

Calendar No. 77

108TH CONGRESS }
1st Session }

SENATE

{ REPORT
108-39

FOREIGN RELATIONS AUTHORIZATION ACT,
FISCAL YEAR 2004

APRIL 24, 2003.—Ordered to be printed

Filed, under authority of the order of the Senate of April 11, 2003.

Mr. LUGAR, from the Committee on Foreign Relations,
submitted the following

REPORT

[To accompany S. 925]

The Committee on Foreign Relations, having had under consideration an original bill to authorize appropriations for the Department of State and for United States international broadcasting activities for fiscal year 2004, and for the Peace Corps for fiscal years 2004-2007, and for other purposes, reports favorably thereon and recommends that the bill do pass.

CONTENTS

	Page
I. Purpose	1
II. Committee Action	1
III. Summary of Funds	3
IV. Section-by-Section Analysis	4
V. Cost Estimate	23
VI. Evaluation of Regulatory Impact	29
VII. Changes in Existing Law	29

I. PURPOSE

The Foreign Relations Authorization Act, Fiscal Year 2004, authorizes funding for the Department of State and United States international broadcasting activities for fiscal year 2004, and for the Peace Corps for fiscal years 2004-2007, and other foreign affairs programs. The bill also addresses several important regional and functional foreign policy issues.

II. COMMITTEE ACTION

The Committee has held several public hearings this year focused on the issues addressed in this legislation. On February 6,

Secretary of State Powell testified regarding the President's budget request for international affairs. On February 27, the Committee heard both official and private sector witnesses testify on plans to improve the impact of U.S. public diplomacy on opinion in the Islamic world. On March 18, State Department officials testified on the Department's role as coordinator of the non-military war on terrorism overseas. The non-proliferation programs of the Department were the focus of a hearing on March 19. On March 20, Department officials and analysts from the General Accounting Office testified on embassy security and the schedule for construction of new embassy compounds. In other hearings and briefings on such issues as the UN Security Council deliberations on Iraq, developments on the Korean Peninsula, negotiations with Turkey, plans for post-conflict Iraq, and the difficult task of helping to build a prosperous and stable Afghanistan, the Committee has witnessed the commitment of Department personnel as they work to engage friends and allies and the international community in efforts that further U.S. national security interests through the common pursuit of global peace and prosperity.

The Committee considered an original bill on April 9, 2003. During the mark-up of this legislation, the Committee adopted a managers' package of amendments by voice vote. A number of other amendments were also adopted by voice vote:

- A Chairman's amendment reaffirming U.S. policy regarding the recognition of a Palestinian State.
- An amendment offered by Senators Kerry and Biden and amended by the Chairman and Senator Hagel expressing the sense of the Congress on climate change.
- An amendment by Senator Dodd to include the Peace Corps authorization in the bill.
- An amendment by Senator Enzi on housing allowances for U.S. officials assigned to work at the United Nations in New York.
- An amendment by Senator Corzine on U.S. policy regarding leadership positions held by foreign governments at the United Nations.
- An amendment by Senator Hagel expressing the sense of the Congress related to international and economic support for a successor regime in Iraq.
- An amendment by Senator Feingold requiring a report on press freedom in Eastern and Central Europe.
- An amendment by Senator Nelson requiring a report on U.S. policy toward Haiti.

The Committee ordered the bill reported, as amended, by a vote of 19 to 0. Ayes: Senators Lugar, Hagel, Chafee, Allen, Brownback, Enzi, Voinovich, Alexander, Coleman, Sununu, Biden, Sarbanes, Dodd, Kerry, Feingold, Boxer, Nelson, Rockefeller, and Corzine.

III. SUMMARY OF FUNDS

[In thousands of dollars]

	FY 2003 Authorization	FY 2003 Appropriations	FY 2004 Request	FY 2004 SFRG bill as reported
Diplomatic and Consular Programs	\$4,030,023	\$3,622,258	\$4,163,544	\$4,171,504
[Includes: Worldwide Security Upgrades]	[564,000]	[553,000]	[646,701]	[646,701]
Capital Investment Fund	200,000	183,311	157,000	157,000
Embassy Security Construction & Maintenance	² 1,550,000	1,363,500	1,514,400	¹ 1,826,400
Other State Department Accounts:				
Representation Allowances	9,000	6,485	9,000	9,000
Protection of Foreign Missions and Officials	11,000	11,000	10,000	10,000
Emergencies in Diplomatic and Consular Service	15,000	6,500	1,000	1,000
Repatriation Loans	1,250	612	1,219	1,219
Payment to the American Institute in Taiwan	18,817	18,450	19,773	19,773
Office of the Inspector General	30,800	29,264	31,703	31,703
Education, Cultural, and Public Diplomacy Programs:				
Total	260,000	245,306	³ 345,346	402,346
[Incl. Fulbright Exchanges]	[135,000]	[123,000]	[127,365]	[127,365]
Related Appropriations:				
National Endowment for Democracy	42,000	42,000	36,000	42,000
East-West Center	15,000	18,000	14,280	15,000
The Asia Foundation	15,000	10,444	9,250	15,000
North-South Center	2,500	—	—	2,000
International Organizations:				
Contributions for International Organizations	891,378	866,300	1,010,463	1,010,463
Contributions for International Peacekeeping	725,981	673,710	550,200	550,200
International Commissions:				
International Boundary & Water Commissions—S&E	28,387	25,482	31,562	31,562
International Boundary & Water Commissions—Construction	9,517	5,450	8,901	8,901
International Boundary Commission	1,157	⁴ 1,143	1,261	1,261
International Joint Commission	7,544	⁴ 7,456	7,810	7,810
International Fisheries Commissions	19,780	17,100	20,043	20,043
Migration and Refugee Assistance:				
Total	820,000	787,000	760,197	760,197
International Broadcasting Activities:				
Total International Broadcasting	545,486	506,634	563,500	572,400
Peace Corps				
Total	365,000	295,000	359,000	359,000

¹ Includes \$900,000,000 as authorized in Sec. 604 (a)(5) of P.L. 106-113.

² Includes \$1,000,000,000 as authorized in Sec. 604 (a)(4) of P.L. 106-113, as amended by Sec. 111 (a)(3)(B) of P.L. 107-228.

³ Includes \$100,040,000 transferred from FSA/SEED account in Foreign Operations.

⁴ Approximate amounts, from total appropriation for all Americas Sections, International Commissions.

IV. SECTION-BY-SECTION ANALYSIS

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

SUBTITLE A—DEPARTMENT OF STATE

Section 101. Administration of Foreign Affairs

This section authorizes appropriations under the heading “Administration of Foreign Affairs” for FY 2004.

The Committee has authorized the full amount of the President’s request in FY 2004 for Worldwide Security Upgrades, the Capital Investment Fund, Representation Allowances, Protection of Foreign Missions and Officials, Emergencies in the Diplomatic and Consular Service, Repatriation Loans, Payments to the American Institute in Taiwan and the Office of the Inspector General. The Committee has authorized levels above the administration’s request in key areas where needs are most pressing. The Committee views as urgent the provision of adequate resources to the Department so that it has the people and the tools it needs to lead the non-military battle against terrorism overseas.

Specifically, the Committee increased the Diplomatic and Consular Programs account by \$7.96 million to allow the current cap on danger and hardship pay to be raised by 10 percent. The increase is intended to encourage service in especially difficult posts where the fight against terrorism must be pursued despite hardships. The Committee reviewed the Department’s interest in extending DC locality pay to all overseas posts to address a widening gap between pay at headquarters and pay in the field but, because of costs, decided to target posts that are especially difficult to fill. This increase is expected to allow boosts in hardship and danger pay at some 31 posts and to address staffing gaps that have been identified by the General Accounting Office in some of the most difficult and dangerous countries in the world.

The Committee commends the Secretary of State for his efforts to strengthen the diplomatic corps, both in numbers and in training. The Diplomatic Readiness Initiative that the Secretary undertook upon his arrival at the Department will reach its goal in 2004 of 1,158 new staff beyond attrition, making up to some extent for recruitment shortfalls that occurred during the 1990’s. The Committee supports a recruitment policy that brings the best America has to offer into State Department service, at a time when failed diplomatic efforts overseas can result in American lives lost at home.

The Committee also added \$312 million to the \$1.5 billion authorized in this and previous bills for embassy construction in FY 2004. The additional funding will allow the construction process to begin on three new embassy compounds, shortening as much as possible the period in which U.S. government employees will be working in buildings that are widely recognized as vulnerable to attack. If we are to send our best people into the diplomatic front lines of the long-term war against terrorism, the Committee considers it critical that they be well protected. The bill contains a provision in section 206 authorizing the Secretary to collect such costs from other agencies beginning in fiscal year 2005.

The Committee supports the Department's efforts to institute an inter-agency cost-sharing program whereby each government agency would contribute to the construction costs of new embassy compounds according to a formula based on expected future use. An equitable cost-sharing system could bring an estimated additional \$1.4 billion annually into the construction budget, reducing the time it will take to provide safer facilities from an estimated 26 years to 12 years. This bill contains a provision in Section 206 authorizing the Secretary to collect such costs from other agencies beginning in FY 2005.

Section 102(a)(1). U.S. Educational, Cultural, and Public Diplomacy Programs

The Committee strongly supports an effective campaign to counter credible reports and observed evidence of growing anti-Americanism, especially in the Islamic world. Without diminishing its impact in other parts of the world, the Department should strengthen its outreach to the Muslim world. The Committee is authorizing appropriations of \$30 million above the administration's request to boost the number of participants in already existing programs from the Middle East and from other regions where there are significant Muslim populations and to establish a new program designed to attract and engage young people from such nations.

The Committee does not agree with the administration's proposed reduction from last year's level of funding for educational and cultural exchange programs in the Freedom Support Act (FSA) and Support for East European Democracy (SEED) countries of Central and Southeastern Europe, and in the nations of the former Soviet Union. The Administration permanently transferred from the Agency for International Development to the Department spending authority for these educational programs that were funded at a level of \$125 million in fiscal year 2003, but reduced to \$100 million in the fiscal year 2004 request. The Committee restores the \$25 million to the administration's budget and fully expects that last year's level of \$125 million will be focused on the exchange programs, undergraduate and graduate scholarships, legal education, professional development, and the partnerships with American institutions that are important to the continued development and transition to democracy in these countries. The Committee also authorizes the Secretary of State to expend \$2 million to organize a new program on non-proliferation, bringing foreign students to U.S. centers and academic institutions that specialize in non-proliferation studies to encourage and build a cadre of experts whose future careers would be devoted to addressing the risk that weapons of mass destruction pose to the entire world.

Of the amounts authorized for the Fulbright Academic Exchange Programs, which were authorized at levels requested by the Administration, \$5 million is designated to carry out the Vietnam Fulbright academic exchange program.

In summary, the Committee is authorizing funding of \$57 million for education, cultural exchanges and public diplomacy above the administration's request for the programs described above.

Section 102(a)(2-4) and (b).

Under these subsections, the Committee is authorizing appropriations for the National Endowment for Democracy at \$42 million, the funding level authorized in fiscal year 2003. The Asia Foundation and the Center for Cultural and Technical Interchange Between East and West are each authorized appropriations of \$15 million, levels also consistent with previous Committee action. The Dante B. Fascell North South Center is authorized an appropriation of \$2 million. This public policy studies center, located at the University of Miami, is dedicated to the analysis of global issues such as trade and economic policy, migration, democratic governance, security, corruption and information technology, with a regional emphasis on the Western Hemisphere. In total, the Committee is authorizing appropriations approximately \$8.5 million above the administration's request for these programs.

Section 103. Contributions to International Organizations

This section authorizes appropriations in FY 2004 for contributions to international organizations (CIO) and for contributions to international peacekeeping (CIPA).

The Committee is authorizing the full amount requested in FY 2004 for both the CIO and CIPA accounts. The funding allows the United States to meet treaty obligations to pay assessed contributions to the UN regular budget, the budgets of the specialized agencies in which the United States is a member, and the U.S. share of peacekeeping assessments. Currently, the United States is paying 22 percent of the regular UN budget, a percentage that is also reflected in the assessed contributions to most UN specialized agencies, except for the International Atomic Energy Agency and the International Civil Aviation Organization, where the United States is paying approximately 25 percent. U.S. assessed contributions to international peacekeeping costs now represent about 27 percent of that budget. In Section 401, the Committee is mandating a ceiling of 27.4 percent as the limit for U.S. assessed contributions to UN peacekeeping.

The Committee is aware that the recent decline of the U.S. dollar against major foreign currencies (in which some assessments for international organizations are made) may mean that the fiscal year 2004 request for the CIO account is currently inadequate. The Committee requests that the Department keep it informed about any changes in the requirements for the CIO budget as this bill proceeds through the legislative process.

The Committee is requesting a report from the Secretary of State on progress being made to implement recommendations contained in the "Brahimi Report" on reforming United Nations peacekeeping operations of August 2000. The request reflects the Committee's interest in learning how the U.S. government is contributing to the development of a more robust UN peacekeeping capacity, especially in its ability to organize civil police units for use on an emergency basis.

The Committee continues to support bringing the payment of U.S. dues to the UN back into synchronization with the UN budget. Currently, U.S. annual dues are paid at the start of the U.S. fiscal year, which begins in October. The UN budget is on a cal-

endar year basis and begins in January. The payment of U.S. dues in the UN's tenth month strains the UN's financial stability, and adds an irritant to U.S-UN relations. Now that the United States has paid its arrears to the United Nations as authorized by Congress, it is important to correct the timing of annual payments. The Foreign Relations Authorization Act of 2003 (P.L. 107-228) urged the administration to initiate a process to synchronize the payment of dues to the beginning of each calendar year and authorized such appropriations as may be necessary. The administration is urged to request funding next year that would result in the U.S. paying its dues on time.

The Committee supports the President's decision to rejoin the United Nations Educational, Cultural and Scientific Organization (UNESCO) on October 1, 2003. It notes that the President's request of \$53 million for the United States' share of UNESCO's 2004 budget assumes that the organization will continue to operate on a zero nominal growth annual budget of \$272 million, as it has since 1998. If the organization continues to adhere to this budget cap, the influx of new money from U.S. dues will effectively result in decreasing the required contributions of other member States, rather than supporting programs of high priority to the United States. Additionally, a static budget for UNESCO will translate to a significant decrease in the organization's purchasing power, threatening the continuation of many of its programs and activities. The administration is urged to support an increase in UNESCO's budget.

To support the effectiveness of the United States within international organizations, the Committee supports increased training for Foreign Service officers at all career stages in the area of multilateral diplomacy. The Director General of the Foreign Service is urged to establish a training course on the rules and procedures of international organizations, negotiating skills for multilateral settings, coalition-building techniques, and lessons learned from previous U.S. multilateral negotiating experiences.

Section 104. International Commissions

This section authorizes appropriations for FY 2004 under the heading "International Commissions." It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions, including those dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

Section 105. Migration and Refugee Assistance

This section authorizes appropriations for fiscal year 2004 to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private volunteer agencies, government, and bilateral assistance, as authorized by law. The full request of \$760 million is provided in FY 2004, of which \$50 million is earmarked for resettlement of refugees in Israel.

SUBTITLE B—UNITED STATES INTERNATIONAL BROADCASTING
ACTIVITIES

Section 111. International Broadcasting Operations

This section authorizes appropriations for international broadcasting activities in FY 2004. The Administration's request for both operations and capital improvements is fully funded, but the Committee takes exception to the Broadcasting Board of Governors' plan to reduce or eliminate programming in several Central and East European countries. It restores the \$8.9 million that was cut from the budget to reflect the Committee's view that it is premature to terminate programming to nations that have supported the war on terrorism and are still strengthening their Western links and shaping their attitudes toward change in their own societies.

The Committee is authorizing both the establishment and the funding of a Middle East Broadcasting Network. With additional funding also included in the FY 2003 supplemental, the Committee expects the new satellite TV network to be operational as soon as possible. The Committee looks forward to the network providing professional quality broadcasting through a combination of news, editorial comment, talk shows, drama and music to a region that is vitally important to the United States. The United States needs to communicate with the nations of the Middle East on many levels and through all appropriate media. Most people in the Middle East region obtain their news from television. The United States government has almost no television presence in the region. This new network is an important and creative proposal. The Committee will be monitoring the network closely, with an interest in the diversity of program content and the size of the audience attracted.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND
ACTIVITIES

SUBTITLE A—BASIC AUTHORITIES AND ACTIVITIES

Section 201. Interference with Protective Functions

This section provides a new criminal provision making it a crime to knowingly and willfully obstruct or interfere with Diplomatic Security agents involved in the performance of their protective duties. The provision is based on a similar provision in the Federal criminal code with regard to interference with the protective duties conducted by the Secret Service. (18 U.S.C. 3056(d)).

Section 202. Authority to Issue Administrative Subpoenas

This section provides a narrow administrative subpoena authority for Diplomatic Security agents. Such a subpoena may be issued in cases of an "imminent threat" to persons, missions or organizations protected by Diplomatic Security under the authority of Section 37(a)(3) of the State Department Basic Authorities Act. The authority is similar to one provided to the Secret Service (see 18 U.S.C. 3486), and the procedural protections of that provision will apply here. The Committee has provided that the power to issue such subpoenas could be delegated by the Secretary only to the Deputy Secretary, thereby assuring close attention to this authority

at the highest level of the Department. In addition, to facilitate oversight of the exercise of this authority, the Secretary must report annually to the Committee on its use.

Section 203. Enhanced Department of State Authority for Uniformed Security Officers

This section provides law enforcement authority to uniformed security guards at State Department facilities in the United States (not just in the Washington, DC, area but also in 14 other states) and authority to designate firearms training officers as law enforcement officers for the purposes of safeguarding weapons in transit. Under current law, the uniformed contract guards who provide security at Department facilities are governed by a patchwork quilt of authorities. Such guards have some law enforcement authority under delegations by the General Services Administration (at those facilities which are GSA-operated), and under an arrangement with the Marshals Service, which allows certain guards to be deputized.

The Committee finds it unacceptable that there is not clear authority provided to guards charged with protecting Department facilities and employees. The Committee notes that numerous other Federal departments have similar statutory authority, including the Departments of Defense, Energy, Transportation, Veterans Affairs, as well as the National Aeronautics and Space Administration and the Federal Reserve.

Section 204. Reimbursement Rate for Airlift Services Provided to the Department of State

This section addresses the costs incurred by the Department of State when the Department of Defense provides airlift services, such as transporting armored vehicles used to protect the Secretary of State. Current law permits the Department of Defense to charge the Central Intelligence Agency the DOD reimbursement rate if the Secretary of Defense determines that the services are for activities related to national security objectives. This provision would extend that authority to provide the same lower rate in such cases to the Department of State.

Section 205. Immediate Response Facilities

This section authorizes the Secretary of State to reprogram funds, without advance notice to Congress, when doing so is necessary to provide for the establishment or renovation of a diplomatic facility in urgent circumstances. This authority may be used to waive such reporting requirements with respect to the reprogramming of up to \$10 million in any one instance. The Secretary of State must report on and explain any use of this waiver authority to the Congress as soon as is practicable, but not later than three days after the obligation of the funds. The Committee intends this section to provide the Department of State flexibility to address circumstances in which extraordinary security or foreign policy needs require the establishment or renovation of diplomatic facilities on very short notice as was the case in Kabul, Afghanistan and in the aftermath of the terrorist attacks in Nairobi, Kenya and Dar Es Salaam, Tanzania.

Section 206. Security Capital Cost Sharing

This section authorizes the Secretary of State, beginning in FY 2005, to determine on an annual basis fees to be collected from other government agencies that have personnel assigned overseas and to use such fees to construct safe and secure new embassy compounds. Fees charged should reflect the number of employees that each agency assigns to diplomatic facilities overseas. According to both the General Accounting Office and the Department, over 160 diplomatic facilities need immediate replacement in order to meet mandated security requirements. The funds expected to be generated by this new cost-sharing program are intended to expedite the construction schedule for this large number of facilities, shortening it from twenty-six to twelve years. The Committee expects that the Secretary of State will consult with other affected agencies in developing an appropriate program to implement this authority.

Section 207. Prohibition on Transfer of Certain Visa Processing Fees

This section provides that certain visa processing fees collected by the Department of State may not be transferred to any other agency.

Section 208. Reimbursement from United States Olympic Committee

This section requires the Secretary of State to seek, to the extent practicable, reimbursement from the United States Olympic Committee for security provided to the U.S. Olympic Team by Diplomatic Security agents at the Summer Olympics, scheduled to be held in Athens, Greece in 2004.

The budget request for fiscal year 2004 requests \$2.8 million for deployment of 150 Special Agents who would be assigned on temporary duty to Athens prior to and during the games. Such support by Diplomatic Security to the U.S. Olympic Team is not unprecedented, although the level of support contemplated for the 2004 games significantly exceeds past practice. The Committee is concerned that the deployment of agents to Athens not degrade security at overseas missions. The Committee has been informed by Department officials that current plans call for the majority of agents to be sent from assignments in the United States; the Committee expects to be consulted if the final plan for Athens security requires a significant drawdown of agents from overseas posts.

SUBTITLE B—EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY
AUTHORITIES

Section 211. Authority to Promote Biotechnology

This section authorizes the Secretary of State to support public diplomacy efforts promoting biotechnology through grants, cooperative arrangements, or contracts. This authority is intended to provide a tool to help ensure that views and decisions of foreign governments concerning biotechnology and its applications in the areas of food and agriculture reflect scientific findings about such technology.

Section 212. The United States Diplomacy Center

This section authorizes the Secretary of State to establish a United States Diplomacy Center, housing a museum, conference center and auditorium to be located in the Department of State's headquarters at the Harry S Truman Building. As envisioned, the Center is intended to organize and sponsor educational and outreach programs explaining the role of U.S. diplomats and American foreign policy in safeguarding U.S. security, searching for peace, increasing prosperity, promoting U.S. values, and protecting U.S. citizens abroad. The Committee notes that this would not be the first such center created by or located in a U.S. government facility. It urges the Department to plan carefully and take every step necessary to ensure that public access to the Center does not compromise the security of the Main State building. The Committee understands that a feasibility study is being conducted to determine if the necessary operating funds can be raised through voluntary contributions. The Committee looks forward to reviewing the results of this study and understands that, should the study indicate that voluntary funding would not be sufficient, the Department will re-evaluate its plans to establish the Center.

Section 213. Latin America Civilian Government Security Program

This section authorizes the Secretary of State to establish an educational program for foreign students and professionals that is designed to promote civilian control of government ministries in Latin America.

TITLE III—ORGANIZATION AND PERSONNEL OF THE
DEPARTMENT OF STATE

Section 301. Fellowship of Hope Program

This section clarifies the authority of an existing exchange program with the foreign ministries of EU countries and the EU Commission in Brussels and expands it to NATO countries and NATO headquarters. Under the expanded program, mid-level diplomats will spend a year working in the foreign ministries of participating countries or in the European Commission or NATO headquarters. In view of the recent diplomatic difficulties between the United States and several European nations, the Committee believes this is a worthwhile program to maintain and strengthen United States-European relations.

Section 302. Cost-of-Living Allowances

This section modifies current law to authorize payments to cover certain education costs and education-related travel costs for children of Foreign Service personnel stationed at posts where schools are inadequate, and for college and post-graduate students who are still dependents.

Section 303. Additional Authority For Waiver of Annuity Limitations on Reemployed Foreign Service Annuitants

This section permits the Secretary to waive limitations on dual compensation that apply to re-employed Foreign Service annuitants when they are re-employed in emergency circumstances or on a

temporary basis in positions for which it is exceptionally difficult to recruit or retain qualified employees. Under current law, Foreign Service annuitants hired on a full-time basis have their annuities terminated; those employed on a part-time or intermittent basis may only work for a limited period of time each year because of the dual compensation limits. These limitations hamper the Department's ability to develop surge capacity in an emergency or hire experienced individuals with unique skills to meet important mission needs. This waiver authority already exists for the Civil Service (5 U.S.C. 8468(f)(A)). The Committee expects the Department to ensure that such waivers are granted only in a limited number of exceptional cases and that such waivers are authorized only by the Under Secretary for Management.

Section 304. Home Leave

This section allows additional flexibility in the application of the home leave program provided under the Foreign Service Act of 1980. First, it allows Foreign Service personnel to schedule their home leave, if desired, after 12 months of service at a post, rather than after 18 months as required under current law. Second, the provision delinks rest and recuperation travel from the timing of home leave so that members of the Service are allowed more flexibility in taking each.

Section 305. Increased Limits Applicable to Post Differentials and Danger Pay Allowances

This section increases the cap for hardship and danger pay for Foreign Service personnel from 25% of salary to 35%. Based on estimates presented to the Committee, the Department could apply the new cap to personnel serving at some 31 posts worldwide at an estimated cost of \$8 million. The Committee believes that such increases are justified as an incentive to officers to serve at difficult posts, and is further justified given the exceptionally dangerous and difficult circumstances in many countries.

Section 306. Suspension of Foreign Service Members Without Pay

This section allows the Department to suspend without pay a member of the Foreign Service in cases where there is reasonable cause to believe that the employee has committed a crime for which he/she may be imprisoned and there is a connection to the efficiency of the Service. This provision is drawn from a similar provision in the civil service laws (see 5 U.S.C. §§ 7512, 7513), and is similar to a provision which once existed in Section 610(a)(3) of the Foreign Service Act of 1980, but was replaced by a provision requiring conviction of a crime before suspension without pay could be imposed. *See* Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (P.L. 102-138).

Although the provision is not identical to the analogous provision in the civil service laws, it is intended to operate in the same manner as the law has developed (in cases of suspension in cases of reasonable cause to believe that a crime has been committed) in the Merit Systems Protection Board and Federal courts of appeals. In those cases, the agency must show that it has a reasonable belief that the individual has committed a crime for which a term of

imprisonment may be imposed and that it would “promote the efficiency of the service.” To show that a suspension promotes the efficiency of the service, the “agency must establish a nexus between . . . [the] acts of misconduct and the employee’s job responsibilities.” *Pararas-Carayannis v. Dep’t of Commerce*, 9 F.3d 955, 957 (Fed. Cir. 1993). The Committee intends that the same nexus between the misconduct and the employee’s duties be demonstrated in suspensions under this section.

Accordingly, the Committee expects that suspensions will be imposed only in cases of serious crimes that bear a “sufficient relationship” to the employee’s duties. *Dunnington v. Dep’t of Justice*, 956 F.2d 1151, 1156 (Fed. Cir. 1992). In some cases, as the courts have held, “egregious criminal conduct” will justify a presumption that the nexus requirement has been satisfied, even if it occurred off-duty. *Sanders v. U.S. Postal Service*, 801 F.2d 1328, 1332 (Fed. Cir. 1986). A suspension may be indefinite, but it is not unlimited. Once the criminal case is concluded, the agency must make a decision on the employee’s status within a reasonable period of time. *Richardson v. Customs Service*, 47 F.3d 415, 419 (Fed. Cir. 1995). If there is an acquittal and the employee is reinstated, the employee may receive back pay, either under the Back Pay Act, *Richardson*, 47 F.3d at 421, or under Section 307 of this Act (which adds a new Section 2(o) to the State Department Basic Authorities Act of 1956).

Section 307. Claims for Lost Pay

This section clarifies the Department’s authority to enter into settlements of claims of back pay or other grievances brought by personnel in cases where it is appropriate.

Section 308. Repeal of Requirement for Recertification Process for Members of the Senior Foreign Service

This section repeals the requirement in Section 305(d) of the Foreign Service Act of 1980 that requires members of the Senior Foreign Service to be subjected to a recertification process that is equivalent to the recertification process for member of the Senior Executive Service. Such a process is no longer required for the Senior Executive Service, as it was repealed by Section 1321 of the Homeland Security Act of 2002.

Section 309. Deadline for Issuance of Regulations Regarding Retirement Credit for Government Service Performed Abroad

This establishes a deadline for the issuance of regulations to implement Section 321 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–228), which provides for retirement credit for part-time, intermittent, or temporary (PIT) employees who worked for the Department overseas as part of the spousal employment program in the 1990s.

Section 310. Separation of Lowest Ranked Foreign Service Members

This section modifies existing personnel review procedures which require Foreign Service promotion panels to “low rank” 5 percent of every Foreign Service class. Under a law enacted in 1998, if a member is low ranked twice in five years, the Secretary must rec-

commend their separation (those so ranked are referred to a separate panel for consideration of whether they should be retained in the Service). The provision in this bill reduces the low ranking requirement from 5 percent to 2 percent. The Committee is persuaded, based on the experience of the last several years, that 2 percent is the more appropriate standard.

Sec. 311. Disclosure Requirements Applicable to Proposed Recipients of the Personal Rank of Ambassador or Minister

This section modifies existing law related to conferral of the personal rank of Ambassador. Under Section 304 of the Foreign Service Act of 1980, the President may confer such rank, without the advice and consent of the Senate, for special missions not exceeding six months in duration. When the President makes such a designation, he is required to submit certain information about the individual and the special mission to the Committee on Foreign Relations. This provision makes clear that the President shall submit to the Committee a financial disclosure statement completed by the individual.

Section 312. Provision of Living Quarters and Allowances to the United States Representatives to the United Nations

This provision increases from 30 to 40 the number of U.S. government officials who may be provided housing by the Secretary of State while serving at the U.S. mission to the United Nations in New York City. It also makes the allowance for housing not taxable, consistent with the overseas housing benefit. These changes reflect the Committee's desire to ease difficulties in recruiting the best staff available to work in New York for two or three-year assignments and to promote effective diplomacy at the United Nations.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Section 401. Limitation on the United States Share of Assessments for United Nations Peacekeeping Operations After Calendar Year 2004

This section amends a limitation (of 25 percent) on U.S. payments to the United Nations peacekeeping budget, initially enacted in Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103–236). The United Nations Reform Act of 1999 (the so-called Helms-Biden law) made the reduction of U.S. dues for peacekeeping one of several conditions that had to be met before the United States would pay its arrears. Negotiations in 2000 by then-U.N. Ambassador Richard Holbrooke succeeded in reducing the U.S. peacekeeping assessment to just over 27 percent. Section 402 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–228) amended the 1994 law, consistent with the new rate negotiated by Ambassador Holbrooke; but that provision was applicable only for calendar years 2001-2004. The provision in this bill makes the new rate applicable for every year after calendar year 2004.

Section 402. Report to Congress on Implementation of the Brahimi Report

This section requires the Secretary of State to submit a report to the appropriate congressional committees that assesses United Nations implementation of the recommendations of the 2000 Report of the Panel on United Nations Peace Operations (known as the “Brahimi Report”) and U.S. support of UN progress in this area. The Committee recognizes the importance of the United Nations peacekeeping operations, including its capability to deploy civil police forces, in promoting stability in post-conflict situations. The Brahimi Report made several useful recommendations for strengthening UN peacekeeping operations and the Committee believes that this report will contribute to its oversight of U.S. efforts and future plans to support the implementation of those recommendations.

Section 403. Membership on United Nations Councils and Commissions

This section amends Section 408 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–228), to require the United States in connection with its voice and vote in the United Nations General Assembly and the United Nations Economic and Social Council to make every reasonable effort to prevent state sponsors of terrorism and countries subject to United Nations sanctions from gaining membership positions on the UN Security Council or the UN Human Rights Commission. The section further requires the United States to advocate against the selection of any member nation that the Secretary determines is a sponsor of terrorism or is the subject of UN sanctions to a leadership position in the United Nations General Assembly, the United Nations Commission on Human Rights, the United Nations Security Council, or any other entity of the United Nations.

TITLE V—DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

Section 501. Designation of Foreign Terrorist Organizations

Section 501(a) changes current law, set forth in Section 219 of the Immigration and Nationality Act, with respect to the designation of Foreign Terrorist Organizations (FTOs). It eliminates the requirement under current law that such designations lapse after two years unless renewed by the Secretary of State. It replaces this requirement with procedures allowing entities designated as FTOs to petition the Secretary every two years to have their designations revoked. The decision of the Secretary on such petitions would be subject to judicial review, as they are under current law. In the event that in any four-year period an entity designated as an FTO does not petition to have its designation revoked, this section would require the Secretary to review the entity’s designation on his own initiative, and to determine whether the designation should be revoked. The Secretary’s determination in such a mandatory review would not be subject to judicial review.

Section 501(b) allows the Secretary of State to amend an entity’s designation as an 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. Instead, the Secretary is required to correct the administrative record to include any amendments (and supporting information) justifying the designation of the entity under its new name.

Section 501(c) makes technical and conforming amendments to Section 219 of the Immigration and Nationality Act, consistent with changes made in Sections 501(a) and 501(b).

Section 501(d) is a savings provision, which is designed to ensure that the changes made in Sections 501(a), 501(b), and 501(c) do not affect the validity of redesignations of FTOs made prior to the entry into force of this act.

TITLE VI—STRENGTHENING OUTREACH TO THE ISLAMIC WORLD

SUBTITLE A—PUBLIC DIPLOMACY

Section 601. Plans, Reports, and Budget Documents

This section is designed to ensure that the Executive Branch (and the Department of State in particular) devotes proper attention to public diplomacy in its planning and budget processes.

Subsection (a) requires the President to prepare an international information strategy that consists of plans designed for the major geographic regions of the world, including a focus on regions with significant Muslim populations.

Subsection (b) requires that the National Security Strategy (mandated by Section 108 of the National Security Act of 1947) contain a comprehensive discussion of how public diplomacy activities are integrated into the strategy.

Subsection (c) requires the Department of State to fully integrate public diplomacy activities into the planning processes of the Department. So as to not burden the Department with new reporting requirements, this subsection mandates discussion of public diplomacy activities as part of several reports already required by law or by Department policy.

Section 602. Recruitment and Training

This section seeks to ensure that training in public diplomacy activities is an important priority for the Foreign Service.

Subsection (a) requires that the Secretary of State ensure that public diplomacy is an important component of training at all levels of the Foreign Service.

Subsection (b) amends an existing provision of the Foreign Service Act, which relates to Junior Officer training, to require that public diplomacy be part of such training.

Section 603. Report on Foreign Language Briefings

This section requires the Secretary of State to report on the feasibility of conducting regular, televised briefings about U.S. foreign policy in major foreign languages. The Committee recognizes that press briefings are conducted on an almost-daily basis at the Department, and on a regular basis for foreign journalists at the Foreign Press Centers. The Committee believes that engaging in a dialog with foreign audiences requires that we speak to the audiences

in their own language. Accordingly, the Committee believes it would be useful to consider the possibility of conducting more frequent briefings in the major foreign languages.

SUBTITLE B—STRENGTHENING UNITED STATES EDUCATIONAL AND
CULTURAL EXCHANGE PROGRAMS

Section 611. Definitions

This section contains definitions, which apply throughout subtitle B. The subtitle is focused on expanding exchange programs with the Muslim world. Accordingly, the main definition is that of “eligible country,” which applies to countries or entities in Africa, the Middle East, South Asia, or Southeast Asia that have a significant Muslim population and are designated as eligible by the Secretary.

Section 612. Expansion of Educational and Cultural Exchanges

This section authorizes the expansion, in eligible countries, of several current international exchange programs, including the Fulbright exchange program, the Hubert Humphrey Fellowship program, and the International Visitors Program. It also authorizes the development or creation of other programs, such as a library exchange program and a program to bridge the digital divide. To the extent the Department has existing authority to undertake such activities, it need not create a duplicative program structure to carry out these provisions.

Finally, the section authorizes a program of scholarships for students from eligible countries at colleges or universities that are located in eligible countries, organized under U.S. law, accredited, and not under the control of the host government.

Section 613. Secondary Exchange Program

In this section, the Secretary of State is authorized to establish a new international student exchange program modeled on the Future Leaders Exchange Program for high school students from countries with significant Muslim populations. The Committee is persuaded that such investments in youth education will benefit both the students and their host families and will promote mutual understanding of one another’s culture and values.

Section 614. Authorization of Appropriations

In this section, the Committee indicates that the \$30,000,000 it is authorizing above the administration’s request for education and cultural exchange programs should be expended on programs outlined in this section and should be in addition to funding already planned for Islamic outreach in current programs.

SUBTITLE C—FELLOWSHIP PROGRAM

Section 621. Short Title

The short title of this subtitle is the “Edward R. Murrow Fellowship Act.”

Section 622. Fellowship Program

This section establishes a fellowship program under the Broadcasting Board of Governors, to be called the “Edward R. Murrow

Fellowships.” The purpose of the program is to train foreign journalists for short periods at the Voice of America, Radio Free Europe/Radio Liberty, and Radio Free Asia. All three broadcasting services serve, through their daily broadcasts, as a model of how a journalistic enterprise should operate in a free society. Through this small training program, they can further contribute to the freedom of the press in the countries to which they broadcast. Such training is consistent with one of the principles set forth in the United States International Broadcasting Act of 1994, which calls for U.S. international broadcasting to include “training and technical support” for independent indigenous media.

Section 623. Fellowships

This section provides a limitation on the number of fellowships at 20 per fiscal year. It also authorizes the payment of remuneration, housing and transportation for fellows.

Section 624. Administrative Provisions

This section provides various administrative authorities necessary to implement the fellowship program.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION
PREVENTION

Section 701. Short Title

The short title of this subtitle is “International Parental Child Abduction Prevention Act of 2003.”

Section 702. Inadmissibility of Aliens Supporting International Child Abductors and Relatives of Such Abductors

Section 702(a) makes certain changes in the Secretary of State’s authority, in international child abduction cases, to deny visas to certain family members of child abductors. It expands the category of persons the Secretary of State may designate as ineligible to receive visas to include grandchildren, grandparents, cousins, uncles, aunts, nephews and nieces of a child abductor.

Section 702(b) clarifies the authority of the Secretary to implement and terminate designations of visa ineligibility in child abduction cases. Designations of child abductors and those that provide them material support may only be terminated if the child is returned or when the child reaches age 21. Designations of family members of a child abductor may be terminated at the Secretary’s discretion in order to permit the Secretary flexibility in seeking the help of such persons in securing a child’s return.

Section 703(c) requires the Department of State to report to the Congress annually for five years on the use of this visa denial authority.

TITLE VIII—MISCELLANEOUS PROVISIONS

Section 801. Repeal of Requirement for Semiannual Report on Extradition of Narcotics Traffickers

This section repeals the requirement that the Department report semi-annually on extradition of narcotics traffickers from Andean countries. The Executive Branch requested this repeal.

Section 802. Technical Amendments to the United States International Broadcasting Act of 1994

This section makes technical amendments that were overlooked in the legislation (enacted in 1998), which merged the United States Information Agency into the Department of State. It relates to the service of the Secretary of State as an ex officio member of the Broadcasting Board of Governors. No substantive change is effected or intended.

Section 803. Foreign Language Broadcasting

Subsection (a) prohibits the Broadcasting Board of Governors from eliminating foreign language broadcasts in several languages of nations in Central and Eastern Europe which were proposed for elimination or reduction in the President's budget request for fiscal year 2004. The Committee did not agree with this request, and authorized appropriations of the funds necessary to retain broadcasting to these nations at current levels (amounting to just under \$9 million). The Committee has been informed by the staff of the Board that the Board would need to begin taking personnel actions during fiscal year 2003 in order to implement the proposed fiscal year 2004 reductions. The Committee is concerned that any such action would improperly assume congressional enactment of the President's budget.

Subsection (b) requires a report by the Secretary of State on the state of democratic governance and press freedom in the countries in Central and Eastern Europe in which the broadcasts described in subsection (a) are slated for elimination.

Subsection (c) states the sense of Congress that providing surrogate broadcasting in countries that have a stable, democratic government and a vibrant, independent press with legal protections should not be a priority of U.S. international broadcasting efforts.

Section 804. Fellowships for Multidisciplinary Training on Nonproliferation Issues

This section seeks to encourage eligible students to pursue careers in nonproliferation by providing funds for graduate fellowships, including work-study funds for on-the-job training and research assistant positions at U.S. institutions of higher education that focus on nonproliferation studies.

Section 805. Requirement for Report on United States Policy Toward Haiti

This section requires that the Secretary of State, in consultation with the Secretary of the Treasury, report in detail on United States policy toward Haiti, including the steps the United States is taking to resolve the political crisis in Haiti and its anticipated

activities to promote free and fair elections in the country. The report must also include an assessment on the degree to which Organization of American States Permanent Council Resolution 822 (September 4, 2002), which calls for the normalization of economic cooperation between international financial institutions and Haiti, is a viable approach to resolving the crisis. The report will also address the status of efforts to release the approximately \$146 million of development loan funds that have been approved by the Inter-American Development Bank to Haiti; steps to overcome obstacles preventing the release of the funds, including the possibility of bridge loans; and the United States' options to provide other technical assistance to Haiti to meet international financial transparency requirements. The Committee is persuaded that the United States has a political and economic interest, as well as a humanitarian responsibility, to address the dire situation in Haiti.

Section 806. Victims of Violent Crime Abroad

This section directs the Secretary of State to develop a proposal to increase the services provided to American victims of violent crime overseas, and to explore ways in which victims could be compensated that is not taxpayer funded, similar to domestic victim compensation plans. It also directs the Secretary to establish a database to track the incidents of violent crime against Americans that are reported to an embassy or consulate.

The Committee acknowledges the State Department's attempts to address the increasing problem of American victims of violent crime abroad. However, the State Department's current Victims of Crime Overseas Program appears insufficient to meet the needs of the many Americans who work, live, study or are traveling abroad who are victims of serious crime. Until only recently, capacity-building efforts (such as training consular officers to adequately address the needs of crime victims) were handled by only one specialist. The Committee urges the Secretary to bolster the Department's capacity to manage and find creative solutions to this growing problem.

Section 807. Limitations on Use of Funds Relating to United States Policy With Respect to Jerusalem as the Capital of Israel

This section reaffirms previous congressional views on the recognition of Jerusalem as the Israeli capital.

Section 808. Requirement for Additional Report Concerning Efforts To Promote Israel's Diplomatic Relations With Other Countries

This section extends for another year a reporting requirement outlining efforts undertaken to promote Israel's diplomatic relations with nations around the world.

Section 809. United States Policy Regarding the Recognition of a Palestinian State

This section reaffirms U.S. policy established by President George W. Bush on the criteria for recognizing a Palestinian State. It reiterates the President's statement that three conditions must be met: The new Palestinian leadership must not be compromised by terrorism, it must demonstrate a commitment to peacefully co-

exist with Israel, and it must take appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza.

Section 810. Middle East Broadcasting Network

This section of the bill amends the United States International Broadcasting Act of 1994 (22 U.S.C 6201 et seq.) to authorize the establishment of a Middle East Broadcasting Network as a non-federal grantee organization, similar to RFE/RL and Radio Free Asia.

The Committee expects to receive a proposal from the Administration to address protections for the rights and benefits of Federal employees who leave Federal employment to work for this new grantee organization.

Section 811. Sense of the Congress Relating to International and Economic Support for a Successor Regime in Iraq

This section expresses the sense of the Congress that the President should be commended for seeking the support of the international community to build a stable and secure Iraq, that the President's position that the oil resources of Iraq are the sovereign possessions of the Iraqi people is supported, and that the President should pursue measures to protect an interim or successor regime in Iraq from the negative economic implications of indebtedness incurred by Saddam Hussein's regime and to assist in developing a resolution of all outstanding claims against Iraq.

Section 812. Sense of Congress Relating to Magen David Adom Society

This section reconfirms a previously enacted sense of the Congress provision that calls upon the International Committee of the Red Cross to recognize the Magen David Adom Society and states that the United States should continue to press for such recognition.

Section 813. Sense of Congress on Climate Change

This section expresses the sense of Congress regarding global climate change negotiations and calls for a bipartisan Senate observer group to monitor any negotiations to ensure that the advice and consent function of the Senate is exercised in a manner so as to facilitate timely consideration of any new treaty submitted to the Senate.

Section 814. Extension of Authorization of Appropriation for the United States Commission on International Religious Freedom

This section extends the \$3 million authorized in previous legislation to FY 2004 for the Commission on International Religious Freedom, a federally funded commission that reports on the status of religious freedom in countries around the world.

TITLE IX—PEACE CORPS CHARTER FOR THE 21ST CENTURY

Section 901. Short Title

This section designates title IX of the bill as the "Peace Corps Charter for the 21st Century Act."

Section 902. Findings

This section sets forth historical information concerning the forty-two years of operations of the Peace Corps and its volunteers. It highlights the importance of Peace Corps independence. It restates the three principal goals of the organization as set forth in the Peace Corps Act, namely to help people in developing countries meet basic needs, to promote the understanding of American values abroad, and to encourage an understanding of other peoples and cultures by Americans. It expresses support for expanding the number of volunteers in service provided that such an expansion does not come at the expense of the quality of the services provided by Peace Corps volunteers, or at the expense of the support available to the volunteers themselves. It identifies the importance of the office of strategic planning in coordinating existing volunteer programs as well as long-term expansion plans. It notes the usefulness that a streamlined National Peace Corps Advisory Council could be to the Director of the Peace Corps.

Section 903. Definitions

This section defines the terms “appropriate congressional committees,” “Director,” “Peace Corps volunteer,” and “returned Peace Corps volunteer” as they are used in this title.

Section 904. Strengthening Independence of the Peace Corps

This section clarifies existing law with respect to the independence of the Peace Corps including with respect to recruitment of volunteers.

Section 905. Reports and Consultations

This section provides for an annual report to Congress, containing a description of any new initiatives being proposed by the organization, the cost associated with such initiatives, and a description of in-country security procedures being implemented by the organization. It also calls for timely Congressional consultation by the Peace Corps Director with respect to any major new initiatives undertaken by the organization which have not been previously described in annual reports to Congress. It also mandates a one time report to Congress, within 30 days of enactment of this Act, describing current student loan forgiveness programs available to volunteers, and a comparison with other government-sponsored loan forgiveness programs.

Section 906. Increasing the Number of Volunteers

This section calls upon the Director to develop a plan for doubling the number of volunteer placements and to report to the Congress the details of that plan not later than thirty days after enactment. It provides for annual reports thereafter until the doubling of volunteer placements has been achieved.

Section 907. Special Volunteer Recruitment and Placement for Countries Whose Governments are Seeking To Foster Greater Understanding Between Their Citizens and the United States

This section mandates that the Director transmit a report to Congress identifying countries where a greater understanding of

the United States would serve U.S. interests, and its recruitment and training strategy for equipping volunteers with necessary skills to meet the special challenges posed by such countries. It authorizes the Director to utilize the experience and insight of returned volunteers in opening or reopening programs in such countries.

Section 908. Global Infectious Disease Initiative

This section requires the Peace Corps to develop a training program for all volunteers in the areas of education, prevention, and treatment of infectious diseases. The training program is to be developed in cooperation with local, national and international health experts.

Section 909. Peace Corps Advisory Council

This section amends Section 12 of the Peace Corps Act to modify the nature, structure, and role of the Peace Corps Advisory Council, including membership, use of returned volunteers, meeting schedule, and appointment and duration of the Council Chair.

Section 910. Readjustment Allowances

This section raises the readjustment allowance which volunteers receive at the end of their service to \$275 for each month of service.

Section 911. Programs and Projects of Returned Peace Corps Volunteers To Promote the Goals of the Peace Corps

This section authorizes the Corporation for National and Community Service, subject to the availability of appropriations, to award grants to private non-profit corporations for the purpose of using the knowledge, experience, and expertise of returned Peace Corps volunteers to help carry out the third goal of the Peace Corps Act. It includes a \$10 million authorization of appropriations to carry out the purposes of this section. Grant monies are to be used to support programs or proposals submitted by returned Peace Corps volunteers. Not more than 20% of the funding available to the corporation may be used for administrative, overhead, or salary expenses. In addition, the non-profit corporation(s) will be required to raise private funds and donations after two years of operation in order to remain eligible for continued grant money under this section.

Section 912. Authorization of Appropriations

This section authorizes funds through fiscal year 2007 at the administration's requested levels as follows, \$359,000,000 for fiscal year 2004, \$401,000,000 for fiscal year 2005, \$443,000,000 for fiscal year 2006, and \$485,000,000 for fiscal year 2007.

V. COST ESTIMATE

In accordance with rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the Committee provides the following estimate of the cost of this legislation prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 24, 2003.

Honorable RICHARD G. LUGAR, *Chairman,*
Committee on Foreign Relations,
United States Senate,
Washington, DC.

DEAR MR. CHAIRMAN:

The Congressional Budget Office has prepared the enclosed cost estimate for the Foreign Relations Authorization Act, Fiscal Year 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

DOUGLAS HOLTZ-EAKIN, *Director.*

[Enclosure.]

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Foreign Relations Authorization Act, Fiscal Year 2004

SUMMARY

The bill would authorize appropriations of about \$8.8 billion for the Department of State and related agencies for 2004. It also would authorize appropriations totaling about \$1.7 billion for the Peace Corps over the 2004-2008 period. The bill also contains provisions that would raise the cost of discretionary programs for personnel and public diplomacy over the 2005-2008 period. CBO estimates that those provisions would require appropriations of \$360 million over those four years. CBO estimates that appropriation of the authorized and estimated amounts would result in additional discretionary spending of \$10.5 billion over the 2004-2008 period.

CBO estimates that the bill also would affect direct spending by less than \$500,000 a year and increase governmental receipts (revenues) by an insignificant amount each year by creating new criminal penalties related to law enforcement and protective functions of State Department special agents and guards.

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

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of the bill is shown in the following table. CBO assumes that the authorized amounts will be appropriated by the start of each fiscal year and that outlays would follow historical spending patterns. The costs of this legislation fall within budget functions 150 (international affairs), 300 (natural resources and environment), 500 (education, training, employment, and social services), 600 (income security), 750 (administration of justice), and 800 (general government).

[By Fiscal Year, in Millions of Dollars]

	2003	2004	2005	2006	2007	2008
SPENDING SUBJECT TO APPROPRIATION ¹						
Spending Under Current Law for State Department, Peace Corps, and Related Agencies:						
Authorization Level ^{2,3}	8,790	900	0	0	0	0
Estimated Outlays	8,794	3,221	1,573	1,013	624	347
Proposed Changes:						
Estimated Authorization Level	0	9,140	489	532	576	92
Estimated Outlays	0	6,132	2,102	1,066	911	305
Spending Under the Foreign Relations Authorization Act, Fiscal Year 2004:						
Estimated Authorization Level ^{2,3}	8,790	10,040	489	532	576	92
Estimated Outlays	8,794	9,354	3,675	2,078	1,535	652

¹ The bill also would affect direct spending and receipts, but these effects would be less than \$500,000 in each year.

² The 2003 level is the amount appropriated for that year.

³ \$900 million was authorized to be appropriated in 2004 by Public Law 106-113.

BASIS OF ESTIMATE

Spending Subject to Appropriation

The bill would authorize appropriations of \$9.1 billion in 2004 and almost \$10.5 billion over the 2004-2008 period. The bill also contains provisions that would affect costs for personnel and public diplomacy. In addition to the costs covered by the specified authorizations in the bill for 2004, implementing these provisions would require appropriations of \$360 million over the 2005-2008 period. CBO estimates that implementing the bill would cost \$10.5 billion over the 2004-2008 period, and an additional amount of about \$200 million after 2008, assuming appropriation of the necessary amounts.

Peace Corps. Title IX of the bill would require the Director of the Peace Corps to develop a plan to increase the number of Peace Corps volunteers to twice the number of volunteers in service in 2002. It also would triple the readjustment allowance authorized to returning volunteers and would authorize appropriations to fund this growth through 2007. CBO estimates implementing these provisions would cost \$280 million in 2004 and \$1.6 billion over the 2004-2008 period, assuming the appropriation of the authorized amounts.

Middle East Broadcasting Network. Section 810 would authorize the Broadcasting Board of Governors (BBG) to make annual grants to a Middle East Broadcasting Network to provide radio and television broadcasts to the Middle East region. Under current law, Radio Sawa provides radio programming to the Middle East at an annual cost of about \$10 million. The BBG plans to add a satellite television network that would provide news, entertainment, and information programs to complement this radio programming. Public Law 108-11 provided \$26 million in 2003 for start-up costs of the network. Based on information from the BBG, CBO estimates that operating costs for this television network would be \$37 million a

year over the 2004-2008 period. The bill provides a specific authorization of appropriations of \$47 million in 2004 only.

Exchange Programs. Sections 612 and 613 would establish new educational and cultural exchange programs and expand existing ones. Title I would authorize the appropriation of \$30 million for this purpose in 2004. CBO estimates that continuing these programs would cost an additional \$130 million over the 2005-2008 period.

Corporation for National and Community Service. Title IX also would authorize the appropriation of \$10 million in 2004 to the Corporation for National and Community Service to provide grants to nonprofit organizations that support returned Peace Corps volunteers in promoting an understanding of other peoples on the part of the American people. CBO estimates implementing this section would cost \$2 million in 2004, and \$10 million over the 2004-2008 period.

Hardship and Danger Pay Allowances. Section 305 would increase the cap on hardship and danger pay allowances from 25 percent to 35 percent of basic pay for State Department employees serving overseas. Based on information from the Department of State, CBO estimates implementing this section would cost \$8 million to \$9 million annually over the 2004-2008 period. The bill provides a specific authorization of appropriations for \$8 million in 2004 only.

Indefinite Authorizations for Currency Fluctuations. Section 103(c) would authorize such sums as may be necessary in 2004 to compensate for adverse fluctuations in exchange rates that might affect contributions to international organizations. Any funds appropriated for this purpose would be obligated and expended subject to certification by the Office of Management and Budget. Currency fluctuations are extremely difficult to estimate in advance, and they could result in spending either higher or lower than the amounts specifically authorized in the bill for contributions to international organizations and programs. Therefore, this estimate includes no costs associated with currency fluctuations.

United States Diplomacy Center. Section 212 would authorize the Secretary of State to establish a United States Diplomacy Center at the Harry S Truman Building in Washington, DC. According to the Department of State, it would establish the center through a partnership with the nonprofit Foreign Affairs Museum Council (FAMC); the department would provide the space, staff, and security for the center, while FAMC would provide funding from private sources. A feasibility study is currently underway, and the department was unable to provide details that would allow CBO to estimate the operating costs of the center.

Reimbursement Rate for Airlift Services. Section 204 would reduce by about half the reimbursement rate paid by the Department of State to the Department of Defense (DOD) for transporting armored vehicles by air. Over the 2000-2002 period, the department reimbursed DOD an average of \$2 million a year and CBO estimates that annual savings as a result of the bill would be roughly \$1 million.

Educational Expenses of Dependent Children. Section 302 would authorize payments for certain educational expenses of dependent

children of Foreign Service employees posted overseas. Based on information from the Department of State, CBO estimates implementing this section would cost about \$1 million annually.

Edward R. Murrow Fellowship Program. Section 622 would establish a new fellowship program at the BBG to allow 20 foreign national journalists each year to spend 6 months working at the Voice of America, Radio Free Europe/Radio Liberty, or Radio Free Asia. BBG would pay their salaries, living expenses, and travel costs. Based on information from BBG, CBO estimates that implementing this section would cost roughly \$1 million a year.

Reporting Requirements. The bill includes several provisions that would expand or introduce new reporting requirements. Combined, these provisions would raise spending subject to appropriation by about \$1 million annually, but each provision would probably cost less than \$500,000 a year.

Miscellaneous Provisions. CBO estimates that several sections of the bill (including some from Title III that would amend compensation benefits for State Department personnel) would have an insignificant impact on spending subject to appropriation:

- Section 213 would authorize an educational program for young Latin American professionals to promote civilian control of government ministries with national security functions.
- Section 301 would allow members of the Foreign Service to be assigned for one year to the North Atlantic Treaty Organization (NATO), the European Union (EU), or one of the NATO or EU members.
- Section 306 would allow the department to place members of the Foreign Service indicted for a crime on indefinite suspension without pay.
- Section 307 would clarify the department's authority to settle claims of back pay and other administrative claims and grievances.
- Section 312 would allow the department to pay a housing allowance to 10 more employees of the U.S. Mission to the United Nations in New York City.

Direct Spending and Revenues

CBO estimates that several provisions in the bill would affect direct spending and revenues by less than \$500,000 annually.

Cost-Sharing for New Diplomatic Facilities. Section 206 would allow the Department of State, beginning in 2005, to charge a fee to every Federal agency that has a presence at any United States diplomatic facility to help fund the construction of new diplomatic facilities. The amount of the fee charged would be determined by a formula that takes into account the number of employees assigned to each diplomatic mission. Based on information from the Office of Management and Budget and the Department of State, CBO estimates that construction of new diplomatic facilities could cost about \$1 billion a year over the next several years and that roughly 40 percent of these costs would be born by Federal agencies other than the Department of State. Because the collection and spending of the fees would not be subject to the annual appropriation process, this provision would affect direct spending. CBO esti-

mates that collections from the new fee would offset spending on construction, and that this proposal would not significantly increase or decrease Federal spending as a whole, but would merely shift costs from the Department of State to other Federal agencies. Ultimately, all such Federal costs are and still would be subject to appropriation of the necessary amounts. (That is, the only direct spending effects relate to the intragovernmental transfers and their use by the Department of State.)

Law Enforcement. Sections 201 and 203 would raise governmental receipts (revenues) by establishing new criminal penalties that would be assessed against persons interfering with the law enforcement and protective functions of State Department special agents and guards. CBO estimates that the increase in revenues would not be significant in any year. Collections of criminal fines are deposited in the Crime Victims Fund and are spent in subsequent years. CBO estimates that the criminal penalties that would be created under the bill would increase direct spending from the Crime Victims Fund by less than \$500,000 per year.

Reimbursements from the United States Olympic Committee. Section 208 would allow the Department of State to seek and retain reimbursement for security provided by special agents to the U.S. Olympic Team during the 2004 Summer Olympic Games in Athens, Greece. The department plans to deploy about 150 special agents at an estimated cost of \$3 million, but it is uncertain how much of this cost would be recovered.

United States Diplomacy Center. Section 212 would authorize the Secretary to provide museum visitor and educational outreach services and to sell, trade, or transfer documents and articles that are displayed at the center. Any proceeds generated from these services or sales would be retained and spent by the center, and CBO estimates that this provision would have an insignificant net effect on direct spending.

Foreign Service Pay and Retirement. Several sections in Title III of the bill would amend retirement benefits for State Department personnel. Section 303 would slightly broaden the authority of the Department of State to temporarily rehire Foreign Service retirees without terminating their pension benefits. Section 309 would establish a 60-day deadline for the Office of Personnel Management to issue regulations in accordance with a previously enacted change in pension benefits for certain spouses of Foreign Service workers. Section 310 would change personnel review and terminations procedures for each Foreign Service class. CBO estimates that these three provisions would have an insignificant effect on direct spending.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

The bill contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

Estimates prepared by:

Federal Costs: State Department: Sunita D'Monte. Peace Corps and Corporation for National and Community Service: Joseph C.

Whitehill. Foreign Service Retirement: Geoffrey Gerhardt. Law Enforcement: Mark Grabowicz.

Impact on State, local, and tribal governments: Victoria Heid Hall.

Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by:

Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VI. EVALUATION OF REGULATORY IMPACT

Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate requires an evaluation of the regulatory impact of the bill. A handful of provisions in the bill (e.g., Sections 203 and 309) authorize or require the issuance of regulations. These regulatory powers relate, however, to the administration or protection of Department facilities or to personnel matters, and would not involve regulation of private commerce or have an economic impact.

VII. CHANGES IN EXISTING LAW

In compliance with Rule XXVI, paragraph 12 of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman).

State Department Basic Authorities Act of 1956

* * * * *

TITLE I—BASIC AUTHORITIES GENERALLY

ORGANIZATION OF THE DEPARTMENT OF STATE

* * * * *

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

(a)–(m) * * *

(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under section 5596 of title 5, United States Code, as part of the settlement or compromise of administrative claims or grievances filed against the Department.

* * * * *

ADMINISTRATIVE SERVICES

* * * * *

SEC. 34. (a) * * *

* * * * *

[(c) The Secretary of State may waive the notification requirement of subsection (a), if the Secretary determines that failure to do so would pose a substantial risk to human health or welfare. In the case of any waiver under this subsection, notification to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives shall be provided as soon as practicable, but not later than 3 days after taking the action to which the notification requirement was applicable, and shall contain an explanation of the emergency circumstances.]

(c)(1) *The Secretary may waive the notification requirement of subsection (a) and of any other law if the Secretary determines that—*

(A) *compliance with the requirement would pose a substantial risk to human health or welfare; or*

(B) *doing so is necessary to provide for the establishment, or renovation of, a diplomatic facility in urgent circumstances, except that the notification requirement may not be waived with respect to the reprogramming of more than \$10,000,000 for such facility in any one instance.*

(2) *In the case of any waiver under this subsection, the Secretary shall transmit to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives as soon as is practicable, but not later than 3 days after the obligation of the funds a notification of the waiver. The notification shall include an explanation of the circumstances warranting the exercise of the waiver.*

* * * * *

SPECIAL AGENTS

SEC. 37. (a) GENERAL AUTHORITY.—* * *

* * * * *

(d) ADMINISTRATIVE SUBPOENAS.—

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

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

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

(2) *REQUIREMENTS.—*

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

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

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

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

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

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

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

SEC. 37A. PROTECTION OF BUILDINGS AND AREAS IN THE UNITED STATES BY DESIGNATED LAW ENFORCEMENT OFFICERS.

(a) *DESIGNATION OF LAW ENFORCEMENT OFFICERS.*—The Secretary of State may designate Department of State uniformed guards as law enforcement officers for duty in connection with the protection of buildings and areas within the United States for which the Department of State provides protective services, including duty in areas outside the property to the extent necessary to protect the property and persons on the property.

(b) *POWERS OF OFFICERS.*—While engaged in the performance of official duties as a law enforcement officer designated under subsection (a), an officer may—

(1) enforce Federal laws and regulations for the protection of persons and property;

(2) carry firearms; and

(3) make arrests without warrant for any offense against the United States committed in the officer's presence, or for any felony cognizable under the laws of the United States if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing such felony in connection with the buildings and areas, or persons, for which the Department of State is providing protective services.

(c) *REGULATIONS.*—(1) The Secretary of State may prescribe regulations necessary for the administration of buildings and areas within the United States for which the Department of State provides protective services. The regulations may include reasonable penalties, within the limits prescribed in subsection (d), for violations of the regulations.

(2) The Secretary shall consult with the Secretary of Homeland Security in prescribing the regulations under paragraph (1).

(3) The regulations shall be posted and kept posted in a conspicuous place on the property.

(d) *PENALTIES.*—A person violating a regulation prescribed under subsection (c) shall be fined under title 18, United States Code, or imprisoned for not more than 30 days, or both.

(e) *TRAINING OFFICERS.*—The Secretary of State may also designate firearms and explosives training officers as law enforcement officers under subsection (a) for the limited purpose of safeguarding firearms, ammunition, and explosives that are located at firearms and explosives training facilities approved by the Secretary or are in transit between training facilities and Department of State weapons and munitions vaults.

(f) *ATTORNEY GENERAL APPROVAL.*—The powers granted to officers designated under this section shall be exercised in accordance with guidelines approved by the Attorney General. Nothing in this section shall be construed to affect the authority of the Secretary of Homeland Security, the Administrator of General Services, or any Federal law enforcement agency.

* * * * *

SEC. 59. THE UNITED STATES DIPLOMACY CENTER.

(a) *ACTIVITIES.*—

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

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

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

(b) *DISPOSITION OF UNITED STATES DIPLOMACY CENTER ARTIFACTS AND MATERIALS.*—

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

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

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

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

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

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

* * * * *

Foreign Service Act of 1980

* * * * *

TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

* * * * *

CHAPTER 3—APPOINTMENTS

* * * * *

SEC. 302. APPOINTMENTS BY THE PRESIDENT.—(a)(1) * * *

(2)(A) The President may, by and with the advice and consent of the Senate, confer the personal rank of career ambassador upon a career member of the Senior Foreign Service in recognition of especially distinguished service over a sustained period.

(B)(i) * * *

(ii) The President may confer such personal rank only if, prior to such conferral, he transmits to the Committee on Foreign Relations of the Senate a written report setting forth—

(I)–(III) * * *

(IV) all relevant information concerning any potential conflict of interest which the proposed recipient of such personal rank may have with regard to the special mission, *including information that is required to be disclosed on the Standard Form 278, or any successor financial disclosure report.*

Such report shall be transmitted not less than 30 days prior to conferral of the personal rank of ambassador or minister except in cases where the President certifies in his report that urgent circumstances require the immediate conferral of such rank.

* * * * *

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

* * * * *

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

* * * * *

CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

* * * * *

SEC. 503. ASSIGNMENTS TO AGENCIES, INTERNATIONAL ORGANIZATIONS, [AND] FOREIGN GOVERNMENTS, OR OTHER BODIES.—The Secretary may (with the concurrence of the agency, organization, or other body concerned) assign a member of the Service for duty—

(1) in a non-Foreign Service (including Senior Executive Service) position in the Department or another agency, or with an international organization, international commission, or other international body, *or with a foreign government under section 506;*

* * * * *

SEC. 506. FELLOWSHIP OF HOPE.—(a) The Secretary is authorized to establish the Fellowship of Hope Program. Under the program, the Secretary may assign a member of the Service, for not more than one year, to a position with any designated country or designated entity that permits an employee to be assigned to a position with the Department.

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

(c) In this section:

(1) The term “designated country” means a member country of—

- (A) the North Atlantic Treaty Organization; or*
- (B) the European Union.*

(2) The term “designated entity” means—

- (A) the North Atlantic Treaty Organization; or*
- (B) the European Union.*

CHAPTER 6—PROMOTION AND RETENTION

* * * * *

SEC. 610. SEPARATION FOR CAUSE; SUSPENSION.—(a)(1) The Secretary may separate any member from the Service for such cause as will promote the efficiency of the Service.

* * * * *

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

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

- (A) written notice stating the specific reasons for the proposed suspension;*
- (B) a reasonable time to respond orally and in writing to the proposed suspension;*
- (C) representation by an attorney or other representative;*
- and*
- (D) a final written decision, including the specific reasons for such decision, as soon as practicable.*

(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11 of this title.

(4) In the case of a grievance filed under paragraph (3), the review by the Foreign Service Grievance Board—

- (A) shall be limited to a determination of whether the reasonable cause requirement has been fulfilled and whether there is a connection between the conduct and the efficiency of the Foreign Service; and*

(B) may not exercise the authority provided under section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)).

(5) In this section:

(A) The term "reasonable time" means—

(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

(B) The term "suspend" or "suspension" means the placing of a member of the Foreign Service, for disciplinary reasons, in a temporary status without duties.

* * * * *

CHAPTER 7—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

* * * * *

SEC. 703. CAREER DEVELOPMENT.—(a) * * *

(b) Junior Foreign Service officer training shall be directed primarily toward providing expert knowledge in the basic functions of analysis and reporting as well as in *public diplomacy*, consular, administrative, and linguistic skills relevant to the full range of future job assignments. Midcareer training shall be directed primarily toward development and perfection of management, functional, negotiating, and policy development skills to prepare the officers progressively for more senior levels of responsibility.

* * * * *

SEC. 709. PUBLIC DIPLOMACY TRAINING.

The Secretary shall ensure that public diplomacy is an important component of training at all levels of the Foreign Service.

CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY

* * * * *

SEC. 824. REEMPLOYMENT.—(a) * * *

* * * * *

[(g) The Secretary of State may waive the application of the paragraphs (a) through (d) of this section, on a case-by-case basis, for an annuitant reemployed on a temporary basis, but only if, and for so long as, the authority is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances.]

(g) The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

(1) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

(2) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.

* * * * *

CHAPTER 9—TRAVEL, LEAVE, AND OTHER BENEFITS

* * * * *

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

(1) * * *

* * * * *

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

- (A) other locations abroad having different social, climatic, or other environmental conditions than those at the post at which the member of the Service is serving, or
- (B) locations in the United States;

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

* * * * *

SEC. 903. REQUIRED LEAVE IN THE UNITED STATES.—(a) The Secretary may order a member of the Service (other than a member employed under section 311) who is a citizen of the United States to take a leave of absence under section 6305 of title 5, United States Code (without regard to the introductory clause of subsection (a) of that section), upon completion by that member of [18 months] 12 months of continuous service abroad. The Secretary shall order on such leave of absence a member of the Service (other than member employed under section 311) who is a citizen of the United States as soon as possible after completion by that member of 3 years of continuous service abroad.

* * * * *

United Nations Participation Act of 1945

* * * * *

[SEC. 9. The Secretary of State may, under such regulations as he shall prescribe, and notwithstanding section 3648 of the Revised Statutes (31 U.S.C. 529) and section 5536 of title 5, United States Code:

(1) Make available to the Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations living quarters leased or rented by the United States (for periods not

exceeding ten years) and allowances for unusual expenses incident to the operation and maintenance of such living quarters similar to those and to be considered for all purposes as authorized by section 22 of the Administrative Expenses Act of 1946, as amended by section 311 of the Overseas Differentials and Allowances Act.

[(2) Make available in New York to no more than 30 foreign service employees of the staff of the United States Mission to the United Nations, other representatives, and no more than two employees who serve at the pleasure of the Representative, living quarters leased or rented by the United States (for periods not exceeding ten years). The number of employees to which such quarters will be made available shall be determined by the Secretary and shall reflect a significant reduction over the number of persons eligible for housing benefits as of the date of enactment of this provision. No employee may occupy a unit under this provision if the unit is owned by the employee. The Secretary shall require that each employee occupying housing under this subsection contribute to the Department of State a percentage of his or her base salary, in an amount to be determined by the Secretary of State toward the cost of such housing. The Secretary may reduce such payments to the extent of income taxes paid on the value of the leased or rented quarters any payments made by employees to the Department of State for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State for such lease or rental or to the appropriation, fund, or account currently available for such purpose.]

[(3) provide such allowance as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses incurred by him with respect to attending any such session.]

[(4) The Inspector General shall review the program established by this section no later than December 1989 and periodically thereafter with a view to increasing cost savings and making other appropriate recommendations.]

SEC. 9. (a) The Secretary of State may, under such regulations as the Secretary shall prescribe, and notwithstanding subsections (a) and (b) of section 3324 of title 31, United States Code, and section 5536 of title 5, United States Code—

(1) make available to the Permanent Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations—

(A) living quarters leased or rented by the United States for a period that does not exceed 10 years; and

(B) allowances for unusual expenses incident to the operation and maintenance of such living quarters that are similar to expenses authorized to be funded by section 5913 of title 5, United States Code;

(2) make available living quarters in New York leased or rented by the United States for a period of not more than 10 years to—

(A) not more than 40 members of the Foreign Service assigned to the United States Mission to the United Nations or other United States representatives to the United Nations; and

(B) not more than 2 employees who serve at the pleasure of the Permanent Representative of the United States to the United Nations; and

(3) provide an allowance, as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses with respect to attending any such session.

(b) The Secretary may not make available living quarters or allowances under subsection (a) to an employee who is occupying living quarters that are owned by such employee.

(c) Living quarters and allowances provided under subsection (a) shall be considered for all purposes as authorized—

(1) by chapter 9 of title I of the Foreign Service Act of 1980; and

(2) by section 5913 of title 5, United States Code.

(d) The Inspector General for the Department of State and the Broadcasting Board of Governors shall periodically review the administration of this section with a view to achieving cost savings and developing appropriate recommendations to make to the Secretary of State regarding the administration of this section.

* * * * *

The Peace Corps Act

* * * * *

TITLE I—THE PEACE CORPS

* * * * *

PEACE CORPS AS AN INDEPENDENT AGENCY

SEC. 2A. Effective on the date of the enactment of the International Security and Development Cooperation Act of 1981, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION Agency, the successor to the ACTION Agency, or any other department or agency of the United States. *As the Peace Corps is an independent agency, all recruiting of volunteer shall be undertaken primarily by the Peace Corps.*

AUTHORIZATION

SEC. 3. (a) The President is authorized to carry out programs in furtherance of the purposes of this Act, on such terms and conditions as he may determine.

(b)(1) There are authorized to be appropriated to carry out the purposes of this Act \$270,000,000 for fiscal year 2000, \$298,000,000 for fiscal year 2001, \$327,000,000 for fiscal year [2002, and] 2002, \$365,000,000 for fiscal year 2003, \$359,000,000 for fiscal year 2004, \$401,000,000 for fiscal year 2005, \$443,000,000 for fiscal year 2006, and \$485,000,000 for fiscal year 2007.

* * * * *

PEACE CORPS VOLUNTEERS

SEC. 5. (a) * * *

* * * * *

(c) Volunteers shall be entitled to receive a readjustment allowance at a rate not less than [\$125] \$275 for each month of satisfactory service as determined by the President. The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however,* That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States. In the event of the volunteer's death during the period of his service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582(b) of title 5, United States Code. For purposes of the Internal Revenue Code of 1954 (26 U.S.C.), a volunteer shall be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this Act to the fund from which such readjustment allowance is payable.

* * * * *

(g) The President may detail or assign volunteers or otherwise make them available to any entity referred to in paragraph (1) of section 10(a) on such terms and conditions as he may determine: *Provided, That such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent: Provided further,* That not to exceed two hundred volunteers may be assigned to carry out secretarial or clerical duties on the staffs of the Peace Corps representatives abroad: *Provided, however,* That any volunteer so detailed or assigned shall continue to be entitled to the allowances, benefits and privileges of volunteers authorized under or pursuant to this Act.

* * * * *

PEACE CORPS VOLUNTEER LEADERS

SEC. 6. The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in

connection with programs under this Act (referred to in this Act as “volunteer leaders”). The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five. Except as otherwise provided in this Act, all of the provisions of this Act applicable to volunteers shall be applicable to volunteer leaders, and the term “volunteers” shall include “volunteer leaders”: *Provided, however, That—*

(1) volunteer leaders shall be entitled to receive a readjustment allowance at a rate not less than ~~[\$125]~~ \$275 for each month of satisfactory service as determined by the President;

* * * * *

REPORTS

[SEC. 11. The President shall transmit to the Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information 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—

[(1) 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

[(2) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations.

[The President shall also include in the report a description of any plans to carry out the policy set forth in section 2(b) of this Act.]

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—*

(1) a description of 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) a description of—

(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 Congress;

- (B) *the rationale for undertaking such new initiatives;*
- (C) *an estimate of the cost of such initiatives; and*
- (D) *any impact such initiatives may have on the safety of volunteers; and*

(3) *a description of 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 collocating 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 should consult with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives 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, but in any event as soon as is practicable thereafter.*

PEACE CORPS NATIONAL ADVISORY COUNCIL

SEC. 12. (a) ESTABLISHMENT.—* * *

(b) * * *

(1) * * *

(2) Members of the Council shall (subject to subsection (d)(1) of this section) conduct on-site inspections, and make examinations, of the activities of the Peace Corps in the United States and in other countries in order to—

(A) * * *

(B) * * *

(C) * * *

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

(D) *make recommendations for utilizing the expertise of returned Peace Corps volunteer in fulfilling the goals of the Peace Corps.*

(3) The Council may provide for public participation in its activities.

(c) MEMBERSHIP.—(1) Persons appointed as members of the Council shall be broadly representative of the general public, including educational institutions, private volunteer agencies, private industry, farm organizations, labor unions, different regions of the United States, different educational, economic, racial, and national backgrounds and age groupings, and both sexes.

(2)(A) The Council shall consist of [fifteen] *seven* voting members who shall be appointed by the President, by and with the advice and consent of the Senate. [At least seven of such members shall be former Peace Corps volunteers, and not more than eight of such members shall be members of the same political party.] *Four 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 four shall be members of the same political party.

[(B)] The first appointments of members of the Council under this paragraph shall be made not more than sixty days after the date of the enactment of this section and, solely for purposes of determining the expiration of their terms, shall be deemed to take effect on the sixtieth day after such date of enactment.]

[(C)] (B) No member appointed under this paragraph may be an officer or employee of the United States Government.

[(D)] Of the members initially appointed under this paragraph, eight shall be appointed to 1-year terms and seven shall be appointed to 2-year terms. Thereafter, all appointed members shall be appointed to 2-year terms.]

[(D)] (C) *The members of the Council shall be appointed for 2-year terms.*

[(E)] (D) A member of the Council appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

[(F)] (E) No member of the Council may serve for more than two consecutive 2-year terms.

[(G)] (F) Members of the Council shall serve at the pleasure of the President.

[(H)] An appointed member of the Council may be removed by a vote of nine members for malfeasance in office, for persistent neglect of or inability to discharge duties, or for offenses involving moral turpitude, and for no other cause.]

[(I)] (G) Within thirty days after any vacancy occurs in the office of an appointed member of the Council, the President shall nominate an individual to fill the vacancy.

* * * * *

[(g)] CHAIR AND VICE CHAIR.—At its first meeting and at its first regular meeting in each calendar year thereafter, the Council shall elect a Chair and Vice Chair from among its appointed members who are citizens of the United States. The Chair and Vice Chair may not both be members of the same political party.]

(g) CHAIR.—*The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.*

[(h)] MEETINGS, BYLAWS, AND REGULATIONS.—(1) The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Director of the Peace Corps, the Council's Chair, or one-fourth of its members.

[(2) 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.]

(h) MEETINGS.—*The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council.*

[(i)] REPORTS TO THE PRESIDENT AND THE DIRECTOR.—Not later than January 1, 1988, and not later than January 1 of each second

year thereafter, the Council shall submit to the President and the Director of the Peace Corps a report on its views on the programs and activities of the Peace Corps. Each report shall contain a summary of the advice and recommendations provided by the Council to the President and the Director 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. Within ninety days after receiving each such report, the President shall submit to the Congress a copy of the report, together with any comments concerning the report that the President or the Director considers appropriate.】

(i) *REPORT.—Not later than July 30 of each year, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).*

* * * * *

**Foreign Relations Authorization Act, Fiscal Year
1994–1995**

* * * * *

TITLE I—DEPARTMENT OF STATE AND RELATED AGENCIES

* * * * *

PART B—AUTHORITIES AND ACTIVITIES

* * * * *

SEC. 140. VISAS.

(a) **SURCHARGE FOR PROCESSING CERTAIN VISAS.—**

(1) Notwithstanding any other provision of law, the Secretary of State is authorized to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(2) Fees collected under the authority of paragraph (1) shall be deposited as an offsetting collection to any Department of State appropriation, to recover the costs of providing consular services. Such fees shall remain available for obligation until expended, *and shall not be transferred to any other agency.*

* * * * *

SEC. 404. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACE-KEEPING OPERATIONS.

* * * * *

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

* * * * *

(B) **REDUCTION IN UNITED STATES SHARE OF ASSESSED CONTRIBUTIONS.—*** * *

(i)–(iv) * * *

(v) For assessments made during a calendar year after calendar year 2004, 27.40 percent.

* * * * *

Foreign Relations Authorization Act, Fiscal Year 1998–1999

* * * * *

TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE; DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE FOREIGN SERVICE

SEC. 2311. FOREIGN SERVICE REFORM.

(a) PERFORMANCE PAY.— * * *

* * * * *

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—[Not later than 90 days after the date of enactment of this Act, the] *The* Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom [5 percent] 2 percent of his or her class [for 2 or more of the 5 years preceding the date of enactment of this Act] *at least twice in any 5-year period* (in this subsection referred to as the “years of lowest ranking”) if the rating official for such member was not the same individual for any two of the years of lowest ranking.

* * * * *

Foreign Relations Authorizations Act, Fiscal Year 2003

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SUBTITLE A—BASIC AUTHORITIES AND ACTIVITIES

* * * * *

SEC. 215. REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL’S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES

(a) FINDINGS.—* * *

* * * * *

(b) REPORT CONCERNING UNITED STATES EFFORTS TO PROMOTE ISRAEL’S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.—Not later than 60 days after the date of the enactment of this Act, *and again not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004*, the Secretary shall submit a report to the appropriate congressional com-

mittees that includes the following information (in classified or unclassified form, as appropriate):

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

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

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

* * * * *

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

* * * * *

SUBTITLE B—PERSONNEL MATTERS

* * * * *

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

* * * * *

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

* * * * *

TITLE IV—INTERNATIONAL ORGANIZATIONS

* * * * *

[SEC. 408. UNITED STATES MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHT AND INTERNATIONAL NARCOTICS CONTROL BOARD.]

SEC. 408. MEMBERSHIP ON UNITED NATIONS COMMISSIONS AND COUNCILS AND THE INTERNATIONAL NARCOTICS CONTROL BOARD.

The United States, in connection with its voice and vote in the United Nations General Assembly and the United Nations Economic and Social Council, shall make every reasonable effort—

(1) to secure a seat for the United States on the United Nations Commission on Human Rights;

(2) to secure a seat for a United States national on the United Nations International Narcotics Control Board; **[and]**

[(3) to prevent membership on the Human Rights Commission by any member nation the government of which, in the judgment of the Secretary, based on the Department's Annual Country Reports on Human Rights and the Annual Report on International Report on International Religious Freedom, consistently violates internationally recognized human rights or

has engaged in or tolerated particularly severe violations of religious freedom in that country.】

(3) to prevent membership on the United Nations Commission on Human Rights or the United Nations Security Council by—

(A) any member nation the government of which, in the judgment of the Secretary, based on the Department's Annual Country Reports on Human Rights and the Annual Report on International Report on Religious Freedom, consistently violates internationally recognized human rights or has engaged in or tolerated particularly severe violations of religious freedom in that country; or

(B) any member nation the government of which, as determined by the Secretary—

(i) is a sponsor of terrorism; or

(ii) is the subject of United Nations sanctions; and

(4) to advocate that the government of any member nation that the Secretary determines is a sponsor of terrorism or is the subject of United Nations sanctions is not elected to a leadership position in the United Nations General Assembly, the United Nations Commission on Human Rights, the United Nations Security Council, or any other entity of the United Nations.

* * * * *

Emergency Supplemental Act, 2000

* * * * *

【SEC. 3203. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.—(a) Not later than 6 months after the date of the enactment of this title, and every 6 months thereafter, during the period Plan Colombia resources are made available, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives a report setting forth—

【(1) a list of the persons whose extradition has been requested from any country receiving counternarcotics assistance from the United States, indicating those persons who—

【(A) have been surrendered to the custody of United States authorities;

【(B) have been detained by the authorities and who are being processed for extradition;

【(C) have been detained by the authorities and who are not yet being processed for extradition; or

【(D) are at large;

【(2) a determination whether authorities of each country receiving counternarcotics assistance from the United States are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

【(3) an analysis of—

【(A) any legal obstacles in the laws of each country receiving counternarcotics assistance from the United States

regarding prompt extradition of persons sought by United States authorities; and

[(B) the steps taken by authorities of the United States and the authorities of each country receiving counter-narcotics assistance from the United States to overcome such obstacles.]

* * * * *

Immigration and Nationality Act

* * * * *

INADMISSIBLE ALIENS

SEC. 212. (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States.* * *

(1)–(9) * * *

(10) MISCELLANEOUS.—

(A)–(B) * * *

(C) INTERNATIONAL CHILD ABDUCTION.—

(i) IN GENERAL.—Except as provided in clause (ii), any alien who, after entry of an order by a court in the United States granting custody to a person of a United States citizen child who detains or retains the child, or withholds custody of the child, outside the United States from the person granted custody by that order, is inadmissible until the child is surrendered to the person granted custody by that order.

(ii) ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—Any alien who—

(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i)[,];

(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i)[,]; or

[(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien 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 the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.]

(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien de-

scribed in clause (i), or 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 of State's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age.

(iii) EXCEPTIONS.—* * *

(iv) AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.—*The Secretary of State may, at the Secretary of State's sole and unreviewable discretion, at any time, cancel a designation made pursuant to clause (ii)(III).*

(v) IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.—*In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).*

(vi) ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN CONSULAR LOOKOUT AND SUPPORT SYSTEM.—*In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the Consular Lookout and Support System of the name or names of, and identifying information about, such individual and of any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).*

(vii) DEFINITIONS.—*In this subparagraph:*

(I) CHILD.—*The term "child" means a person under 21 years of age regardless of marital status.*

(II) SIBLING.—*The term "sibling" includes step-siblings and half-siblings.*

* * * * *

SEC. 219. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) DESIGNATION.—

(1) IN GENERAL.—*The Secretary is authorized to designate an organization as a foreign terrorist organization in accordance with this subsection if the Secretary finds that—*

* * * * *

(3) RECORD.—

(A) IN GENERAL.—*In making a designation under this subsection, the Secretary shall create an administrative record.*

(B) CLASSIFIED INFORMATION.—*The Secretary may consider classified information in making a designation under 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 (b)] *subsection (c)*.

* * * * *
 (4) PERIOD OF DESIGNATION.—

(A) IN GENERAL.—[Subject to paragraphs (5) and (6), a] A designation under this subsection shall be effective for all purposes [for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)] *until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)*.

[(B) REDESIGNATION.—The Secretary may redesignate a foreign organization as a foreign terrorist organization for an additional 2-year period at the end of the 2-year period referred to in subparagraph (A) (but not sooner than 60 days prior to the termination of such period) upon a finding that the relevant circumstances described in paragraph (1) still exist. The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation. The procedural requirements of paragraphs (2) and (3) shall apply to a redesignation under this subparagraph.]

(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).*

(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.*

* * * * *

(6) *REVOCAION BASED ON CHANGE IN CIRCUMSTANCES.*—

(A) *IN GENERAL.*—*The Secretary may revoke a designation made under paragraph (1) [or a redesignation made under paragraph (4)(B)] at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Secretary finds that—*

(i) *the circumstances that were the basis for the designation [or redesignation] have changed in such a manner as to warrant revocation; or*

(ii) *the national security of the United States warrants a revocation.*

(B) *PROCEDURE.*—*The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.*

(7) *EFFECT OF REVOCATION.*—*The revocation of a designation under paragraph (5) or (6), [or the revocation of a redesignation under paragraph (6),] shall not affect any action or pro-*

ceeding based on conduct committed prior to the effective date of such revocation.

(8) Use of designation in trial or hearing. If a designation under this subsection has become effective under paragraph (2)(B), [or if a redesignation under this subsection has become effective under paragraph (4)(B),] a defendant in a criminal action or an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation [or redesignation] as a defense or an objection at any trial or hearing.

(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).*

[(b)](c) JUDICIAL REVIEW OF DESIGNATION.—* * *

(1) IN GENERAL.—*Not later than 30 days after publication [of the designation in the Federal Register, an organization designated as a foreign terrorist organization may seek judicial review of the designation] 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 in the United States Court of Appeals for the District of Columbia Circuit.*

(2) BASIS OF REVIEW.—*Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation, amended designation, or determination in response to a petition for revocation.*

(3) SCOPE OF REVIEW.—*The Court shall hold unlawful and set aside a designation, amended designation, or determination in response to a petition for revocation the court finds to be—*

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (2), or

(E) not in accord with the procedures required by law.

(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation, *amended designation*, or *determination in response to a petition for revocation* shall not affect the application of this section, unless the court issues a final order setting aside the designation, *amended designation*, or *determination in response to a petition for revocation*.

* * * * *
[(c)](d) DEFINITIONS.—* * *
* * * * *

United States Information and Educational Exchange Act of 1948

* * * * *

TITLE V—DISSEMINATING INFORMATION ABOUT THE UNITED STATES ABROAD

GENERAL AUTHORIZATION

* * * * *

[SEC. 502. In authorizing international information activities under this Act, it is the sense of the Congress (1) that the Secretary shall reduce such Government information activities whenever corresponding private information dissemination is found to be adequate; (2) that nothing in this Act shall be construed to give the Department a monopoly in the production or sponsorship on the air of short-wave broadcasting programs, or a monopoly in any other medium of information.]

SEC. 502. PLANS, REPORTS, AND BUDGET DOCUMENTS.

(a) *INTERNATIONAL INFORMATION STRATEGY.*—The President shall develop and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an international information strategy. The international information strategy shall consist of public information plans designed for major regions of the world, including a focus on regions with significant Muslim populations.

(b) *NATIONAL SECURITY STRATEGY.*—In preparation of the report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the President shall ensure that the report includes a comprehensive discussion of how public diplomacy activities are integrated into the national security strategy of the United States, and how such activities are designed to advance the goals and objectives identified in the report pursuant to section 108(b)(1) of that Act.

(c) *PLANS REGARDING DEPARTMENT ACTIVITIES.*—

(1) *STRATEGIC PLAN.*—In the updated and revised strategic plan for program activities of the Department required to be

submitted under section 306 of title 5, United States Code, the Secretary shall identify how public diplomacy activities of the Department are designed to advance each strategic goal identified in the plan.

(2) *ANNUAL PERFORMANCE PLAN.—The Secretary shall ensure that each annual performance plan for the Department required by section 1115 of title 31, United States Code, includes a detailed discussion of public diplomacy activities of the Department.*

(3) *BUREAU AND MISSION PERFORMANCE PLAN.—The Secretary shall ensure that each Bureau Performance Plan and each Mission Performance Plan, under regulations of the Department, includes an extensive public diplomacy component.*

* * * * *

**United States International Broadcasting Act of
1994**

* * * * *

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

* * * * *

SEC. 304. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.

* * * * *

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

* * * * *

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

SEC. 305. AUTHORITIES OF THE BOARD.

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

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

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

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

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

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

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

* * * * *

(c) BROADCASTING BUDGETS.—

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

* * * * *

SEC. 307. INTERNATIONAL BROADCASTING BUREAU.

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

(b) SELECTION OF THE DIRECTOR OF THE BUREAU.—The Director of the Bureau shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Bureau shall be entitled to receive compensation at the rate prescribed by law for level IV of the Executive Schedule.

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

Asia, and Middle East Broadcasting Network, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate, the Office of Cuba Broadcasting, the Voice of America, and Worldnet.

* * * * *

SEC. 310. MIDDLE EAST BROADCASTING NETWORK.

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

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

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

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

(A) the Board of Directors of the Middle East Broadcasting Network shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

(B) such Board of Directors shall make all major policy determinations governing the operation of the Middle East Broadcasting Network, and shall appoint and fix the compensation of such managerial officers and employees of the Middle East Broadcasting Network as it considers necessary to carry out the purposes of the grant provided under this title, except that no officer or employee may be paid a salary or other compensation in excess of the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

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

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

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

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

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

(e) *AUDIT AUTHORITY.*—

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

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

(3) *INSPECTOR GENERAL.*—Notwithstanding any other provisions of law, the Inspector General of the Department of State and the Foreign Service is authorized to exercise the authorities of the Inspector General Act with respect to the Middle East Broadcasting Network.

* * * * *

Foreign Service Buildings Act of 1926

That (a) the Secretary of State is empowered to acquire by purchase or construction in the manner hereinafter provided, within the limits of appropriations made to carry out this Act, or by exchange, in whole or in part, of any building or grounds of the United States in foreign countries and under the jurisdiction and control of the Secretary of State, sites and buildings in foreign capitals and in other foreign cities, and to alter, repair, and furnish such buildings for the use of the diplomatic and consular establishments of the United States, or for the purpose of consolidating within one or more buildings, the embassies, legation, consulates, and other agencies of the United States Government there maintained. The space in such buildings shall be allotted by the Secretary of State among the several agencies of the United States Government.

(b) Payments made for rent or otherwise by the United States from funds other than appropriations made to carry out this Act may be credited toward the acquisition of property under this Act without regard to limitations of amounts imposed by this Act.

(c)(1) *The Secretary of State may, in accordance with this section, collect a fee from an agency of the Federal Government that has assigned employees to a United States diplomatic facility for the purpose of constructing new United States diplomatic facilities.*

(2) *The Secretary shall annually determine and charge a 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 employees of each agency, including locally hired personnel, who are assigned to a United States diplomatic facility.*

(3) *The head of an agency charged a fee under this section shall remit the amount of the fee to the Secretary of State.*

(4) *There shall be established on the books of the Treasury an account to be known as the "Capital Security Cost-Share 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). The Secretary shall include in the Department of State's Congressional Presentation Document each year an accounting of the sources and uses of the amounts deposited into the account.*

(5) *The Secretary shall not collect a fee for an employee of an agency of the Federal Government who is assigned to a United States diplomatic facility that is located at a site for which the Secretary has granted a waiver under 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).*

* * * * *

Asia Foundation Act

* * * * *

FUNDING

[SEC. 404. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State \$15,000,000 for each of the fiscal years 2000 and 2001 for grants to The Asia Foundation pursuant to this title.]

SEC. 404. There are authorized to be appropriated to the Secretary of State \$15,000,000 for the fiscal year 2004 for grants to The Asia Foundation pursuant to this title.

* * * * *

United States Code

TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

* * * * *

PART III—EMPLOYEES

* * * * *

SUBPART D—PAY AND ALLOWANCES

CHAPTER 59—ALLOWANCES

* * * * *

SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

* * * * *

SEC. 5924. COST-OF-LIVING ALLOWANCES.

The following cost-of-living allowances may be granted, when applicable, to an employee in a foreign area:

(1) * * *

(2) * * *

(3) * * *

(4) An education allowance or payment of travel costs to assist an employee with the extraordinary and necessary expenses, not otherwise compensated for, incurred because of his service in a foreign area or foreign areas in providing adequate education for his dependents (or, to the extent education away from post is involved, official assignment to service in such area or areas), as follows:

(A) An allowance not to exceed the cost of obtaining such kindergarten, elementary and secondary educational services as are ordinarily provided without charge by the public schools in the United States (including *activities required for successful completion of a grade or course* and such educational services as are provided by the States under the Individuals with Disabilities Education Act), plus, in those cases when adequate schools are not available at the post of the employee, board and room, and periodic transportation between that post and the school chosen by the employee, [not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available] *subject to the approval of the head of the agency involved*, without regard to section 3324(a) and (b) of title 31. When travel from school to post is infeasible, travel may be allowed between the school attended and the home of a designated relative or family friend or to join a parent at any location, with the allowable travel expense not to exceed the cost of travel between the school and the post. The amount of the allowance granted shall be determined on the basis of the educational facility used.

[(B) The travel expenses of dependents of an employee to and from a school in the United States (or to and from a school outside the United States if the dependent is attending that school for less than one year under a program approved by the

school in the United States at which the dependent is enrolled, with the allowable travel expense not to exceed the cost of travel to and from the school in the United States) to obtain an American secondary or postsecondary educational institution education (other than a program of post-baccalaureate education), not to exceed one annual trip each way for each dependent. At the election of the employee, in lieu of the transportation of the baggage of a dependent from the dependent's school, the costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the employee's duty station may be paid or reimbursed to the employee, except that the amount of the payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage. An allowance payment under subparagraph (A) of this paragraph (4) may not be made for a dependent during the 12 months following his arrival in the United States for secondary education under authority contained in this subparagraph (B). Notwithstanding section 5921(6) of this title, travel expenses, for the purpose of obtaining postsecondary educational institution education (other than a program of post-baccalaureate education), may be authorized under this subparagraph (B), under such regulations as the President may prescribe, for dependents of employees who are citizens of the United States stationed in the Canal Zone. For the purposes of this subparagraph, the term "educational institution" has the meaning defined under section 1701(a)(6) of title 38.】

(B) The travel expenses of dependents of an employee to and from a secondary, post-secondary, or post-baccalaureate educational institution, not to exceed 1 annual trip each way for each dependent, except that an allowance payment under subparagraph (A) of this paragraph may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph.

* * * * *

(D) Allowances provided pursuant to subparagraphs (A) and (B) may include, at the election of the employee, payment or reimbursement of the costs incurred to store baggage for the employee's dependent at or in the vicinity of the dependent's school during the dependent's annual trip between the school and the employee's duty station, except that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage with the dependent in connection with the annual trip, and such payment or reimbursement shall be in lieu of transportation of the baggage.

* * * * *

SEC. 5925. POST DIFFERENTIALS.

(a) A post differential may be granted on the basis of conditions of environment which differ substantially from conditions of environment in the continental United States and warrant additional pay as a recruitment and retention incentive. A post differential may be granted to an employee officially stationed in the United

States who is on extended detail in a foreign area. A post differential under this subsection may not exceed ~~25 percent~~ 35 percent of the rate of basic pay.

* * * * *

SEC. 5928. DANGER PAY ALLOWANCE.

An employee serving in a foreign area may be granted a danger pay allowance on the basis of civil insurrection, civil war, terrorism, or wartime conditions which threaten physical harm or imminent danger to the health or well-being of the employee. A danger pay allowance may not exceed ~~25 percent~~ 35 percent of the basic pay of the employee, except that if an employee is granted an additional differential under section 5925(b) of this title with respect to an assignment, the sum of that additional differential and any danger pay allowance granted to the employee with respect to that assignment may not exceed ~~25 percent~~ 35 percent of the basic pay of the employee. The presence of nonessential personnel or dependents shall not preclude payment of an allowance under this section. In each instance where an allowance under this section is initiated or terminated, the Secretary of State shall inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of the action taken and the circumstances justifying it.

* * * * *

SUBPART G—INSURANCE AND ANNUITIES

CHAPTER 83—RETIREMENT

SUBCHAPTER III—CIVIL SERVICE RETIREMENT

SEC. 8332. CREDITABLE SERVICE.

(a) The total service of an employee or Member is the full years and twelfth parts thereof, excluding from the aggregate the fractional part of a month, if any.

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

* * * * *

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

ties and funded in whole or in part by the Government and only if the individual later becomes subject to this subchapter;

* * * * *

TITLE 10—ARMED FORCES

SUBTITLE A—GENERAL MILITARY LAW

* * * * *

PART IV—SERVICE, SUPPLY, AND PROCUREMENT

* * * * *

CHAPTER 157—TRANSPORTATION

* * * * *

[SEC. 2642. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO CENTRAL INTELLIGENCE AGENCY]

SEC. 2642. REIMBURSEMENT RATE FOR AIRLIFT SERVICES PROVIDED TO CENTRAL INTELLIGENCE AGENCY OR DEPARTMENT OF STATE

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

* * * * *

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

* * * * *

CHAPTER 7—ASSAULT

SEC. 111. ASSAULTING, RESISTING, OR IMPEDING CERTAIN OFFICERS OR EMPLOYEES. * * *

* * * * *

SEC. 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.

International Religious Freedom Act of 1998

* * * * *

**TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS
FREEDOM**

* * * * *

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Commission \$3,000,000 for the fiscal year **[2003]** *2004* to carry out the provisions of this title.

(b) **AVAILABILITY OF FUNDS.**—Amounts authorized to be appropriated under subparagraph (a) are authorized to remain available until expended but not later than the date of termination of the Commission.

* * * * *

