consultation with the governments of host countries and appropriate nongovernmental organizations, shall increase the number of available Crisis Corps assignments for returned Peace Corps volunteers to at least 120 assignments in fiscal year 2004, 140 assignments in fiscal year 2005, 160 assignments in fiscal year 2006, and 165 assignments in fiscal year 2007.

**SEC. 1108. DECLARATION OF POLICY.**

Congress declares its support for the goal announced by President Bush of doubling the number of Peace Corps volunteers to 14,000 by 2007 and supports the funding levels necessary to accomplish this growth.

**SEC. 1109. PEACE CORPS IN SIERRA LEONE.**

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

(1) Peace Corps service to Sierra Leone was suspended in 1994 due to a brutal civil war between the government and the Revolutionary United Front (RUF).

(2) Backed by British military intervention and a United Nations peacekeeping operation, government authority has been reestablished throughout the country and “free and fair” national elections took place in May 2002.

(3) Sierra Leone is a majority Muslim country.

(4) The Peace Corps has given the safety and security of its volunteers high priority.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Peace Corps should return its program to Sierra Leone as soon as security conditions are consistent with the safety and security of its volunteers.

**SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.**

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking “and \$365,000,000 fiscal year 2003” and in-

serting “\$365,000,000 for fiscal year 2003, \$366,868,000 for fiscal year 2004, \$411,800,000 for fiscal year 2005, \$455,930,000 for fiscal year 2006, and \$499,400,000 for fiscal year 2007”.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KENNEDY OF MINNESOTA, OR HIS DESIGNEE, AS AN AMENDMENT TO THE AMENDMENT NUMBERED 2, TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, DEBATABLE FOR 10 MINUTES

Page 14, line 10, add at the end before the semicolon the following: “, including, with respect to investment in the health of its citizens, a calculation of the amount of both public and private expenditures on health initiatives as a percentage of the gross domestic product of the country”.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KOLBE OF ARIZONA, OR HIS DESIGNEE, AS AN AMENDMENT TO THE AMENDMENT NUMBERED 2, TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, DEBATABLE FOR 20 MINUTES

Page 15, beginning on line 17, strike “fiscal year 2006” and insert “fiscal years 2004 through 2006”.

Page 16, line 6, strike “fiscal year 2006” and insert “fiscal years 2004 through 2006”.

Page 16, line 8, strike “fiscal year 2006” and insert “the fiscal year involved”.

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KOLBE OF ARIZONA, OR HIS DESIGNEE, AS AN AMENDMENT TO THE AMENDMENT NUMBERED 2, TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, DEBATABLE FOR 10 MINUTES

Page 56, after line 3, insert the following new section:

**SEC. 310. CLARIFICATION OF ROLE OF USAID.**

(a) STATUS OF USAID.—The Administrator of the United States Agency for International Development shall report to the President through, and operate under the foreign policy authority and direction of, the Secretary of State. The United States Agency for International Development shall be administered under the supervision and operational direction of the Administrator of the Agency.

(b) FUNCTIONS OF USAID.—The United States Agency for International Development is authorized—

(1) to receive appropriated funds;

(2) to be the United States Government agency primarily responsible for administering sections 103 through 108 (other than section 104A), 214, and 491 of the Foreign Assistance Act of 1961, the “Child Survival and Health Programs Fund”, and other United States economic assistance as directed in writing by the President or the Secretary of State, or as otherwise provided by law;

(3) to provide assistance to a country currently ineligible for assistance provided under title II in order that it may become eligible for such assistance; and

(4) upon the request of the Chief Executive Officer of the Corporation and with the concurrence of the Administrator of the Agency, to assist in the evaluation, execution, and oversight of Millennium Challenge Compacts described in section 204.

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6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PAUL OF TEXAS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 32, after line 3, insert the following (and amend the table of contents accordingly):

**Subtitle C—Limitations**

**SEC. 131. LIMITATION ON USE OF FUNDS AUTHORIZED TO BE APPROPRIATED BY THIS ACT FOR ANY UNITED STATES CONTRIBUTION TO THE UNITED NATIONS OR ANY AFFILIATED AGENCY OF THE UNITED NATIONS.**

Notwithstanding any other provision of this Act, none of the funds authorized to be appropriated by this Act may be obligated or expanded to pay any United States contribution to the United Nations or any affiliated agency of the United Nations.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HAYWORTH OF ARIZONA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 88, after line 17, insert the following new section (and amend the table of contents accordingly):

**SEC. 406. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS REGULAR BUDGET.**

Section 11 of the United Nations Participation Act of 1945 (22 U.S.C. 287e–3) is amended by striking “22 percent of the total of all assessed contributions for that budget” and inserting “the largest assessed contribution of any other permanent member country of the United Nations Security Council”.

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8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAUSCHER OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Add the following at the end:

**SEC. 1716. MARKETING INFORMATION FOR COMMERCIAL COMMUNICATIONS SATELLITES.**

(a) **IN GENERAL.**—A license shall not be required under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the transfer of marketing information for the purpose of providing information directly related to the sale of commercial communications satellites and related parts to a member country of the North Atlantic Treaty Organization (NATO) or to Australia, Japan, or New Zealand.

(b) **MARKETING INFORMATION.**—In this section, the term “marketing information”—

(1) means data that a seller must provide to a potential customer (including a foreign end user) that will enable the customer to make a purchase decision to award a contract for goods or services, including system description, functional in-

formation, price and schedule information, information required for installation, operation, maintenance, and repair; and (2) includes that level of data necessary to ensure safe use of the product, but does not include sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how.

(c) EXCEPTION.—Nothing in this section shall exempt commercial communications satellites from any licensing requirement under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for defense items and defense services, except as described in subsection (a).

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROHR-  
ABACHER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

Insert after title XIV the following and redesignate succeeding titles and sections, and references thereto, accordingly:

## **TITLE XV—EXPORTS OF SATELLITES**

### **SEC. 1501. EXPORT CONTROLS ON SATELLITES AND RELATED ITEMS.**

Notwithstanding any other provision of law, in the case of the export of commercial communications satellites and related items to a country that is a member of the North Atlantic Treaty Organization or that is a major non-NATO ally of the United States, the President may determine to what extent, and under which provisions of law, such export may be controlled.

### **SEC. 1502. MANDATORY REVIEW BY DEPARTMENT OF STATE.**

(a) CERTAIN DEFENSE SERVICES.—The provision of defense services by United States persons, including services or assistance provided during technical interchange meetings, in connection with the launch of a satellite from, or by nationals of, the People's Republic of China, are subject to section 38 of the Arms Export Control Act.

(b) NOTIFICATION TO CONGRESS.—At least 30 days before any export license or any technical assistance agreement is approved under subsection (a), the President shall transmit a certification with respect to such export license or technical assistance agreement in the manner provided in section 36(d) of the Arms Export Control Act, to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate. The export license or technical assistance agreement shall not be approved if the Congress, within that 30-day period, enacts a joint resolution prohibiting such approval. The provisions of section 36(d)(5) of that Act shall apply with respect to any such joint resolution, and the provisions of section 36(f) of that Act shall apply with respect to any certification submitted under this subsection.

### **SEC. 1503. EXPORT RESTRICTIONS NOT AFFECTED.**

Nothing in this title shall be construed to—

(1) modify any restriction on exports imposed under any other provision of law, including—

(A) restrictions on exports to—

- (i) any country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism;
- (ii) any country that does not adhere to the Missile Technology Control Regime; or
- (iii) any other country of proliferation concern; and
- (B) restrictions imposed under title IX of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; or
- (2) affect any provision of section 1514 or 1515 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (22 U.S.C. 2778 note), or of title XIV of the National Defense Authorization Act for Fiscal Year 2000 (22 U.S.C. 2778 note).

**SEC. 1504. DEFINITIONS.**

In this title:

- (1) **DEFENSE SERVICE.**—The term “defense service” means—
  - (A) the furnishing of assistance (including training) to foreign persons, whether in the United States or abroad, in the design, development, engineering, manufacture, production, assembly, testing, repair, maintenance, modification, operation, destruction, processing, or use of a satellite or related items; and
  - (B) the furnishing to foreign persons, whether in the United States or abroad, of any technical data in connection with a satellite or related items.
- (2) **RELATED ITEMS.**—The term “related items” means the satellite fuel, ground support equipment, test equipment, payload adapter or interface hardware, replacement parts, and nonembedded solid propellant orbit transfer engines described in the report submitted to Congress by the Department of State on February 6, 1998, pursuant to section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), as well as systems, components, parts, accessories, and associated equipment for satellites, including ground control equipment.
- (3) **UNITED STATES PERSON.**—The term “United States person” has the meaning given that term in section 16(2) of the Export Administration Act of 1979 (50 U.S.C. 1415(2)).

**10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MENENDEZ OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of the bill, add the following new section (and conform the table of contents accordingly):

**SEC. \_\_\_\_ . ASSISTANCE TO TAMIL NADU.**

- (a) **FINDINGS.**—Congress makes the following findings:
  - (1) Several United States businesses invested more than \$800,000,000 in capital in the Indian State of Tamil Nadu to build and operate state-of-the-art electric generation facilities to serve local customers.
  - (2) For nearly 2 years since these power plants went into service, the Tamil Nadu Electricity Board has violated the principle of contract sanctity by consistently refusing to pay

the contractually-required price for the electricity produced by these companies.

(3) The Tamil Nadu Electricity Board now owes these United States companies in excess of \$150,000,000 in arrearages despite repeated assurances by the Government of Tamil Nadu that the situation would be resolved.

(4) All of the projects are in a technical state of default on the principal of their loans and none of the United States companies is making a return on their equity.

(b) RESTRICTION.—No funds authorized by this Act (including any amendments made by this Act) or authorized under any other provision of law may be used to directly or indirectly support any programs, projects, or activities (other than humanitarian, health, or rule of law programs, projects, or activities) located in or designed to benefit the State of Tamil Nadu, India.

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds made available in this Act may be used to provide assistance to the Republic of Moldova unless the President determines and certifies to Congress that the Government of Moldova has met its obligations with respect to investments made by United States citizens in the “Aroma” cognac factory located in Moldova.

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12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MANZULLO OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

After section 3 of the bill, insert the following new section (and conform the table of contents accordingly):

**SEC. 4. SPECIAL RULES FOR APPLYING BUY AMERICAN ACT.**

(a) ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES.—With respect to any acquisition under this Act or any amendment made by this Act of articles, materials, or supplies that are subject to section 2 of the Buy American Act (41 U.S.C. 10a), such section shall be applied to such acquisition by substituting “at least 65 percent” for “substantially all”; or

(b) CONTRACTS FOR CONSTRUCTION, ALTERNATION, OR REPAIR.—With respect to any contract for the construction, alteration, or repair of any public building or public work entered into under this Act or any amendment made by this Act that is subject to section 3 of the Buy American Act (41 U.S.C. 10b), such section shall be applied to such contract by substituting “at least 65 percent” for “substantially all”.

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13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CROWLEY OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 111, after line 13, insert the following new section (and amend the table of contents accordingly):

**SEC. 507. CONTRACTOR REQUIREMENTS.**

(a) **FINDINGS.**—The Congress finds that the overriding national security aspects of the international programs of the International Broadcasting Bureau require the assurance of uninterrupted logistic support under all circumstances for the programs. Therefore, it is in the best interests of the United States to provide a preference for United States contractors bidding on these projects.

(b) **PREFERENCE FOR UNITED STATES CONTRACTORS.**—Notwithstanding any other provision of law, in any case where there are two or more qualified bidders on projects of the International Broadcasting Bureau, including design and construction projects and projects with respect to transmitters, antennas, spare parts, and other technical equipment, all the responsive bids of United States persons and qualified United States joint venture persons shall be considered to be reduced by 10 percent.

(c) **EXCEPTION.**—

(1) Subsection (b) shall not apply with respect to any project of the International Broadcasting Bureau when—

(A) precluded by the terms of an international agreement with the host foreign country;

(B) a foreign bidder can establish that the foreign bidder is a national of a country whose government permits United States contractors and suppliers the opportunity to bid on a competitive and nondiscriminatory basis with its national contractors and suppliers, on procurement and projects related to the construction, modernization, upgrading, or expansion of—

(i) its national public radio and television sector,

(ii) its private radio and television sector, to the extent that such procurement or project is, in whole or in part, funded or otherwise under the control of a government agency or authority,

(C) the Secretary of Commerce certifies (in advance of the award of the contract for that project) to the Board of the International Broadcasting Bureau that the foreign bidder is not receiving any direct subsidy from any government, the effect of which would be to disadvantage the competitive position of United States persons who also bid on the project, or

(D) the statutes of a host foreign country prohibit the use of United States contractors on such projects within that country.

(2) An exception under paragraph (1)(D) shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies 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 what specific actions the Secretary has taken to urge the foreign country to permit the use of United States contractors on such projects.

(d) **DEFINITIONS.**—For purposes of this section:

(1) The term “United States person” means a person that—

(A) is incorporated or otherwise legally organized under the laws of the United States, including any State (and



any political subdivision thereof) and the District of Columbia;

(B) has its principal place of business in the United States;

(C) has been incorporated or otherwise legally organized in the United States for more than 5 years before the issuance date of the Invitation For Bids or the Request For Proposals with respect to a project under subsection (b);

(D) has proven, as indicated by prior contracting experience, to possess the technical, managerial, and financial capability to successfully complete a project similar in nature and technical complexity to that being contracted for;

(E)(i) employs United States citizens in at least 80 percent of its principal management positions in the United States;

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States; and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the project site; and

(F) has the existing technical and financial resources in the United States to perform the contract.

(2) The term “qualified United States joint venture person” means a joint venture in which a United States person or persons own at least 51 percent of the assets of the joint venture.

(3) The term “responsive bid” includes only a bid where the bidder can establish that the United States goods and services content, excluding consulting and management fees, of the bidder’s proposal and the resulting contract will not be less than 55 percent of the value of the bidder’s proposal and the resulting total contract.

(e) EFFECTIVE DATE.—The provisions of this section shall apply to any project with respect to which the Request For Proposals (commonly referred to as “RFP”) or the Invitation For Bids (commonly referred to as “IFB”) was issued after the date of the enactment of this Act.

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHIFF OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII (relating to miscellaneous provisions) insert the following:

**SEC. 735. SENSE OF CONGRESS CONCERNING THE TIMELY ISSUANCE OF VISAS FOR RUSSIAN WEAPONS SCIENTISTS INVOLVED IN ARMS CONTROL AND NONPROLIFERATION EXCHANGES WITH THE UNITED STATES.**

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

(1) The United States visa approval system has in the past lacked proper oversight, coordination, and supervision. A more systematic, stringent, and rigorous evaluation system for visa approvals is clearly in the best interests of the United States.

(2) Many distinguished scholars, professors, researchers, and foreign associates of United States national academies have been prevented by visa delays from entering the United States

for engagements at major conferences, meetings, and teaching invitations at American universities.

(3) Research collaborators for United States laboratories have also been prevented from entering the United States. Their absence halts projects and compromises United States commitments in long-standing international cooperative agreements aimed at reducing stockpiles of weapons of mass destruction.

(4) Visa restrictions came within one day of forcing the cancellation of an important meeting in Washington, D.C. of the National Academy of Sciences Committee on United States Russian Cooperation on Nuclear Non-Proliferation.

(5) Russian weapons scientists involved in nuclear non-proliferation cooperative efforts with the United States are critical to American efforts to ensure that nuclear weapons-grade materials remain under control and out of the hands of terrorists.

(6) In a December 2002 statement, the Presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine found that a United States approach to visas that welcomes qualified foreign scientists, engineers, health professionals, and students serves national goals in three distinct ways:

(A) It harnesses international cooperation for counterterrorism.

(B) It builds stronger allies through scientific and technical cooperation.

(C) It maintains United States global leadership in science and technology.

(7) The Presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine have found that current United States policy toward granting visas, to foreign scientists is harmful to the United States scientific community and to the longterm well-being of the United States. They stated on December 13, 2002, that "To make our nation safer, it is extremely important that our visa policy not only keep out foreigners who intend to do us harm, but also facilitate the acceptance of those who bring us considerable benefit. Recent efforts by our government to constrain the flow of international visitors in the name of national security are having serious unintended consequences for American science, engineering, and medicine. The long-term security of the United States depends on admitting scholars who benefit our nation. In short, the United States scientific, engineering, and health communities cannot hope to maintain their present position of international leadership if they become isolated from the rest of the world. We view this as an urgent matter, one that must be promptly addressed if the United States is to meet both its national security and economic development goals."

(8) Currently, consular officials send many visa applications back to the United States for sequential security clearances by several agencies, which may lead to long delays in visa processing. Consular officers are subject to criminal penalties if they grant a visa to a person who subsequently commits a terrorist act in the United States. However, there are currently

no incentives for consular officers to facilitate scientific exchanges, which may advance the national interest of the United States.

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

(1) to the extent possible and consistent with national security objectives, the United States should expedite the processing of granting visas to Russian weapons scientists, especially those participating in bilateral weapon disarmament talks, negotiations, and exchanges, to enable them to participate in cooperative nonproliferation activities with their counterparts in the United States, and

(2) the Department of State is encouraged to consider streamlining the process of granting visas for such scientists as follows:

(A) Reinststate a procedure of pre-security clearance for scientists and engineers with the proper credentials.

(B) Involve the United States scientific and technical community in determining areas of particular security concern.

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 78, after line 23, insert the following (and amend the table of contents accordingly):

**SEC. 724. ALLOCATION OF RESOURCES FOR EMBASSIES AND CONSULATES.**

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of State should provide such resources, personnel, and training at each United States Embassy and consulate as are adequate to carry out the duties and responsibilities of such posts and to meet the needs of those seeking services at such posts. In particular, given Public Notice 4393 (Federal Register, July 7, 2003) which restricts the number of waivers that can be granted for interviews of nonimmigrant visas, the Secretary of State should provide sufficient resources, particularly in countries that are allies of the United States, to ensure that staff can process visa applications, including conducting personal interviews, in a manner that is timely, while complying with all the application requirements, including security concerns.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report concerning the allocation of resources for embassies and consulates to the appropriate congressional committees.

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16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GALLEGLY OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII (relating to miscellaneous provisions) insert the following:

**SEC. 736. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.**

(a) PERIOD OF DESIGNATION.—Section 219(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)) is amended—

(1) in subparagraph (A)—

(A) by striking “Subject to paragraphs (5) and (6), a” and inserting “A”; and

(B) by striking “for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)” and inserting “until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)”;

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

“(B) REVIEW OF DESIGNATION UPON PETITION.—

“(i) IN GENERAL.—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

“(ii) PETITION PERIOD.—For purposes of clause (i)—

“(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

“(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

“(iii) PROCEDURES.—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

“(iv) DETERMINATION.—

“(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

“(II) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court *ex parte* and *in camera* for purposes of judicial review under subsection (c).

“(III) PUBLICATION OF DETERMINATION.—A determination made by the Secretary under this clause shall be published in the Federal Register.

“(IV) PROCEDURES.—Any revocation by the Secretary shall be made in accordance with paragraph (6).”; and

(3) by adding at the end the following:

“(C) OTHER REVIEW OF DESIGNATION.—

“(i) IN GENERAL.—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.”

(b) ALIASES.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) AMENDMENTS TO A DESIGNATION.—

“(1) IN GENERAL.—The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

“(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.

“(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.

“(4) CLASSIFIED INFORMATION.—The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).”

(c) TECHNICAL AND CONFORMING AMENDMENTS.—Section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is amended—

(1) in subsection (a)—

(A) in paragraph (3)(B), by striking “subsection (b)” and inserting “subsection (c)”; and

(B) in paragraph (6)(A)—

(i) in the matter preceding clause (i), by striking “or a redesignation made under paragraph (4)(B)” and inserting “at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4)”; and

(ii) in clause (i), by striking “or redesignation”;

- (C) in paragraph (7), by striking “, or the revocation of a redesignation under paragraph (6),”; and  
 (D) in paragraph (8)—
- (i) by striking “, or if a redesignation under this subsection has become effective under paragraph (4)(B),”; and
- (ii) by striking “or redesignation”; and
- (2) in subsection (c), as so redesignated—
- (A) in paragraph (1), by striking “of the designation in the Federal Register,” and all that follows through “review of the designation” and inserting “in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review”;
- (B) in paragraph (2), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation”;
- (C) in paragraph (3), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation”; and
- (D) in paragraph (4), by inserting “, amended designation, or determination in response to a petition for revocation” after “designation” each place that term appears.

(d) SAVINGS PROVISION.—For purposes of applying section 219 of the Immigration and Nationality Act on or after the date of enactment of this Act, the term “designation”, as used in that section, includes all redesignations made pursuant to section 219(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1189(a)(4)(B)) prior to the date of enactment of this Act, and such redesignations shall continue to be effective until revoked as provided in paragraph (5) or (6) of section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOSTETTLER OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 70, after line 2, insert the following new section (and conform the table of contents accordingly):

**SEC. 231. ISSUANCE OF CONSULAR IDENTIFICATION CARDS BY FOREIGN MISSIONS.**

(a) ISSUANCE OF CONSULAR IDENTIFICATION CARDS.—The Congress finds that foreign governments have been issuing consular identification cards to foreign nationals in the United States for purposes other than those intended by the Vienna Convention on Consular Relations (done at Vienna on 24 April 1963).

(b) ISSUANCE OF CONSULAR IDENTIFICATION CARDS.—The issuance by foreign missions of consular identification cards shall be considered a benefit to a foreign mission under section 203(2) of the State Department Basic Authorities Act of 1956 and shall be regulated by the Secretary in accordance with this section and section 204 of that Act.

(c) AUTHORITY TO ISSUE REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall issue regulations consistent with this section with respect to

the issuance by foreign missions in the United States of consular identification cards to foreign nationals residing in the United States.

(d) CONTENT OF REGULATIONS.—Regulations referred to in subsection (c) shall include the following restrictions and requirements:

(1) NOTIFICATION TO THE UNITED STATES GOVERNMENT.—A foreign mission shall notify the Secretary of State of each consular identification card issued within the United States, including the name and current address within the United States of the recipient of a card.

(2) ISSUANCE TO BONA FIDE CITIZENS OF THE COUNTRY OF ORIGIN.—A foreign mission may issue a consular identification card only to a national of the country represented by the foreign mission. Foreign missions shall establish procedures to verify the nationality of card recipients through either national birth registry systems or voter registration identification systems, and bona fide documents such as a passport issued by the country of origin.

(3) MAINTENANCE OF ACCURATE AND COMPLETE RECORDS.—A foreign mission shall maintain at the mission complete and accurate records of all consular identification cards issued and shall maintain an automated record system that contains such records in a manner that can be rapidly accessed to prevent duplicate or fraudulent issuance of such cards.

(4) ADDRESS CHANGE NOTIFICATION REQUIREMENT.—A foreign mission shall require card recipients to notify the foreign mission of any change of address within 30 days after such address change.

(5) ACCESS TO AUDIT RECORDS.—At the request of the Secretary of State, a foreign mission shall make available for audit and review, by the Secretary or the Inspector General of the Department of State, the records of all consular identification cards issued.

(e) FAILURE TO ADHERE TO REGULATIONS.—

(1) If the Secretary of State determines that a foreign mission has issued consular identification cards in violation of the requirements of regulations related to the issuance of such cards by foreign missions and such violation potentially threatens the security of the United States or facilitates fraudulent or criminal acts, the Secretary of State shall notify the government of the country represented by the foreign mission that the foreign mission must suspend the issuance of consular identification cards until compliance with applicable regulations is established.

(2) If the foreign mission of a country fails to suspend issuance of consular identification cards in accordance with a notification under paragraph (1), the Secretary of State shall direct consular officials in that country to cease the issuance of immigrant or nonimmigrant visas, or both, to nationals of that country until such time as the Secretary of State determines that the foreign mission of that country is in compliance with the requirements of regulations related to the issuance of such cards by foreign missions.

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18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BURTON OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 78, after line 23, insert the following:

**SEC. 274. NOTICE TO UNITED STATES EMBASSIES ABROAD REGARDING CHILDREN WHO ARE THE SUBJECT OF INTERNATIONAL CHILD ABDUCTION AND GUIDELINES RELATING TO ASYLUM FOR SUCH CHILDREN.**

(a) NOTICE OF INTERNATIONAL CHILD ABDUCTION.—The Secretary of State shall establish procedures to ensure that appropriate United States Embassies abroad are notified of the possible presence in that country of any child who has been the subject of international child abduction in violation of the order of a court in the United States.

(b) GUIDELINES FOR ASYLUM.—The Secretary of State shall promulgate guidelines for the personnel of United States Embassies abroad concerning procedures relating to asylum at such facilities for children who are the subject of international child abduction.

**SEC. 275. INADMISSIBILITY OF ALIENS SUPPORTING INTERNATIONAL CHILD ABDUCTORS AND RELATIVES OF SUCH ABDUCTORS.**

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

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

(2) in subclause (II), by striking “, or” at the end and inserting a semicolon;

(3) by amending subclause (III) to read as follows:

“(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, cousin, uncle, aunt, nephew, niece, or grandparent of an alien described in clause (i), is an agent of such an alien, or is a principal employing such an alien as an agent, if such person has been designated by the Secretary of State at the Secretary’s sole and unreviewable discretion; or” and

(4) by adding at the end the following:

“(IV) is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State at the Secretary’s sole and unreviewable discretion, is inadmissible until such child is surrendered to the person granted custody by the order described in that clause, and such custodian and child are permitted to return to the United States or such custodian’s place of residence.”

(b) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS; NOTICE TO CUSTODIAL PARENTS AND GUARDIANS; ANNUAL REPORT; DEFINITIONS.—Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)) is amended by adding at the end the following:

“(iv) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall take appropriate action



to identify the individuals who are inadmissible under clause (ii).

“(v) NOTICE TO CUSTODIAL PARENTS AND GUARDIANS.—In all instances in which an alien commits an act described in clause (i), the Secretary of State shall, upon request of the person granted custody of the child concerned, inform the person of whether, and when, any individual who is inadmissible under clause (ii) by reason of such act has been issued a visa or otherwise authorized to enter the United States.

“(vi) ANNUAL REPORT.—The Secretary of State annually shall submit to the Committee on International Relations, the Committee on Government Reform, and the Committee on the Judiciary of the United States House of Representatives, and the Committee on Foreign Relations, the Committee on Governmental Affairs, and the Committee on the Judiciary of the United States Senate, a report that provides, with respect to the preceding year, an accounting of the number of cases known to the Secretary of State, disaggregated according to the nationality of the alien concerned—

“(I) in which an authority under this subparagraph was exercised (and with respect to each such case, the specific ground for inadmissibility shall be specified); and

“(II) in which an authority under this subparagraph has not been exercised but in which an alien, after entry of an order by a court in the United States granting custody to a person of a United States citizen child, detained or retained the child, or withheld custody of the child, outside the United States from the person granted custody by that order.

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

“(I) the term ‘child’ means an individual who was a child at the time the individual was detained or retained, or at the time custody of the individual was withheld, as described in clause (i), regardless of the age or marital status of the individual after such time; and

“(II) the term ‘sibling’ includes a step-sibling or half-sibling.”.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ACKERMAN OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 14, strike lines 1 through 4, and insert the following:

- (5) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—  
 (A) For “Protection of Foreign Missions and Officials”, \$25,000,000 for the fiscal year 2004 and \$25,000,000 for the fiscal year 2005.

(B) In addition to amounts authorized to be appropriated by subparagraph (A), there is authorized to be appropriated \$30,600,000 for "Protection of Foreign Missions and Officials" only to reimburse the City of New York for stnecessary expenses incurred since 1999 for the protection of foreign missions and officials.

(C) Notwithstanding section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706), the Secretary is authorized to reprogram not more than \$5,000,000 of funds otherwise authorized to be appropriated by this section for the purposes of this paragraph.

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ACKERMAN OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 70, after line 2 insert the following (and amend the table of contents accordingly):

**SEC. 231. INTERFERENCE WITH PROTECTIVE FUNCTIONS.**

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

**“§ 117. Interference with certain protective functions**

“Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title or imprisoned not more than one year, or both.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“117. Interference with certain protective functions.”.

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21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ANDREWS OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

**SEC. \_\_\_\_ . SENSE OF CONGRESS RELATING TO REGARDING SECURITY FOR TAIWAN.**

(a) FINDINGS.—Congress finds the following:

(1) For over half a century a close relationship has existed between the United States and Taiwan which has been of enormous economic, cultural, and strategic advantage to both countries.

(2) Taiwan today is a full-fledged democracy with a vibrant economy and a vigorous multi-party political system that respects human rights and the rule of law.

(3) Taiwan is an ally of the United States, as most recently evidenced by Taiwan's provision of humanitarian and financial assistance to Afghanistan at the request of the United States and its support for Operation Iraqi Freedom.

(4) The security of the 23 million people in Taiwan is threatened by the deployment by the People's Republic of China of over 400 short-range ballistic missiles targeted at Taiwan, and the purchase by the PRC of advanced weaponry systems, including Su-27 and Su-30 fighter planes, Kilo submarines, and Sovremenny destroyers.

(5) Taiwan was threatened by missile exercises conducted by the PRC in August 1995 and again in March 1996 when Taiwan was conducting its first free and direct presidential elections.

(6) Section 2(b)(4) of the Taiwan Relations Act (22 U.S.C. 3301(b)(4)) considers any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.

(7) Section 2(b)(6) of the Taiwan Relations Act (22 U.S.C. 3301(b)(6)) requires the United States to maintain the capacity to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.

(8) In his January 17, 2001, confirmation hearing as Secretary of State, General Colin Powell stated that "We will stand by Taiwan and will provide for the defense needs of Taiwan in accordance with the Taiwan Relations Act and the subsequent communiques."

(9) President Bush stated on April 24, 2001, that the United States will do whatever it takes to help Taiwan defend itself.

(10) In his testimony before the International Relations Committee of the House of Representatives and the Foreign Relations Committee of the Senate in February and March of 2002, Admiral Dennis Blair of the United States Pacific Command testified that "China continued to build and exercise its force of short-range ballistic missiles ranging Taiwan. It still seeks to develop a range of military options to influence and intimidate Taiwan, and has not abandoned the option of using force to resolve Taiwan's status."

(11) The July 2002 U.S.-China Economic and Security Review Commission report to Congress stated that "China is enhancing its capability to carry out attacks across the Taiwan Strait with its special operations forces, air forces and navy and missiles forces with little notice," and "the Commission recommends that the U.S. along with its allies should continue to call upon China to renounce the threat of or the use of force against Taiwan."

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

(1) grave concerns exist concerning the deployment by the People's Republic of China of hundreds of ballistic missiles di-

rected toward Taiwan, which threaten the security and stability in the Taiwan Strait;

(2) the President should direct all appropriate United States officials to raise these concerns with the appropriate officials from the People's Republic of China, and should seek a public, immediate, and unequivocal renunciation from the leaders of the People's Republic of China of any threat or use of force against Taiwan;

(3) the President should affirm with the leaders of the People's Republic of China that there will not be a *quid pro quo* between the dismantling of missiles aimed at Taiwan by the People's Republic of China, and arms sales to Taiwan by the United States;

(4) China should dismantle the missiles that threaten Taiwan, otherwise the President should authorize the sale of the Aegis system to Taiwan, which would enable Taiwan to defend itself against the threat of a missile attack by China; and

(5) the future of Taiwan should be determined peacefully and with the express consent of the people of Taiwan.

22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEREUTER OF NEBRASKA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 211, after line 11, insert the following section (and amend the table of contents accordingly):

**SEC. 736. SENSE OF CONGRESS IN APPRECIATION OF THE ARMED FORCES OF THE UNITED STATES AND REGARDING RESTORING STABILITY AND SECURITY IN IRAQ.**

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

(1) The United States, with the support of forces from Great Britain and other countries, historically and courageously liberated Iraq in three weeks.

(2) Conditions on the ground in parts of Iraq continue to pose a grave threat to American troops, thereby complicating efforts to restore law and order and essential public services for Iraqis. Such efforts are further complicated by the absence of effective communications with the Iraqi people.

(3) Ultimately, maintaining law and order in Iraq and preserving its territorial integrity will require the creation of a professionally trained Iraqi police force and a reformed Iraqi military; however, that will take a significant amount of time and in the meantime international armed forces and police must assume these responsibilities.

(4) Approximately 145,000 United States troops are currently deployed in Iraq, meaning that American troops comprise roughly 90 percent of Coalition forces. If, as the Department of Defense has stated, an additional 10,000 international troops join the Coalition effort in Iraq by September, Americans will still comprise roughly 85 percent of Coalition forces.

(5) Maintaining the existing force level in Iraq currently requires \$3,900,000,000 each month.

(6) The Department of Defense has stated that it will require one year to train a new Iraqi Army of 12,000 soldiers and three years to train 40,000 soldiers.

(7) The Coalition Provisional Authority has stated that it will require at least one year to recruit and train a police force of 40,000 officers capable of assuming minimal police functions in Iraq, that it will require five years to recruit and train a full force of 75,000 officers, and that at least 5500 additional international police are needed to train, assist, and jointly patrol with the existing Iraqi police force.

(8) President Bush has noted that “The rise of Iraq, as an example of moderation and democracy and prosperity, is a massive and long-term undertaking,” and it is clear that increasing the number of troops and police from countries other than the United States will reduce risks to American soldiers and the financial cost to the United States.

(9) Secretary Rumsfeld testified that “We certainly want assistance from NATO and from NATO countries” and it is clear that involving the North Atlantic Treaty Organization, as is being done in Afghanistan and has been done in Kosovo and Bosnia, allows the Coalition to maintain a robust military presence while decreasing the exposure and risk to American troops.

(10) Rebuilding Iraq’s neglected infrastructure and economy and administering Iraq—including providing basic services and paying public sector salaries—is likely to require tens of billions of dollars over several years and projected Iraqi oil revenues will be insufficient to meet these costs.

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

(1) it is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government;

(2) the President should consider requesting formally and expeditiously that the North Atlantic Treaty Organization (NATO) raise a force for deployment in post-war Iraq similar to what it has done in Afghanistan, Bosnia, and Kosovo and the Congress urges NATO allies and other nations to provide troops and police to Coalition efforts in Iraq; and

(3) the President should consider calling on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq and resources to help rebuild and administer Iraq.

23. AN AMENDMENT TO BE OFFERED BY DELEGATE BORDALLO OF GUAM, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 83, after line 10, insert the following (and amend the table of contents accordingly):

**SEC. 311. TREATMENT OF TERRITORIES AND POSSESSIONS AS PART OF THE GEOGRAPHIC UNITED STATES FOR PURPOSES OF TRANSFER ALLOWANCES.**

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

24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROWN OF OHIO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle A of title VII (relating to reporting requirements) insert the following:

**SEC. 713. REPORT CONCERNING OBSERVER STATUS FOR TAIWAN AT THE SUMMIT OF THE WORLD HEALTH ASSEMBLY.**

Not later than 30 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary of State shall submit a report to the Congress, in unclassified form, describing the United States plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly (WHA) held by the World Health Organization (WHO) in May of each year in Geneva, Switzerland. Each report shall include the following:

(1) An account of the efforts the Department of State has made, following the previous year's meeting of the World Health Assembly to encourage WHO member states to promote Taiwan's bid to obtain observer status.

(2) The steps the Department of State will take to endorse and obtain observer status at the forthcoming annual meeting of the World Health Assembly in Geneva, Switzerland.

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24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CRANE OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

**SEC. \_\_\_\_ . ATTACKS ON UNITED STATES CITIZENS BY PALESTINIAN TERRORISTS.**

(a) FINDINGS.—Congress finds the following:

(1) Since Yasser Arafat renounced violence in the Oslo Peace Accords on September 13, 1993, at least 42 United States citizens, including one unborn child, have been murdered by Palestinian terrorists.

(2) On December 1, 1993, in a drive-by shooting north of Jerusalem, Hamas killed United States citizen Yitzhak Weinstock, 19, whose family came from Los Angeles.

(3) On October 9, 1994, Hamas kidnapped and murdered United States citizen Nachshon Wachsmann, 19, whose family came from New York City.

(4) On April 9, 1995, an Islamic Jihad bomb attack on a bus near Kfar Darom killed United States citizen Alisa Flatow, 20, from West Orange, New Jersey.

(5) On August 21, 1995, in a Hamas bus bombing in Jerusalem, United States citizen Joan Davenny, from New Haven, Connecticut, was killed.

(6) On September 9, 1995, Mara Frey of Chicago was stabbed in Ma'ale Michmash resulting in her unborn child's death.

(7) On February 25, 1996, three United States citizens, Sara Duker of Teaneck, New Jersey, Matthew Eisenfeld of West Hartford, Connecticut, and Ira Weinstein of New York City, were killed in a Hamas bus bombing in Jerusalem.

(8) On May 13, 1996, United States citizen David Boim, 17, of New York City, was killed in a drive-by shooting near Beit El, north of Jerusalem.

(9) On June 9, 1996, United States citizen Yaron Ungar was killed in a drive-by shooting near Beit Shemesh.

(10) On July 30, 1997, United States citizen Leah Stern of Passaic, New Jersey, was killed in a Hamas bombing in Jerusalem's Mahane Yehuda market.

(11) On September 4, 1997, a Hamas bombing on Ben-Yehuda Street, Jerusalem, killed Yael Botwin, 14, of Los Angeles.

(12) On April 19, 1998, an attack near the Israeli town of Maon killed United States citizen Dov Dribben, 28.

(13) On October 8, 2000, Rabbi Hillel Lieberman, 36, of New York City, was stabbed and killed near Nablus.

(14) On October 30, 2000, United States citizen Esh-Kodesh Gilmore, 25, was shot in Jerusalem.

(15) On December 31, 2000, Rabbi Binyamin Kahane, 34, and his wife, Talia Hertzlich Kahane, both formerly of New York City, were killed in a drive-by shooting near Ofra.

(16) On May 9, 2001, Jacob "Koby" Mandell, 13, of Silver Spring, Maryland, was killed in an attack near Tekoah.

(17) On May 29, 2001, Sarah Blaustein, 53, of Lawrence, New York, was killed in a drive-by shooting near Efrat.

(18) On August 9, 2001, two United States citizens, Judith L. Greenbaum, 31, and Malka Roth, 15, were killed in the Jerusalem Sbarro pizzeria bombing.

(19) On November 4, 2001, Shoshana Ben-Yishai, 16, of New York City, was shot and killed during an attack on a Jerusalem bus.

(20) On January 15, 2002, Avraham Boaz, 72, of New York City, was killed in a shooting near Bethlehem.

(21) On January 18, 2002, United States citizen Aaron Elis, 32, was killed in a shooting in Hadera.

(22) On February 15, 2002, United States citizen Lee Akunis, was shot and killed near Ramallah.

(23) On February 16, 2002, Keren Shatsky, 14, of New York City and Maine, and Rachel Thaler, 16, of Baltimore, Maryland, were killed in a bombing in Karnei Shomron.

(24) On February 25, 2002, United States citizen Moran Amit, 25, was stabbed and killed in Abu Tor Peace Forest, Jerusalem.

(25) On March 24, 2002, Esther Kleinman, 23, formerly of Chicago, was shot and killed near Ofra.

(26) On March 27, 2002, United States citizen Hannah Rogen, 90, was killed in a bombing at a hotel Passover seder in Netanya.

(27) On June 18, 2002, Moshe Gottlieb, 70, of Los Angeles, was killed in a bus bombing in Jerusalem.

(28) On June 19, 2002, United States citizen Gila Sara Kessler, 19, was killed in a bombing at a Jerusalem bus stop.

(29) On July 31, 2002, five United States citizens were killed in a bombing of a Hebrew University cafeteria: Marla Bennett, 24, of San Diego, Benjamin Blutstein, 25, of Susquehanna Township, Pennsylvania, Janis Ruth Coulter, 36, of Massachu-

setts, David Gritz, 24, of Peru, Massachusetts (and of dual French-United States citizenship), and Dina Carter, 37, of North Carolina.

(30) On March 5, 2003, Abigail Leitel, 14, who was born in Lebanon, New Hampshire, died in a bus bombing in Haifa.

(31) On March 7, 2003, United States citizens Rabbi Eli Horowitz, 52, who grew up in Chicago, and Dina Horowitz, 50, who grew up in Florida, were killed in their home.

(32) On June 11, 2003, United States citizen Alan Beer, 47, who grew up in Cleveland, was killed in a bus bombing in Jerusalem.

(33) On June 20, 2003, United States citizen Tzvi Goldstein, 47, originally from New York City, was shot and killed in an attack while driving through the West Bank.

(34) At least another 79 United States citizens have been injured in Palestinian terrorist attacks, including United States citizen Jack Baxter, 50, of New York City, who was injured on April 30, 2003, in a bombing at a Tel Aviv pub.

(35) The official Palestinian Authority television broadcast on March 14, 2003, of a live sermon calling for the destruction of the United States and Israel was a blatant attempt to incite violence against United States and Israeli citizens.

(b) STATEMENTS OF POLICY.—Congress—

(1) condemns the attacks on United States citizens by Palestinian terrorists and demands that the Palestinian Authority work with Israel to protect all innocent individuals, regardless of citizenship, from terrorist atrocities;

(2) offers its condolences to the families and loved ones of United States citizens who were killed by Palestinian terrorist attacks; and

(3) calls on the Secretary of State to include a listing of the killing of every United States citizen by terrorists in the “Chronology of Significant Terrorist Incidents”, as included in the annual Department of State’s Patterns of Global Terrorism Report.

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26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 40 MINUTES

Page 211, after line 11, insert the following:

**SEC. 736. SENSE OF CONGRESS AND REPORT CONCERNING WASTE-WATER TREATMENT AND THE INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.**

(a) FINDINGS.—The Congress finds as follows:

(1) The failure by the International Boundary and Water Commission, United States and Mexico, to complete negotiations on a new Treaty Minute with Mexico, as directed by Congress in Public Law 106–457, has endangered the health of the residents of San Diego County.

(2) The continued flow of Mexican sewage on San Diego, California, beaches has caused extensive and persistent beach closings thereby causing economic hardship to the local economy.



(3) The International Boundary and Water Commission has shown insignificant progress in negotiations with Mexico.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the United States Section of the International Boundary and Water Commission shall make treaty negotiations with Mexico on the establishment of a public-private partnership to construct and operate a wastewater treatment facility in Mexico as outlined in Public Law 106-457 a priority.

(c) REPORT TO CONGRESS.—The United States Section of the International Boundary and Water Commission, United States and Mexico, shall submit monthly reports to the appropriate congressional committees concerning progress in negotiations on a new Treaty Minute with Mexico.

27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 40 MINUTES

At the end of title XVII of division B of the bill, insert the following:

**SEC. \_\_\_\_ . TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.**

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

(1) BAHRAIN.—To the Government of Bahrain, the OLIVER HAZARD PERRY class guided missile frigate GEORGE PHILIP (FFG 12).

(2) PORTUGAL.—To the Government of Portugal, the OLIVER HAZARD PERRY class guided missile frigate SIDES (FFG 14).

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

(1) BRAZIL.—To the Government of Brazil, the SPRUANCE class destroyer O'BRIEN (DD 975).

(2) CHILE.—To the Government of Chile, the SPRUANCE class destroyer FLETCHER (DD 992).

(3) TURKEY.—To the Government of Turkey, the ANCHORAGE class dock landing ship ANCHORAGE (LSD 36).

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

(d) COSTS OF TRANSFERS ON GRANT BASIS.—Any expense incurred by the United States in connection with a transfer authorized to be made on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to the authority provided by subsection (a) shall be charged to the recipient (notwithstanding section 516(e)(1) of such Act).

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or re-

refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

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28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 227 (relating to GAO assessment of security capital cost sharing) and insert the following:

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

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

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

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

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

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

“(5) The Secretary shall not collect a fee for an authorized position of an agency of the Federal Government that has been or

would be granted a waiver pursuant to section 606(a)(2)(B)(i) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)(i)).

“(6) In this subsection—

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

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

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

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

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

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29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 226 (relating to validity of United States passports) strike “travellers” both places it appears and insert “travelers”.

Strike line 14 on page 43 through line 2 on page 46.

Page 79, line 15, after “Act” insert “of 1956”.

Page 79, lines 16 and 18, strike “(o)” and insert “(n)”.

Page 79, line 20, strike “(p)” and insert “(o)”.

In the first sentence in section 301(b)(1) of the Foreign Assistance Act of 1961, as proposed to be added by section 116(e) of the bill, strike “For fiscal year fiscal year 2004” and insert “For fiscal year 2004”.

In section 1707 of the bill, redesignate the second paragraph (1) as paragraph (2).

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30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANTOS OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 1713 of the bill (relating to enhanced police training)—

(1) strike “Section 660(b) of the Foreign Assistance Act of 1961” and insert “(a) IN GENERAL.—Section 660(b) of the Foreign Assistance Act of 1961”; and

(2) add at the end the following new subsection:

(b) NOTIFICATION REQUIREMENT.—Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended by adding at the end the following new subsection:

“(e) Funds may not be obligated for assistance under subsection (b)(8) unless the Secretary of State notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the amount and nature of the proposed assistance at least 15 days in advance of the proposed obligation in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act. Such notification shall include a comprehensive report and, where practicable, a plan describing the police assistance and rule of law programs of relevant United States agencies for each country which is to receive assistance under section 660(b)(8).”.

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31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALONEY OF NEW YORK, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In division B of the bill—

(1) redesignate title XVII as title XVIII (and conform all sections therein accordingly and conform the table of contents); and

(2) insert after title XVI the following new title (and conform the table of contents accordingly):

**TITLE XVII—ACCESS FOR AFGHAN WOMEN**

**SEC. 1701. SHORT TITLE.**

This title may be cited as the “Access for Afghan Women Act of 2003”.

**SEC. 1702. FINDINGS.**

Congress makes the following findings:

(1) Despite the removal of the Taliban from power, women in Afghanistan continue to experience brutal and frequent violation of their human rights, generally outside of Kabul where warlords are reexerting control.

(2) Strong and continued support from the United States and the international community can ensure that the advances made by Afghan women since the fall of the Taliban will continue and grow, rather than recede.

(3) While the United States and the international community continue to make substantial contributions to emergency humanitarian and relief operations in Afghanistan, the establishment of a stable, peaceful, prosperous, and democratic Afghanistan with a broad-based, multi-ethnic, gender-sensitive, and fully representative government requires a significant increase in long-term investments in development and reconstruction assistance.

(4) The maternal mortality rate in Afghanistan is among the highest in the world, with recent reports estimating that every 30 minutes an Afghan woman dies of pregnancy related causes, or approximately 15,000 women every year. The estimated maternal mortality rate of 1,600 deaths per 100,000 live births can be significantly reduced through access to primary health care services, including safe birthing supplies, emergency obstetric care, prenatal and postnatal care, contraception, and prevention and treatment for the effects of sexual coercion and rape.

(5) Women comprise 75 percent or more of the refugees and internally displaced in camps, urban areas, and villages in Afghanistan.

(6) 85 percent of Afghanistan’s population lives in rural areas. The women in rural areas perform vital roles in food production, processing, and preparation. Successful reconstruction and development assistance must target rural women as part of any agricultural interventions.

(7) Within Afghanistan and outside of Afghanistan, local women’s organizations are delivering critical services and have

the knowledge and experience to assist the United States in delivering effective relief aid.

(8) The Afghan Ministry for Women’s Affairs is an important ministry that is essential for re-establishing women’s human rights, ensuring that women are included in all development efforts, and delivering critical legal, health, education, and economic services to women throughout Afghanistan’s 30 provinces.

(9) Afghan women are taking the initiative to reach across the conflict divide and foster peace. Women’s perspectives and experiences in seeking solutions to conflicts are necessary to ensure lasting peace.

(10) The inadequate security situation in Afghanistan disproportionately impacts women and girls as the lack of rule of law results in the frequent assault, kidnapping, and sexual abuse of Afghan women and girls throughout Afghanistan.

(11) Despite significant improvements in healthcare and education infrastructure for women and girls in Afghanistan, the lack of security and rule of law throughout most of Afghanistan effectively denies access to these facilities and the critical services they provide.

**SEC. 1703. ESTABLISHMENT OF AFGHAN WOMEN’S FUND.**

(a) **ESTABLISHMENT.**—The Administrator of the United States Agency for International Development shall establish a fund for the purpose of assisting women and girls in Afghanistan in the areas of political and human rights, health care, education, training, security, and shelter.

(b) **ACTIVITIES SUPPORTED.**—The fund established under subsection (a) shall support the activities described in section 103(a)(7) of the Afghanistan Freedom Support Act of 2002 and the following activities:

(1) Direct financial and programmatic assistance to the Ministry of Women’s Affairs in Afghanistan (hereafter in this section referred to as the “Ministry”) to promote the strengthening of the Ministry as the Government of Afghanistan continues its transition to a long-term government structure and to enable the Ministry to fulfill its mandate. The Ministry may use such assistance to support activities such as the following:

(A) Multiyear women-centered economic development programs, including programs to assist widows, female heads of household, women in rural areas, and disabled women.

(B) Collaboration with the Ministry of Health to construct culturally appropriate health infrastructure and delivery of high-quality comprehensive health care programs, including primary, maternal, child, reproductive, and mental health care.

(C) Programs to prevent trafficking in persons, assist victims, and apprehend and prosecute traffickers in persons.

(2) Direct financial assistance to the National Human Rights Commission of Afghanistan.

(3) Construction of women’s educational facilities in Afghanistan.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section not less than \$22,500,000 for each of the fiscal years 2003, 2004, and 2005 and such sums as are necessary for each subsequent fiscal year.

**SEC. 1704. ASSISTANCE TO AFGHANISTAN.**

Notwithstanding any other provision of law, not less than 15 percent of the aggregate amount of economic and humanitarian assistance authorized to be appropriated under section 1703(c) to be made available to Afghanistan for each of the fiscal years 2003, 2004, and 2005 shall be made available for assistance directly to Afghan-led local nongovernmental organizations, including Afghan women-led organizations, with demonstrated experience in delivering services to Afghan women and children to support their programmatic activities and organizational development. In recognition of the appreciating capacity of Afghan-led local nongovernmental organizations, including Afghan women-led organizations, an appropriate percentage of the aggregate amount of economic and humanitarian assistance authorized to be made available to Afghanistan for fiscal year 2006 and each subsequent fiscal year shall be made available for assistance directly to Afghan-led local nongovernmental organizations, including Afghan women-led organizations.

**SEC. 1705. REQUIREMENTS RELATING TO UNITED STATES ACTIVITIES IN AFGHANISTAN.**

(a) **IN GENERAL.**—Activities described in subsections (b) through (e) that are carried out by the United States in Afghanistan should comply with the applicable requirements contained in such subsections.

(b) **GOVERNANCE OF AFGHANISTAN.**—With respect to the governance of Afghanistan, the applicable requirements are the following:

(1) Include the perspectives and advice of Afghan women's organizations, networks, and leaders in United States policy-making related to the governance of Afghanistan.

(2) Promote the inclusion of a significant number of women in future legislative bodies to ensure that women's full range of human rights are included and upheld in any constitution or legal structures of Afghanistan.

(3) Encourage the appointment of women to high level positions within Afghan Ministries.

(c) **POST-CONFLICT RECONSTRUCTION AND DEVELOPMENT.**—With respect to activities relating to post-conflict stability in Afghanistan, the applicable requirements are the following:

(1) Encourage United States organizations that receive funds authorized by this title to partner with or create Afghan-led counterpart organizations and provide these organizations with significant financial resources, technical assistance, and capacity building.

(2) Increase women's access to or ownership of productive assets such as land, water, agricultural inputs, credit, and property.

(3) Provide long-term financial assistance for primary, secondary, higher, nontraditional, and vocational education for Afghan girls, women, boys, and men.

(4) Integrate education and training programs for former combatants with economic development programs to encourage their reintegration into society and to promote post-conflict stability.

(5) Provide assistance to rehabilitate children affected by the conflict, particularly child soldiers.

(6) Support educational efforts to increase awareness with respect to landmines, facilitate the removal of landmines, and provide services to individuals with disabilities caused by landmines.

(d) AFGHAN MILITARY AND POLICE.—With respect to training for military and police forces in Afghanistan, the applicable requirements are the following:

(1) Include training on the protection, rights, and the particular needs of women and emphasize that violations of women's rights are intolerable and should be prosecuted.

(2) Encourage such trainers who will carry out the activities in paragraph (1) to consult with women's organizations in Afghanistan to ensure that training content and materials are adequate, appropriate, and comprehensive.

(e) RELIEF, RESETTLEMENT, AND REPATRIATION OF REFUGEES AND INTERNALLY DISPLACED PERSONS.—With respect to the relief, resettlement, and repatriation of refugees and internally displaced persons in Afghanistan, the applicable requirements are the following:

(1) Take all necessary steps to ensure that women refugees and internally displaced persons in camps, urban areas, and villages are directly receiving food aid, shelter, relief supplies, and other services from United States-sponsored programs.

(2) Take all necessary steps to ensure that women refugees in camps, urban areas, and villages are accessing high-quality health and medical services, including primary, maternal, child, and mental health services.

(3) Take all necessary steps to ensure that women and children in refugee camps are protected from sexual exploitation.

(4) Take all necessary steps to ensure refugees and internally displaced persons that seek to return to their place of origin can do so voluntarily, safely, and with the full protection of their rights. United States-sponsored efforts shall not coerce refugees or internally displaced persons to return to their places of origin.

**SEC. 1706. REPORTING REQUIREMENTS.**

Not later than 60 days after the date of the enactment of this Act, and annually thereafter, the President shall prepare and transmit to Congress a report that contains documentation of the progress in implementing the requirements of section 1705. All data in the report shall be disaggregated by gender.

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**32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RANGEL OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the appropriate place in the bill, insert the following (and conform the table of contents accordingly):

**SEC. \_\_\_\_ . ASSISTANCE TO COMBAT HIV/AIDS IN CERTAIN COUNTRIES OF THE CARIBBEAN REGION.**

Section 1(f)(2)(B)(ii)(VII) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)(B)(ii)(VII)) is amended by inserting after “Zambia,” the following: “Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic,”.

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**33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVES SHERMAN OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

**SEC. \_\_\_\_ . STATEMENT OF POLICY RELATING TO DEMOCRACY IN IRAN.**

(a) **FINDINGS.**—Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran, women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.

(2) The April 2003 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2002.

(3) That report also states that Iran continues to provide funding, safe-haven, training and weapons to known terrorist groups, notably Hizballah, HAMAS, the Palestine Islamic Jihad, and the Popular Front for the Liberation of Palestine.

(b) **POLICY.**—It is the policy of the United States that—

(1) currently, there is not a free and fully democratic government in Iran;

(2) the United States supports transparent, full democracy in Iran;

(3) the United States supports the rights of the Iranian people to choose their system of government; and

(4) the United States condemns the brutal treatment, imprisonment and torture of Iranian civilians expressing political dissent.

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**34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF NEW JERSEY, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Add at the end of the bill the following new division (and conform the table of contents accordingly):



## DIVISION C—ASSISTANCE FOR VIET NAM

### TITLE XX—CONDITIONS ON INCREASED NONHUMANITARIAN ASSISTANCE TO THE GOVERNMENT OF VIET NAM

#### SEC. 2001. BILATERAL NONHUMANITARIAN ASSISTANCE.

##### (a) ASSISTANCE.—

(1) **IN GENERAL.**—United States nonhumanitarian assistance may not be provided to the Government of Viet Nam in an amount exceeding the amount so provided for fiscal year 2003—

(A) for fiscal year 2004 unless not later than 30 days after the date of the enactment of this Act the President determines and certifies to Congress that the requirements of subparagraphs (A) through (D) of paragraph (2) have been met during the 12-month period ending on the date of the certification; and

(B) for each subsequent fiscal year unless the President determines and certifies to Congress in the most recent annual report submitted pursuant to section 501 that the requirements of subparagraphs (A) through (E) of paragraph (2) have been met during the 12-month period covered by the report.

(2) **REQUIREMENTS.**—The requirements of this paragraph are that—

(A) the Government of Viet Nam has made substantial progress toward releasing all political and religious prisoners from imprisonment, house arrest, and other forms of detention;

(B)(i) the Government of Viet Nam has made substantial progress toward respecting the right to freedom of religion, including the right to participate in religious activities and institutions without interference by or involvement of the Government; and

(ii) has made substantial progress toward returning estates and properties confiscated from the churches;

(C) the Government of Viet Nam has made substantial progress toward allowing Vietnamese nationals free and open access to United States refugee programs;

(D) the Government of Viet Nam has made substantial progress toward respecting the human rights of members of ethnic minority groups in the Central Highlands and elsewhere in Viet Nam; and

(E)(i) neither any official of the Government of Viet Nam nor any agency or entity wholly or partly owned by the Government of Viet Nam was complicit in a severe form of trafficking in persons; or

(ii) the Government of Viet Nam took all appropriate steps to end any such complicity and hold such official, agency, or entity fully accountable for its conduct.

## (b) EXCEPTION.—

(1) CONTINUATION OF ASSISTANCE IN THE NATIONAL INTEREST.—Notwithstanding the failure of the Government of Viet Nam to meet the requirements of subsection (a)(2), the President may waive the application of subsection (a) for any fiscal year if the President determines that the provision to the Government of Viet Nam of increased United States nonhumanitarian assistance would promote the purposes of this Act or is otherwise in the national interest of the United States.

(2) EXERCISE OF WAIVER AUTHORITY.—The President may exercise the authority under paragraph (2) with respect to—

(A) all United States nonhumanitarian assistance to Viet Nam; or

(B) one or more programs, projects, or activities of such assistance.

## (c) DEFINITIONS.—In this section:

(1) SEVERE FORM OF TRAFFICKING IN PERSONS.—The term “severe form of trafficking in persons” means any activity described in section 103(8) of the Trafficking Victims Protection Act of 2000 (Public Law 106–386 (114 Stat. 1470); 22 U.S.C. 7102(8)).

(2) UNITED STATES NONHUMANITARIAN ASSISTANCE.—The term “United States nonhumanitarian assistance” means—

(A) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of that Act, relating to the Overseas Private Investment Corporation), other than—

(i) disaster relief assistance, including any assistance under chapter 9 of part I of that Act;

(ii) assistance which involves the provision of food (including monetization of food) or medicine; and

(iii) assistance for refugees; and

(B) sales, or financing on any terms, under the Arms Export Control Act.

## **TITLE XXI—ASSISTANCE TO SUPPORT HUMAN RIGHTS AND DEMOCRACY IN VIET NAM**

### **SEC. 2101. ASSISTANCE.**

(a) IN GENERAL.—The President is authorized to provide assistance, through appropriate nongovernmental organizations, for the support of individuals and organizations to promote democracy and internationally recognized human rights in Viet Nam.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out subsection (a) \$2,000,000 for each of the fiscal years 2004 and 2005.

## **TITLE XXII—UNITED STATES PUBLIC DIPLOMACY**

### **SEC. 2201. RADIO FREE ASIA TRANSMISSIONS TO VIET NAM.**

(a) **POLICY OF THE UNITED STATES.**—It is the policy of the United States to take such measures as are necessary to overcome the jamming of Radio Free Asia by the Government of Viet Nam, including the active pursuit of broadcast facilities in close geographic proximity to Viet Nam.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to such amounts as are otherwise authorized to be appropriated for the Broadcasting Board of Governors, there are authorized to be appropriated to carry out the policy under subsection (a) \$9,100,000 for the fiscal year 2004 and \$1,100,000 for the fiscal year 2005.

### **SEC. 2202. UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS WITH VIET NAM.**

It is the policy of the United States that programs of educational and cultural exchange with Viet Nam should actively promote progress toward freedom and democracy in Viet Nam by providing opportunities to Vietnamese nationals from a wide range of occupations and perspectives to see freedom and democracy in action and, also, by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

## **TITLE XXIII—UNITED STATES REFUGEE POLICY**

### **SEC. 2301. REFUGEE RESETTLEMENT FOR NATIONALS OF VIET NAM.**

(a) **POLICY OF THE UNITED STATES.**—It is the policy of the United States to offer refugee resettlement to nationals of Viet Nam (including members of the Montagnard ethnic minority groups) who were eligible for the Orderly Departure Program (ODP), Resettlement Opportunities for Vietnamese Returnees (ROVR) or any other United States refugee program and who were deemed ineligible due to administrative error or who for reasons beyond the control of such individuals (including insufficient or contradictory information or the inability to pay bribes demanded by officials of the Government of Viet Nam) were unable or failed to apply for such programs in compliance with deadlines imposed by the Department of State.

(b) **AUTHORIZED ACTIVITY.**—Of the amounts authorized to be appropriated to the Department of State for Migration and Refugee Assistance for each of the fiscal years 2004, 2005, and 2006, such sums as may be necessary are authorized to be made available for the protection (including resettlement in appropriate cases) of Vietnamese refugees and asylum seekers, including Montagnards in Cambodia.

## TITLE XIV—ANNUAL REPORT ON PROGRESS TOWARD FREEDOM AND DEMOCRACY IN VIET NAM

### SEC. 2401. ANNUAL REPORT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act and every 12 months thereafter, the Secretary of State shall submit to the Congress a report on the following:

(1)(A) The determination and certification of the President that the requirements of section 2001(a)(2) have been met, if applicable.

(B) The determination of the President under section 2001(b)(2), if applicable.

(2) Efforts by the United States Government to secure transmission sites for Radio Free Asia in countries in close geographical proximity to Viet Nam in accordance with section 2201(a).

(3) Efforts to ensure that programs with Viet Nam promote the policy set forth in section 302 and with section 102 of the Human Rights, Refugee, and Other Foreign Policy Provisions Act of 1996 regarding participation in programs of educational and cultural exchange.

(4) Steps taken to carry out the policy under section 2301(a).

(5) Lists of persons believed to be imprisoned, detained, or placed under house arrest, tortured, or otherwise persecuted by the Government of Viet Nam due to their pursuit of internationally recognized human rights. In compiling such lists, the Secretary shall exercise appropriate discretion, including concerns regarding the safety and security of, and benefit to, the persons who may be included on the lists and their families. In addition, the Secretary shall include a list of such persons and their families who may qualify for protection under United States refugee programs.

(6) A description of the development of the rule of law in Viet Nam, including, but not limited to—

(A) progress toward the development of institutions of democratic governance;

(B) processes by which statutes, regulations, rules, and other legal acts of the Government of Viet Nam are developed and become binding within Viet Nam;

(C) the extent to which statutes, regulations, rules, administrative and judicial decisions, and other legal acts of the Government of Viet Nam are published and are made accessible to the public;

(D) the extent to which administrative and judicial decisions are supported by statements of reasons that are based upon written statutes, regulations, rules and other legal acts of the Government of Viet Nam;

(E) the extent to which individuals are treated equally under the laws of Viet Nam without regard to citizenship, race, religion, political opinion, or current or former associations;

(F) the extent to which administrative and judicial decisions are independent of political pressure or governmental interference and are reviewed by entities of appellate jurisdiction; and

(G) the extent to which laws in Viet Nam are written and administered in ways that are consistent with international human rights standards, including the requirements of the International Covenant on Civil and Political Rights.

(b) **CONTACTS WITH OTHER ORGANIZATIONS.**—In preparing the report under subsection (a), the Secretary shall, as appropriate, consult with and seek input from nongovernmental organizations, human rights advocates (including Vietnamese-Americans and human rights advocates in Viet Nam), and the United States Commission on Religious Freedom.

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35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOUDER OF INDIANA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 78, after line 23, insert the following section (and amend the table of contents accordingly):

**SEC. 274. ARCHITECTURAL INTEGRITY OF UNITED STATES EMBASSIES, CONSULATES, AND OTHER DIPLOMATIC BUILDINGS.**

It is the sense of the Congress that, to the greatest extent possible, in the construction and renovation of United States embassies, consulates, and other diplomatic buildings, the Secretary of State shall consider and seek to preserve the architectural integrity and cohesiveness of the neighborhood and environs and minimize any disruption due to the presence of the embassy, consulate, or other diplomatic building.

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36. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STEARNS OF FLORIDA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 211, after line 11, insert the following:

**SEC. 736. SENSE OF CONGRESS REGARDING ALLOCATION OF RESOURCES FOR THE DEPARTMENT OF STATE AS THE CENTRAL AUTHORITY FOR THE UNITED STATES UNDER THE HAGUE CONVENTION ON INTERCOUNTRY ADOPTION.**

It is the sense of the Congress that the Department of State should direct significant resources to their new role as the central authority for the United States under the Hague Convention on Intercountry Adoption.

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37. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKEON OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VII of the bill, add the following new section (and conform the table of contents accordingly):

**SEC. \_\_\_\_ . SENSE OF CONGRESS REGARDING THE EXTRADITION OF VIOLENT CRIMINALS FROM MEXICO TO THE UNITED STATES.**

(a) **FINDINGS.**—The Congress finds as follows:

(1) The Mexican Supreme Court ruled in October 2001 that Mexico will not extradite criminals who face life sentences in the United States.

(2) Due to this ruling, the United States has been unable to prosecute numerous suspects wanted for violent crimes that they committed in the United States if there is a possibility that these criminals will face life imprisonment.

(3) The person or persons responsible for the April 29, 2002, murder of Los Angeles County Sheriff Deputy David March is believed to have fled to Mexico to avoid prosecution for a possible life imprisonment.

(4) The attorneys general from all 50 States have asked United States Attorney General John Ashcroft and Secretary of State Colin Powell to continue to address this extradition issue with their counterparts in Mexico.

(5) The Governments of the United States and Mexico have experienced positive cooperation on numerous matters relevant to their bilateral relationship.

(6) The Mexican Minister of Foreign Affairs has been demonstrating to the Mexican Supreme Court the international ramifications of the Court's October 2001 ruling.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should encourage the Mexican Government to work closely with the Mexican Supreme Court to persuade the Court to reconsider its October 2001 ruling so that the possibility of life imprisonment will not have an effect on the timely extradition of criminal suspects from Mexico to the United States.

38. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DREIER OF CALIFORNIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 731 (page 199, line 22 through page 204, line 10) and insert the following:

**SEC. 731. SENSE OF CONGRESS REGARDING MIGRATION ISSUES BETWEEN THE UNITED STATES AND MEXICO.**

(a) FINDINGS.—The Congress finds as follows:

(1) During President Bush's first meeting with President Fox in Guanajuato, Mexico, the Presidents stated in the Joint Communiqué of February 16, 2001 that "we are instructing our Governments to engage, at the earliest opportunity, in formal high level negotiations aimed at achieving short and long-term agreements that will allow us to constructively address migration and labor issues between our two countries."

(2) During President Fox's official visit to Washington, D.C., the Joint Statement of September 6, 2001, summarized the meeting as follows: "The Presidents reviewed the progress made by our joint working group on migration chaired by Secretaries Powell, CastaZeda, and Creel and Attorney General Ashcroft and noted this represented the most fruitful and frank dialogue we have ever had on a subject so important to both nations. They praised implementation of the border safety initiative, and recognized that migration-related issues are deeply felt by our publics and vital to our prosperity, well-being, and the kind of societies we want to build. They renewed their commitment to forging new and realistic ap-

proaches to migration to ensure it is safe, orderly, legal and dignified, and agreed on the framework within which this ongoing effort is based. This includes: matching willing workers with willing employers; serving the social and economic needs of both countries; respecting the human dignity of all migrants, regardless of their status; recognizing the contribution migrants make to enriching both societies; shared responsibility for ensuring migration takes place through safe and legal channels. Both stressed their commitment to continue our discussions, instructing the high-level working group to reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States. They requested that the working group provide them proposals with respect to these issues as soon as possible. The Presidents recognized that this is an extraordinarily challenging area of public policy, and that it is critical to address the issue in a timely manner and with appropriate thoroughness and depth.”

(3) On September 7, 2001, during President Fox’s historic State Visit to Washington, the United States and Mexico issued a joint statement instructing our cabinet-level working group to provide us with specific proposals to forge a new and realistic framework that will ensure a safe, legal, orderly, and dignified migration flow between our countries. We have today agreed that our Cabinet level migration group should continue the work we charged it with in Guanajuato and Washington.

(4) When the Presidents met in Monterrey, Mexico, the Presidents stated in a Joint Statement on March 22, 2002, as follows: “Slightly more than one year ago, in Guanajuato, we talked about migration as one of the major ties that join our societies. We launched then the frankest and most productive dialogue our countries have ever had on this important and challenging subject. Those talks have continued over the past year, and have yielded a clearer assessment of the scope and nature of this issue. This bond between our nations can render countless benefits to our respective economies and families.

(5) Over the past year, important progress has been made to enhance migrant safety and particularly in saving lives by discouraging and reducing illegal crossings in dangerous terrain.

(6) At the conclusion of the Mexico-United States Binational Commission (BNC) meeting in Mexico City in November 2002, Secretary of State Powell’s press conference was summarized by the State Department as follows: The BNC’s migration working group “affirmed our strong commitment to advancing our bilateral migration agenda,” he stressed, adding that “there should be no doubt in anyone’s mind that this is a priority for President Bush, just as it is a priority for [Mexican] President [Vicente] Fox.”

(7) Secretary Powell said no schedule had been established for a migration accord, but he confirmed that the United States and Mexico want to come up with a series of migration initiatives over the course of the next six months to a year.

- (b) SENSE OF CONGRESS.—It is the sense of the Congress that—
- (1) that the United States and Mexico should as soon as is practicable commence negotiations in an attempt to reach a

migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations; and  
 (2) that as part of any migration agreement between the United States and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

39. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALSH OF NEW YORK, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 77, after line 3, insert the following new section and (amend the table of contents accordingly):

**SEC. 258. AMENDMENT AND EXTENSION OF IRISH PEACE PROCESS CULTURAL AND TRAINING PROGRAM.**

(a) AMENDMENT OF PROGRAM.—

(1) Section 2(a)(2)(A) of such the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended by adding at the end “No participant in the program may have a degree from an institution of higher education.”.

(2) Section 101(a)(15)(Q)(ii)(I) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(Q)(ii)(I)) is amended—

(A) by striking “35 years of age or younger having a residence” and inserting “21 to 35 years of age, unemployed for not less than 6 months, having resided for not less than 6 months in the Republic of Ireland or the United Kingdom,”; and

(B) by striking “36 months” and inserting “24 months”.

(3) Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1182(e)) is amended by inserting after subsection (p) the following:

“(q)(1) Except as provided in paragraph (2), no person admitted under section 101(a)(15)(Q)(ii)(I) or acquiring such status after admission shall be eligible to apply for an immigrant visa, or for permanent residence, or for nonimmigrant visa status under this Act until it is established that such person has resided and been physically present in the country of nationality or last residence for an aggregate of a least two years following departure from the United States.

“(2) The Secretary of Homeland Security may waive the requirement of such one-year foreign residence abroad if the Secretary determines that—

“(A) departure from the United States would impose exceptional hardship upon the alien’s spouse or child (if such spouse or child is a citizen of the United States or an alien lawfully admitted for permanent residence); or

“(B) the admission of the alien is in the public interest or the national interest of the United States.”.

(b) EXTENSION OF PROGRAM.—Section 2 of the Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note) is amended—

(1) in subsection (d)(1) by striking “2006,” and inserting “2008,”;

(2) in subsection (d)(2) by striking “2005,” and inserting “2011,”;



(3) in subsection (a)(3) by striking “the third program year and for the 3 subsequent years,” and inserting “each program year”.

(c) TECHNICAL AND CONFORMING CHANGES.—The Irish Peace Process Cultural and Training Program Act of 1998 (8 U.S.C. 1101 note; Public Law 105–319) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(2) by striking “Immigration and Naturalization Service” each place it appears and inserting “Department of Homeland Security”.

40. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COLLINS OF GEORGIA, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VII, add the following new section:

**SEC. \_\_\_\_ . TRANSFER OF VIETNAM-ERA CESSNA L-19D BIRD DOG AIRCRAFT TO ARMY AVIATION HERITAGE FOUNDATION.**

(a) AUTHORITY TO CONVEY.—The Secretary of State may convey, without consideration, to the Army Aviation Heritage Foundation, a nonprofit organization incorporated in the State of Georgia, all right, title, and interest of the United States in and to a Vietnam-era Cessna L-19D Bird Dog aircraft (serial No. 24020, National registration number N32FL)(in this section referred to as the “aircraft”) that is excess to the needs of the Department of State. The conveyance shall be made by means of a conditional deed of gift

(b) CONDITION OF AIRCRAFT.—The aircraft shall be conveyed in its current “as is” condition. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.

(c) CONDITION ON CONVEYANCE.—The Secretary shall include in the instrument of conveyance of the aircraft the following conditions:

(1) The Army Aviation Heritage Foundation may not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary.

(2) The Army Aviation Heritage Foundation shall operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration.

(d) REVERTER UPON BREACH OF CONDITIONS.—If the Secretary determines at any time that the Army Aviation Heritage Foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.

(e) CONVEYANCE AT NO COST TO THE UNITED STATES.—The conveyance of the aircraft shall be made at no cost to the United States. Any costs associated with the conveyance and costs of operation and maintenance of the aircraft conveyed shall be borne by the Army Aviation Heritage Foundation.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(g) **CLARIFICATION OF LIABILITY.**—Notwithstanding any other provision of law, upon the conveyance of ownership of the aircraft to the Army Aviation Heritage Foundation, the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.

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41. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATERS OF CALIFORNIA, OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of Division B, insert the following:

**SEC. — . REPORT ON PROGRESS MADE IN MODIFYING THE ENHANCED HIPC INITIATIVE.**

Within 90 days after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to the Committees on Financial Services, on Appropriations, and on International Relations of the House of Representatives and the Committees on Foreign Relations and on Appropriations of the Senate a written report that describes the progress made in modifying the Enhanced HIPC Initiative (as defined in section 1625(e)(3) of the International Financial Institutions Act) as called for in section 501 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

Conform the table of contents accordingly.

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42. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HEFLEY OF COLORADO, OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

After section 1312 of the bill, insert the following new section (and conform the table of contents accordingly):

**SEC. 1313. CONDITION ON THE PROVISION OF CERTAIN FUNDS TO INDONESIA.**

(a) **CONDITION ON ASSISTANCE.**—Subject to subsection (c), no funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) or chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) in fiscal year 2004, other than funds made available for expanded military education and training under such chapter, may be available for a program that involves the Government of Indonesia or the Indonesian Armed Forces until the President makes the certification described in subsection (b).

(b) **CERTIFICATION.**—The certification referred to in subsection (a) is a certification submitted by the President to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures, including cooperating with the Director of the Federal Bureau of Investigation—

- (1) to conduct a full investigation of the attack on United States citizens in West Papua, Indonesia on August 31, 2002; and

(2) to criminally prosecute the individuals responsible for such attack.

(c) LIMITATION.—Nothing in this section shall prohibit the United States Government from continuing to conduct programs or training with the Indonesian Armed Forces, including counterterrorism training, officer visits, port visits, or educational exchanges that are being conducted on the date of the enactment of this Act.

