

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS
2006 AND 2007

JULY 13, 2005.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

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

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2601]

[Including cost estimate of the Congressional Budget Office]

The Committee on International Relations, to whom was referred the bill (H.R. 2601) to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short Title.
Sec. 2. Table of contents.
Sec. 3. Definitions.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 101. Administration of foreign affairs.
Sec. 102. Contributions to international organizations.
Sec. 103. International commissions.
Sec. 104. Migration and Refugee Assistance.
Sec. 105. Centers and foundations.
Sec. 106. United States International Broadcasting activities.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Sec. 201. Consolidation of law enforcement powers; new criminal offense.
Sec. 202. International litigation fund.
Sec. 203. Retention of medical reimbursements.
Sec. 204. Buying power maintenance account.
Sec. 205. Authority to administratively amend surcharges.
Sec. 206. Accountability review boards.
Sec. 207. Designation of Colin L. Powell Residential Plaza.
Sec. 208. Removal of contracting prohibition.
Sec. 209. Translation of reports of the Department of State.
Sec. 210. Entries within passports.
Sec. 211. United States actions with respect to Jerusalem as the capital of Israel.
Sec. 212. Availability of unclassified telecommunications facilities.
Sec. 213. Reporting formats.
Sec. 214. Extension of requirement for scholarships for Tibetans and Burmese.
Sec. 215. American Institute in Taiwan facilities enhancement.
Sec. 216. Activities related to Cuba.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Sec. 301. Education allowances.
Sec. 302. Official residence expenses.
Sec. 303. Increased limits applicable to post differentials and danger pay allowances.
Sec. 304. Home leave.
Sec. 305. Overseas equalization and comparability pay adjustment.
Sec. 306. Fellowship of Hope Program.
Sec. 307. Regulations regarding retirement credit for government service performed abroad.
Sec. 308. Promoting assignments to international organizations.
Sec. 309. Suspension of Foreign Service members without pay.
Sec. 310. Death gratuity.
Sec. 311. Clarification of Foreign Service Grievance Board procedures.
Sec. 312. Repeal of recertification requirement for members of the Senior Foreign Service.
Sec. 313. Technical amendments to title 5, United States Code, provisions on recruitment, relocation, and retention bonuses.
Sec. 314. Limited appointments in the Foreign Service.
Sec. 315. Statement of Congress regarding career development program for Senior Foreign Service.
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Sec. 317. Office of the Culture of Lawfulness.
Sec. 318. Review of human resources policies of the Department of State.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Sec. 401. REDI Center.
Sec. 402. Extension of authorization of appropriation for the United States Commission on International Religious Freedom.
Sec. 403. Reform of the International Atomic Energy Agency.
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TITLE V—INTERNATIONAL BROADCASTING

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Sec. 502. Middle East Broadcasting Networks.
Sec. 503. Improving signal delivery to Cuba.
Sec. 504. Establishing permanent authority for Radio Free Asia.
Sec. 505. Personal services contracting program.
Sec. 506. Commonwealth of the Northern Mariana Islands education benefits.

TITLE VI—ADVANCE DEMOCRACY ACT OF 2005

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Statement of policy.
Sec. 604. Definitions.

Subtitle A—Department of State Activities

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- Sec. 612. Reports.
- Sec. 613. Strategies to enhance the promotion of democracy in foreign countries.
- Sec. 614. Activities by the United States to promote democracy and human rights in foreign countries.
- Sec. 615. Democracy Promotion and Human Rights Advisory Board.
- Sec. 616. Establishment and maintenance of Internet site for global democracy and human rights.
- Sec. 617. Programs by United States missions in foreign countries and activities of chiefs of mission.
- Sec. 618. Training for Foreign Service officers.
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- Sec. 620. Appointments.

Subtitle B—Alliances with Other Democratic Countries

- Sec. 631. Alliances with other democratic countries.
- Sec. 632. Sense of Congress regarding the establishment of a Democracy Caucus.
- Sec. 633. Annual diplomatic missions on multilateral issues.
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- Sec. 651. Investigation of violations of international humanitarian law.
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TITLE VII—STRATEGIC EXPORT CONTROL AND SECURITY ASSISTANCE ACT OF 2005

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- Sec. 711. Amendments to the State Department Basic Authorities Act of 1956.
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- Sec. 721. Transparency of jurisdictional determinations.
- Sec. 722. Certifications relating to export of certain defense articles and defense services.
- Sec. 723. Priority for United States military operations.
- Sec. 724. License officer staffing and workload.
- Sec. 725. Database of United States military assistance.
- Sec. 726. Training and liaison for small businesses.
- Sec. 727. Commercial communications satellite technical data.
- Sec. 728. Reporting requirement for unlicensed exports.

Subtitle D—Terrorist-Related Provisions and Enforcement Matters

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- Sec. 732. Certification concerning exempt weapons transfers along the northern border of the United States.
- Sec. 733. Comprehensive nature of United States arms embargoes.
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Subtitle E—Strengthening United States Missile Nonproliferation Law

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- Sec. 752. Transfer of obsolete and surplus items from Korean War Reserves Stockpile and removal or disposal of remaining items.
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- Sec. 821. Findings.
- Sec. 822. Campaign by United States Government officials.
- Sec. 823. Coordination.
- Sec. 824. Report.

Subtitle C—Incentives for Proliferation Interdiction Cooperation

- Sec. 831. Authority to provide assistance to cooperative countries.
- Sec. 832. Types of assistance.
- Sec. 833. Congressional notification.
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Subtitle D—Rollback of Nuclear Proliferation Networks

- Sec. 841. Nonproliferation as a condition of United States assistance.
- Sec. 842. Report on identification of nuclear proliferation network host countries.
- Sec. 843. Suspension of arms sales licenses and deliveries to nuclear proliferation network host countries.

Subtitle E—General Provisions

- Sec. 851. Definitions.

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Subtitle A—Foreign Assistance Act of 1961 and Related Provisions

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- Sec. 901. Assistance to establish centers for the treatment of obstetric fistula in developing countries.
- Sec. 902. Support for small and medium enterprises in sub-Saharan Africa.
- Sec. 903. Assistance to support democracy in Zimbabwe.
- Sec. 904. Restrictions on United States voluntary contributions to the United Nations Development Program.
- Sec. 905. Assistance for the Office of the Police Ombudsman for Northern Ireland.
- Sec. 906. Report on foreign law enforcement training and assistance.
- Sec. 907. Assistance for disaster mitigation efforts.
- Sec. 908. Assistance to promote democracy in Belarus.
- Sec. 909. Assistance for maternal and prenatal care for certain individuals of Belarus and Ukraine involved in the cleanup of the Chernobyl disaster.
- Sec. 910. Assistance to address non-infectious diseases in foreign countries.

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- Sec. 921. Economic support fund assistance for Egypt.
- Sec. 922. Inter-Arab Democratic Charter.
- Sec. 923. Middle East Partnership Initiative.
- Sec. 924. West Bank and Gaza Program.
- Sec. 925. Economic Support Fund assistance for Venezuela.

CHAPTER 3—PART III OF THE FOREIGN ASSISTANCE ACT OF 1961

- Sec. 931. Support for pro-democracy and human rights organizations in certain countries.
- Sec. 932. Limitation on assistance to the Palestinian Authority.
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- Sec. 944. Assistance for demobilization and disarmament of former irregular combatants in Colombia.
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- Sec. 952. Sense of Congress regarding assistance for regional health education and training programs.
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- Sec. 954. Sense of Congress regarding elimination of extreme poverty in developing countries.
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TITLE X—REPORTING REQUIREMENTS

- Sec. 1001. Trans-Sahara Counter-Terrorism Initiative.
- Sec. 1002. Annual Patterns of Global Terrorism Report.
- Sec. 1003. Dual gateway policy of the Government of Ireland.
- Sec. 1004. Stabilization in Haiti.
- Sec. 1005. Verification reports to Congress.
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- Sec. 1007. Acquisition and major security upgrades.
- Sec. 1008. Services for children with autism at overseas missions.
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- Sec. 1013. Child marriage.
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- Sec. 1015. Developments in and policy toward Indonesia.
- Sec. 1016. Murders of United States citizens John Branchizio, Mark Parson, and John Marin Linde.
- Sec. 1017. Diplomatic relations with Israel.
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 Sec. 1109. Statement of policy regarding the murder of United States citizen John M. Alvis.
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 Sec. 1124. Action against al-Manar television.
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 Sec. 1126. Property expropriated by the Government of Ethiopia.

SEC. 3. DEFINITIONS.

In this Act:

- (1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—Except as otherwise provided, the term “appropriate congressional committees” means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.
 (2) **DEPARTMENT.**—The term “Department” means the Department of State.
 (3) **SECRETARY.**—The term “Secretary” means the Secretary of State.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

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

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

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

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

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

(D) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of the amounts authorized to be appropriated under subparagraph (A), \$20,000,000 for fiscal year 2006 and \$20,000,000 for fiscal year 2007 are authorized to be appropriated for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.

(E) ANTI-SEMITISM.—Of the amounts authorized to be appropriated under subparagraph (A), \$225,000 for fiscal year 2006 and \$225,000 for fiscal year 2007 are authorized to be appropriated for necessary expenses to fund secondments, hiring of staff, and support targeted projects of the Office of Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) regarding anti-Semi-

tism and intolerance and for the OSCE/ODIHR Law Enforcement Officers Hate Crimes Training Program.

(F) RELIGIOUS FREEDOM.—

(i) IN GENERAL.—Of the amounts authorized to be appropriated under subparagraph (A), \$205,000 for fiscal year 2006 and \$205,000 for fiscal year 2007 are authorized to be appropriated for necessary expenses to fund activities of the Organization for Security and Cooperation in Europe relating to freedom of religion and belief.

(ii) OSCE PROJECTS, ACTIVITIES, AND MISSIONS.—

(I) PROJECTS AND ACTIVITIES.—Of the amounts authorized to be appropriated under subparagraph (A), \$125,000 for fiscal year 2006 and \$125,000 for fiscal year 2007 are authorized to be appropriated for necessary expenses to fund for secondments, hiring of staff, and support targeted projects of the Office of Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) regarding religious freedom and for the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief.

(II) MISSIONS.—Of the amounts authorized to be appropriated under subparagraph (A), \$80,000 for fiscal year 2006 and \$80,000 for fiscal year 2007 are authorized to be appropriated for OSCE Missions in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan for activities to address issues relating to religious freedom and belief and to fund the hiring of new staff who are dedicated to religious freedom and belief.

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

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

(2) CAPITAL INVESTMENT FUND.—For “Capital Investment Fund”, \$131,000,000 for fiscal year 2006 and \$131,000,000 for fiscal year 2007.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For “Embassy Security, Construction and Maintenance”, \$1,526,000,000 for fiscal year 2006 and \$1,550,000,000 for fiscal year 2007.

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—For “Educational and Cultural Exchange Programs”, \$428,900,000 for fiscal year 2006 and \$438,500,000 for fiscal year 2007.

(B) SUMMER INSTITUTES FOR KOREAN STUDENT LEADERS.—Of the amounts authorized to be appropriated under subparagraph (A), \$750,000 for fiscal year 2006 and \$750,000 for fiscal year 2007 are authorized to be appropriated for summer academic study programs in the United States (focusing on United States political systems, government institutions, society, and democratic culture) for college and university students from the Republic of Korea, to be known as the “United States Summer Institutes for Korean Student Leaders”.

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

(D) SCHOLARSHIPS FOR INDIGENOUS PEOPLES OF MEXICO AND CENTRAL AND SOUTH AMERICA.— Of the amounts authorized to be appropriated under subparagraph (A), \$250,000 for fiscal year 2006 and \$250,000 for fiscal year 2007 are authorized to be appropriated for scholarships for secondary and postsecondary education in the United States for students from Mexico and the countries of Central and South America who are descended from the indigenous peoples of Mexico or such countries.

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

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

(G) NGAWANG CHOEPHEL EXCHANGE PROGRAMS.—Of the amounts authorized to be appropriated under subparagraph (A), \$500,000 for fiscal year 2006 and \$500,000 for fiscal year 2007 are authorized to be appropriated for the “Ngawang Choepel Exchange Programs” (formerly known as “programs of educational and cultural exchange between the United States and the people of Tibet”) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note).

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

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

(5) REPRESENTATION ALLOWANCES.—For “Representation Allowances”, \$8,281,000 for fiscal year 2006 and \$8,281,000 for fiscal year 2007.

(6) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For “Protection of Foreign Missions and Officials”, \$9,390,000 for fiscal year 2006 and \$9,390,000 for fiscal year 2007.

(7) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the Diplomatic and Consular Service”, \$12,143,000 for fiscal year 2006 and \$12,143,000 for fiscal year 2007.

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

(9) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For “Payment to the American Institute in Taiwan”, \$19,751,000 for fiscal year 2006 and \$20,146,020 for fiscal year 2007.

(10) OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General”, \$29,983,000 for fiscal year 2006, and \$29,983,000 for fiscal year 2007.

SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

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

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

(c) FOREIGN CURRENCY EXCHANGE RATES.—

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

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

SEC. 103. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under “International Commissions” for the Department of State to carry out the authorities, functions,

duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

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

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

(B) for “Construction”, \$6,100,000 for fiscal year 2006 and \$6,100,000 for fiscal year 2007.

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

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

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

SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated for the Department of State for “Migration and Refugee Assistance” for authorized activities, \$955,000,000 for fiscal year 2006 and \$983,650,000 for fiscal year 2007.

(b) REFUGEES RESETTLING IN ISRAEL.—Of the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated \$40,000,000 for fiscal year 2006 and \$40,000,000 for fiscal year 2007 for resettlement of refugees in Israel.

(c) PILOT PROGRAM FOR LONG-TERM REFUGEE POPULATIONS.—

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

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

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

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

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

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

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

SEC. 105. CENTERS AND FOUNDATIONS.

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

(b) NATIONAL ENDOWMENT FOR DEMOCRACY.—There are authorized to be appropriated for the “National Endowment for Democracy” for authorized activities, \$80,000,000 for fiscal year 2006 and \$80,000,000 for fiscal year 2007.

(c) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—There are authorized to be appropriated for the “Center for Cultural and Technical Interchange Between East and West” for authorized activities, \$13,024,000 for fiscal year 2006 and \$13,024,000 for fiscal year 2007.

SEC. 106. UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES.

The following amounts are authorized to be appropriated to carry out United States Government international broadcasting activities under the United States Information and Educational Exchange Act of 1948, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

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

(2) BROADCASTING CAPITAL IMPROVEMENTS.—For “Broadcasting Capital Improvements”, \$10,893,000 for fiscal year 2006 and \$10,893,000 for fiscal year 2007.

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

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

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

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

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

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

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

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

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

SEC. 202. INTERNATIONAL LITIGATION FUND.

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

- (1) by inserting “as a result of a decision of an international tribunal,” after “received by the Department of State”; and
- (2) by inserting a comma after “United States Government”.

SEC. 203. RETENTION OF MEDICAL REIMBURSEMENTS.

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

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

SEC. 204. BUYING POWER MAINTENANCE ACCOUNT.

Section 24(b)(7) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2696(b)(7)) is amended by striking subparagraph (D).

SEC. 205. AUTHORITY TO ADMINISTRATIVELY AMEND SURCHARGES.

Beginning in fiscal year 2006 and thereafter, the Secretary of State is authorized to amend administratively the amounts of the surcharges related to consular services in support of enhanced border security (provided for in title IV of division B of the Consolidated Appropriations Act, 2005 (Public Law 108-447)) that are in addition to the passport and immigrant visa fees in effect on January 1, 2004.

SEC. 206. ACCOUNTABILITY REVIEW BOARDS.

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

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

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

“(3) FACILITIES IN AFGHANISTAN AND IRAQ.—

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

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

“(ii) occurs during the period beginning on July 1, 2004, and ending on September 30, 2009.

“(B) REPORTING REQUIREMENTS.—In the case of an incident described in subparagraph (A), the Secretary shall—

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

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

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

SEC. 207. DESIGNATION OF COLIN L. POWELL RESIDENTIAL PLAZA.

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

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the “Colin L. Powell Residential Plaza”.

SEC. 208. REMOVAL OF CONTRACTING PROHIBITION.

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

SEC. 209. TRANSLATION OF REPORTS OF THE DEPARTMENT OF STATE.

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

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

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

(1) The Country Reports on Human Rights Practices, including the Trafficking in Persons Report, required under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n and 2304).

(2) The Annual Report on International Religious Freedom, required under section 102b of the International Religious Freedom Act of 1998 (22 U.S.C. 6412).

SEC. 210. ENTRIES WITHIN PASSPORTS.

(a) FINDINGS.—Congress finds the following:

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

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

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

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

(d) REQUIREMENT THAT ACCURATE ENTRIES BE MADE ON REQUEST OF CITIZEN.—The first section of “An Act to regulate the issue and validity of passports, and for other purposes”, approved July 3, 1926, (22 U.S.C. 211a; 44 Stat. 887), is amended by inserting after the first sentence the following new sentence: “For purposes of the issuance of a passport to a United States citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen’s legal guardian, record the place of birth as Israel.”

SEC. 211. UNITED STATES ACTIONS WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.

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

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

SEC. 212. AVAILABILITY OF UNCLASSIFIED TELECOMMUNICATIONS FACILITIES.

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

SEC. 213. REPORTING FORMATS.

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

(b) EFFECTIVE DATE.—The requirement specified under subsection (a) shall apply beginning with the first report that the Secretary is required to submit to the appropriate congressional committees after the date of the enactment of this Act.

SEC. 214. EXTENSION OF REQUIREMENT FOR SCHOLARSHIPS FOR TIBETANS AND BURMESE.

Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319; 22 U.S.C. 2151 note) is amended by striking “for the fiscal year 2003” and inserting “for each of fiscal years 2006 and 2007”.

SEC. 215. AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT.

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

SEC. 216. ACTIVITIES RELATED TO CUBA.

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

- (1) the J. William Fulbright Educational Exchange Program;
- (2) the Hubert Humphrey Fellowship Program;
- (3) the International Visitors Program;
- (4) the Benjamin A. Gilman International Scholarship Program;
- (5) the EducationUSA Program; and

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

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

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

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

SEC. 301. EDUCATION ALLOWANCES.

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

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

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

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

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

“(D) Allowances provided pursuant to 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. 302. OFFICIAL RESIDENCE EXPENSES.

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

“(c) Funds made available under subsection (b) may be provided in advance to persons eligible to receive reimbursements.”.

SEC. 303. INCREASED LIMITS APPLICABLE TO POST DIFFERENTIALS AND DANGER PAY ALLOWANCES.

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

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

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

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

(e) STUDY AND REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary of State shall conduct a study assessing the effect of the increases in post differentials and danger pay allowances made by the amend-

ments in subsections (b) and (c), respectively, in filling “hard-to-fill” positions and shall submit a report of such study to the appropriate congressional committees.

SEC. 304. HOME LEAVE.

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

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

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

SEC. 305. OVERSEAS EQUALIZATION AND COMPARABILITY PAY ADJUSTMENT.

(a) OVERSEAS COMPARABILITY PAY ADJUSTMENT.—

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

“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

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

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

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

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

“(c) PHASE-IN.—The comparability pay adjustment described under this section shall be paid to a member described in subsection (a) in three phases, as follows:

“(1) In fiscal year 2006, 33.33 percent of the amount of such adjustment to which such member is entitled.

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

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

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

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

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

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

(A) in paragraph (1)—

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

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

(B) in paragraph (2)—

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

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

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

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

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

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

(3) ENTITLEMENT TO ANNUITY.—Section 855(a)(3) of such Act (22 U.S.C. 4071d(a)(3)) is amended—

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

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

(4) DEDUCTIONS AND WITHHOLDINGS FROM PAY.—Section 856(a)(2) of such Act (22 U.S.C. 4071e(a)(2)) is amended to read as follows:

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

Percentage	Time Period
7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.9	January 1, 2000, to December 31, 2000.
7.55	January 11, 2003, to September 30, 2004.
7.5	After September 30, 2004.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and apply beginning on the first day of the first full pay period beginning after such date.

SEC. 306. FELLOWSHIP OF HOPE PROGRAM.

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

“SEC. 506. FELLOWSHIP OF HOPE PROGRAM.

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

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

“(c) DEFINITIONS.—In this section:

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

“(A) the North Atlantic Treaty Organization; or

“(B) the European Union.

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

“(A) the North Atlantic Treaty Organization; or

“(B) the European Union.

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

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

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

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

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

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

(1) in section 503 (22 U.S.C. 3983)—

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

(B) in subsection (a)—

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

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

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

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

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

and

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

“Sec. 506. Fellowship of Hope Program.”.

SEC. 307. REGULATIONS REGARDING RETIREMENT CREDIT FOR GOVERNMENT SERVICE PERFORMED ABROAD.

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

SEC. 308. PROMOTING ASSIGNMENTS TO INTERNATIONAL ORGANIZATIONS.

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

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect and apply beginning on January 1, 2010.

SEC. 309. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

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

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

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

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

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

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

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

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

“(4) In this subsection:

“(A) The term ‘reasonable time’ means—

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

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

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Such section, as amended by subsection (a), is further amended in the section heading by inserting “, SUSPENSION” before the period at the end.

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

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

SEC. 310. DEATH GRATUITY.

Section 413(a) of the Foreign Service Act of 1980 (22 U.S.C. 3973(a)) is amended in the first sentence by inserting before the period at the end the following: “or \$100,000, whichever is greater”.

SEC. 311. CLARIFICATION OF FOREIGN SERVICE GRIEVANCE BOARD PROCEDURES.

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

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

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

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

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

Title 5, United States Code, is amended—

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

SEC. 314. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

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

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

(2) in subsection (b)—

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

“(3) as a career candidate, if—

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

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

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

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

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

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

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

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

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

“(c) Noncareer specialist employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment provided there is at least a one year break in service before such new appointment. This requirement may be waived by the Director General in cases of special need.”.

SEC. 315. STATEMENT OF CONGRESS REGARDING CAREER DEVELOPMENT PROGRAM FOR SENIOR FOREIGN SERVICE.

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

- (1) Operational effectiveness, including a breadth of experience in several regions and over several functions.
- (2) Leadership and management effectiveness.
- (3) Sustained professional language proficiency.
- (4) Responsiveness to Service needs.

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

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

SEC. 317. OFFICE OF THE CULTURE OF LAWFULNESS.

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

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

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

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

(2) developing new initiatives to foster a culture of lawfulness through international organizations;

(3) ensuring that culture of lawfulness education is included in the curricula of all law enforcement and public security academies and training programs that receive assistance from the United States, and in democracy, civic education, and rule of law assistance programs conducted with foreign governments and nongovernmental organizations.

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

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

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

(a) **BOTTOM-UP REVIEW OF ELEMENTS OF THE DEPARTMENT OF STATE.**—The Secretary of State shall conduct ongoing, thorough reviews of the organizational structure and human resource policies of all elements of the Department of State to determine those organizational structures that are most effectively organized and whether personnel with the appropriate skill sets are being hired, trained, and utilized to meet national security challenges, including those posed by international terrorist threats.

(b) **EMPHASIS ON DIVERSITY.**—The review conducted under subsection (a) shall include an emphasis on improving the ethnic, racial, cultural, and gender diversity of personnel of the Department of State.

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

TITLE IV—INTERNATIONAL ORGANIZATIONS**SEC. 401. REDI CENTER.**

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

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

(a) **IN GENERAL.**—Subsection (a) of section 207 of the International Religious Freedom Act of 1998 (22 U.S.C. 6435) is amended by striking “\$3,000,000 for the fiscal year 2003” and inserting “\$3,300,000 for each of fiscal years 2006 through 2011”.

(b) **TECHNICAL AMENDMENT.**—Subsection (b) of such section is amended by striking “subparagraph” and inserting “subsection”.

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

(a) **FINDINGS WITH RESPECT TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.**—Congress finds the following:

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

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

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

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

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

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

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

(8) This delayed payment results in recurring shortages of funds for the IAEA, thus compromising its ability to conduct safeguards inspections and nuclear security activities.

(b) FINDINGS WITH RESPECT TO THE NUCLEAR NONPROLIFERATION TREATY.—Congress finds the following:

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

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

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

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

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

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

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

(1) all provisions of the NPT must be interpreted within the context of preventing the proliferation of nuclear weapons and nuclear explosive devices;

(2) Article IV of the NPT, interpreted in conformity with the NPT’s purpose, spirit, and freely undertaken obligations by State Parties, does not guarantee every country that is a State Party an inalienable right to enrich uranium or reprocess plutonium; and

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

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

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

(2) the IAEA possesses statutory authority, including under Articles II, III, VIII, IX, XI, and XII of the IAEA Statute, to undertake nuclear security activities.

(e) PROMOTION OF ADDITIONAL PROTOCOL AND UNITED NATIONS SECURITY COUNCIL RESOLUTION 1540.—

(1) UNIVERSAL RATIFICATION AND IMPLEMENTATION; FULL COMPLIANCE.—The President shall take such steps as the President determines necessary to encourage—

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

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

(2) SUSPENSION OF UNITED STATES NON-HUMANITARIAN FOREIGN ASSISTANCE.—The President is authorized to suspend United States non-humanitarian foreign assistance to any country that—

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

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

(3) REPORT.—

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

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

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

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

(f) PAYMENT AT BEGINNING OF CALENDAR YEAR.—The Secretary of State shall take expeditious action to ensure that the United States regularly assessed contribution to the IAEA is made at the beginning of each calendar year.

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

SEC. 404. PROPERTY DISPOSITION.

Section 633(e) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2004 (division B of Public Law 108–199; 22 U.S.C. 2078(e)) is amended—

(1) by striking “The United States, through the Department of State, shall retain ownership of the Palazzo Corpi building in Istanbul, Turkey, and the” and inserting “The”; and

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

TITLE V—INTERNATIONAL BROADCASTING

SEC. 501. SHORT TITLE.

This title may be cited as the “International Broadcasting Authorization Act, Fiscal Years 2006 and 2007”.

SEC. 502. MIDDLE EAST BROADCASTING NETWORKS.

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

“SEC. 309A. MIDDLE EAST BROADCASTING NETWORKS.

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

“(b) FUNCTION.—Middle East Broadcasting Networks shall provide radio and television programming consistent with the broadcasting standards and broadcasting principles set forth in section 303.

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

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

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

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

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

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

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

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

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

“(1) the Middle East Broadcasting Networks a Federal agency or instrumentality; or

“(2) the officers or employees of the Middle East Broadcasting Networks of officers or employees of the United States Government.”.

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

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

(2) in section 305 (22 U.S.C. 6204)—

(A) in subsection (a)—

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

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

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

(3) in section 307 (22 U.S.C. 6206)—

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

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

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

SEC. 503. IMPROVING SIGNAL DELIVERY TO CUBA.

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

(1) by striking subsection (b);

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

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

(3) by striking subsection (d);

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

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

(5) by striking subsection (f); and

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

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

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

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

(2) by striking subsection (f).

SEC. 505. PERSONAL SERVICES CONTRACTING PROGRAM.

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

(1) in the section heading, by striking “pilot”;

(2) in subsection (a)—

(A) by striking “pilot”;

(B) by striking “(in this section referred to as the ‘program’)”;

(C) by striking “producers, and writers” and inserting “and other broadcasting specialists”;

(3) in subsection (b)(4), by striking “60” and inserting “100”; and

(4) by striking subsection (c).

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

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

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

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

TITLE VI—ADVANCE DEMOCRACY ACT OF 2005**SEC. 601. SHORT TITLE.**

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

SEC. 602. FINDINGS.

Congress finds the following:

(1) All human beings are created equal and possess certain rights and freedoms, including the fundamental right to participate in the political life and

government of their respective countries. These inalienable rights are recognized in the Declaration of Independence of the United States and in the Universal Declaration of Human Rights of the United Nations.

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

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

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

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

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

(7) The promotion of democracy requires a broad-based effort with collaboration between all democratic countries, including through the Community of Democracies.

(8) The promotion of such universal democracy constitutes a long-term challenge that does not always lead to an immediate transition to full democracy, but through a dedicated and integrated approach can achieve universal democracy.

SEC. 603. STATEMENT OF POLICY.

It shall be the policy of the United States—

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

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

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

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

(5) to protect and promote respect for and adherence to the rule of law in foreign countries;

(6) to provide appropriate support to organizations, individuals, and movements located in nondemocratic countries that aspire to live in freedom and establish full democracy in such countries;

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

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

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

SEC. 604. DEFINITIONS.

In this title:

(1) ANNUAL REPORT ON DEMOCRACY.—The term “Annual Report on Democracy” means the Annual Report on Democracy required under section 612(a).

(2) COMMUNITY OF DEMOCRACIES AND COMMUNITY.—The terms “Community of Democracies” and “Community” mean the association of democratic countries

committed to the global promotion of democratic principles, practices, and values, which held its First Ministerial Conference in Warsaw, Poland, in June 2000.

(3) **ELIGIBLE ENTITY.**—The term “eligible entity” means any nongovernmental organization, international organization, multilateral institution, private foundation, corporation, partnership, association, or other entity, organization, or group engaged in (or with plans to engage in) the promotion of democracy and fundamental rights and freedoms in foreign countries categorized as “democratic transition countries” or as “nondemocratic” in the most recent Annual Report on Democracy.

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

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

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

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

Subtitle A—Department of State Activities

SEC. 611. PROMOTION OF DEMOCRACY IN FOREIGN COUNTRIES.

(a) **CODIFICATION OF UNDER SECRETARY OF STATE FOR DEMOCRACY AND GLOBAL AFFAIRS.**—Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)) is amended—

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

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

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

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

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

(b) **ADDITIONAL DUTIES FOR ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.**—Section 1(c)(2)(A) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(2)) is amended by inserting after the first sentence the following new sentence: “The Assistant Secretary of State for Democracy, Human Rights, and Labor shall also be responsible for matters relating to the transition to and development of democracy in nondemocratic countries, including promoting and strengthening the development of democracy in foreign countries that are in the early stages of a transition to democracy and evaluating the effectiveness of United States programs that promote democracy.”.

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

(1) **OFFICE RELATED TO DEMOCRATIC MOVEMENTS AND TRANSITIONS.**—

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

(B) PURPOSE.—In addition to any other responsibilities conferred on the office, the office shall promote transitions to full democracy in countries that have been categorized as nondemocratic or as democratic transition countries in the most recent Annual Report on Democracy required under section 612(a).

(C) RESPONSIBILITIES.—The Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor described in paragraph (4) and employees of the office shall—

(i) develop relations with, consult with, and provide assistance to nongovernmental organizations, individuals, and movements that are committed to the peaceful promotion of democracy, democratic principles, practices, and values, and fundamental rights and freedoms in countries described in subparagraph (B), including fostering relationships with the United States Government and the governments of other democratic countries;

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

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

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

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

(2) REGIONAL DEMOCRACY HUBS AT UNITED STATES MISSIONS ABROAD.—

(A) PILOT PROGRAM.—

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

(I) The Western Hemisphere.

(II) Europe.

(III) South Asia.

(IV) The Near East.

(V) East Asia and the Pacific.

(VI) Africa.

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

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

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

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

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

(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out

the responsibilities described in subparagraph (B), including hiring additional staff to carry out such responsibilities.

(3) RESPONSIBILITIES OF THE BUREAU OF INTELLIGENCE AND RESEARCH.—The Assistant Secretary of State for Intelligence and Research should coordinate with the Department of the Treasury, the Department of Justice, the Central Intelligence Agency, other appropriate intelligence agencies, and, as appropriate, with foreign governments to—

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

(B) identify close associates of such leaders; and

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

(4) COORDINATION.—

(A) DEPUTY ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.—There should be in the Department of State a Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor. Any such Deputy Assistant Secretary shall be in addition to the current number of Deputy Assistant Secretaries. In addition to considering qualified non-career candidates, the Secretary of State should seek to recruit senior members of the Senior Foreign Service to serve in such position.

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

(i) coordinate the work of the office described in paragraph (1) with the work of other offices and bureaus at the Department of State and other United States Government agencies that provide grants and other assistance to nongovernmental organizations, individuals, and movements; and

(ii) forge connections between the United States and nongovernmental organizations, individuals, and movements committed to the promotion of democracy and democratic principles, practices, and values and seek to embrace the work of such organizations, individuals, and movements.

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

SEC. 612. REPORTS.

(a) ANNUAL REPORT ON DEMOCRACY.—

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

(2) CONTENTS.—The Annual Report on Democracy shall contain the following:

(A) EXECUTIVE SUMMARY.—An Executive Summary with a table listing every foreign country that the Secretary determines to be “nondemocratic”, and a list of countries the Secretary determines to be “democratic transition countries” because they are at the early stages of their transition to democracy. The Executive Summary shall contain a short narrative highlighting the status of democracy in each such country.

(i) DETERMINATION OF CATEGORIZATION.—With respect to a country listed in the Executive Summary, the Secretary shall determine which of the categorizations specified under subparagraph (A) is appropriate by reference to the principles enshrined in the United Nations Charter, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the United Nations Commission on Human Rights Resolution 1499/57 (entitled “Promotion of the Right to Democracy”), the assessments used to determine eligibility for financial

assistance disbursed from the Millennium Challenge Account, the assessments of nongovernmental organizations of eligibility to participate in the meetings of the Community of Democracies, and the standards established and adopted by the Community of Democracies. In addition, the categorization of a country should be informed by the general consensus regarding the status of civil and political rights in such country by major nongovernmental organizations that conduct assessments of such conditions in such countries.

(ii) DETERMINATION OF NONDEMOCRATIC CATEGORIZATION.—

(I) IN GENERAL.—The Secretary shall categorize a country as nondemocratic if such country fails to satisfy any of the following requirements:

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

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

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

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

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

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

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

(B) STATUS OF DEMOCRACY.—A description of each country on the list described in subparagraph (A), including—

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

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

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

(C) STRATEGY FOR NONDEMOCRATIC COUNTRIES.—An in-depth examination of each country categorized as nondemocratic in the Executive Summary, including—

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

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

(iii) a summary of any actions taken by the chief of mission and officials of the United States in each such country with which the United States maintains diplomatic and consular posts with respect to

promoting such a transition within such country and any activities of the embassy or consulate in such country to support individuals and organizations in such country that actively advocate for such a transition;

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

(v) a summary of any communications between United States Government officials, including the chief of mission in each such country, and the leader and other high government officials of each such country concerning respect for liberty, democracy, and political, social, and economic freedoms; and

(vi) a description and evaluation of the efforts undertaken by other democratic countries belonging to the Community of Democracies to advance democracy in each such country, including through relevant bodies of the United Nations, regional organizations and bilateral policies and foreign assistance and the extent to which the United States coordinated United States actions and policies with such efforts.

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

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

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

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

(1) review progress on the action plan with respect to each such country to promote and achieve the transition to full democracy in such country; and

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

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

(c) MEMBERS OF WORKING GROUPS.—The working groups referred to in subsections (a) and (b) should include officers and employees of the Department of State and appropriate representatives from other relevant government agencies, including the United States Agency for International Development, the Department of the Treasury, and the Department of Defense.

(d) CONSULTATIONS WITH CHIEFS OF MISSIONS.—The chief of mission for each country categorized as nondemocratic or a democratic transition country in the most recent Annual Report on Democracy shall meet with the Under Secretary of State for Democracy and Global Affairs at least once each year to discuss the transition

to full democracy in such country, including any actions the chief of mission has taken to implement the action plan for such country included in such report.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) in section 502B(b) (22 U.S.C. 2304(b)), by striking the sixth sentence and inserting the following new sentence: “Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, a strategy, including a specific list of priorities and an action plan, to end such practices in the country, and any actions taken in the previous year to end such practices in the country.”.

SEC. 615. DEMOCRACY PROMOTION AND HUMAN RIGHTS ADVISORY BOARD.

(a) **ESTABLISHMENT.**—There is established a Democracy Promotion and Human Rights Advisory Board.

(b) **PURPOSE AND DUTIES.**—The Board shall advise and provide recommendations to the Secretary of State, the Under Secretary of State for Democracy and Global Affairs, the Assistant Secretary of State for Democracy, Human Rights, and Labor, and the Assistant Administrator for the Bureau of Democracy, Conflict and Humanitarian Assistance of the United States Agency for International Development concerning United States policies regarding the promotion of democracy and the establishment of universal democracy, including the following:

(1) Reviewing and making recommendations regarding the overall United States strategy for promoting democracy and human rights in partly democratic and nondemocratic countries, including methods for incorporating the promotion of democracy and human rights into United States diplomacy, the use of international organizations to further United States democracy promotion goals, and

ways in which the United States can work with other countries and the Community of Democracies to further such purposes.

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

(3) Recommendations regarding the use of—

(A) programs related to the promotion of democracy and human rights administered by the United States Agency for International Development; and

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

(4) Recommendations regarding regulations to be promulgated concerning—

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

(B) the development of programs to promote democracy in foreign countries under section 614, relating to programs undertaken by United States missions in foreign countries and the activities of chiefs of mission.

(c) STUDY ON DEMOCRACY ASSISTANCE.—

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

(2) CONTENTS.—The study shall include—

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

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

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

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

(iv) information regarding the efficiency and effectiveness of the use of such funds to promote and sustain democracy in countries that are already fully democratic or democratic transition countries;

(B) a review of—

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

(ii) the potential contribution that supporting private media sources that are not controlled or owned by the United States to reaching citizens of such countries, the situations where such support may be appropriate, and the mechanisms that should be used to provide such support;

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

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

(d) MEMBERSHIP.—

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

(2) SELECTION.—Members of the Board shall be selected from among distinguished individuals noted for their knowledge and experience in fields relevant

to the issues to be considered by the Board, including issues related to the promotion of democracy, international relations, management and organization of foreign assistance or comparable programs, methods and means of nonviolent protest, academic study and debate of democracy, human rights, and international law.

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

(4) TERM OF SERVICE AND SUNSET.—Each member shall be appointed to the Board for a term that shall expire on the date that is one year after the date of the submission of the study under subsection (c).

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

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

(7) OPERATION.—

(A) CHAIR.—The Secretary shall appoint one member of the Board to chair the Board. The Board shall meet at the call of the Chair.

(B) TRAVEL EXPENSES.—Members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

(C) OFFICE SPACE AND ADMINISTRATIVE ASSISTANCE.—Upon the request of the chairperson of the Board, the Secretary shall provide reasonable and appropriate office space, supplies, and administrative assistance.

(D) APPLICABILITY OF CERTAIN OTHER LAWS.—Nothing in this section shall be construed to cause the Board to be considered an agency or establishment of the United States, or to cause members of the Board to be considered officers or employees of the United States. Executive branch agencies may conduct programs and activities and provide services in support of the activities duties of the Board, notwithstanding any other provision of law. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

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

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Board such sums as may be necessary for each of fiscal years 2006, 2007, and 2008.

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

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

(b) CONTENTS.—The Internet site for global democracy established under subsection (a) shall include the following information:

(1) The Executive Summary prepared under section 612(a)(2)(A), but only to the extent that information contained therein is not classified.

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

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

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

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

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

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

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

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

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

(D) issuing public condemnation of severe violations of internationally recognized human rights (as such term is described in section 116(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(a)), violations of religious freedom, including particularly severe violations of religious freedom (as such terms are defined in paragraphs (11) and (13) of section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)), political repression, and government-tolerated or -condoned trafficking in persons; and

(E) providing technical, financial, and such other support to such individuals and organizations;

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

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

(b) **PUBLIC OUTREACH IN FOREIGN COUNTRIES.**—Each chief of mission or principal officer should spend time at universities and other institutions of higher learning to—

(1) debate and discuss values and policies that promote democracy; and

(2) communicate, promote, and defend such United States values and policies.

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

SEC. 618. TRAINING FOR FOREIGN SERVICE OFFICERS.

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

“(c) **TRAINING ON GLOBAL DEMOCRACY PROMOTION.**—

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

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

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

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

“(C) For any member, chief of mission, or deputy chief of mission who is to be assigned to a foreign country that is categorized as nondemocratic in the Annual Report on Democracy, instruction regarding ways to promote democracy in such country and providing technical, financial, and other support to individuals (including expatriated citizens) and nongovernmental organizations in such country that support democratic principles, practices, and values.

“(D) The protection of internationally recognized human rights (including the protection of religious freedom) and standards related to such rights, provisions of United States law related to such rights, diplomatic tools to promote respect for such rights, the protection of individuals who have fled their countries due to violations of such rights (including the role of United States embassies in providing access to the United States Refugee Admissions Program) and the relationship between respect for such rights and democratic development and national security. The Director of the National Foreign Affairs Training Center of the Foreign Service Institute of the Department of State shall consult with nongovernmental organizations involved in the protection and promotion of such rights and the United States Commission on International Religious Freedom (established under section 201(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6431(a)) in developing the training required by this subparagraph.”

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

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

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

(1) in subsection (a) by striking “(a) The” and inserting “(a) TRAINING ON HUMAN RIGHTS.—The”; and

(2) in subsection (b) by striking “(b) The” and inserting “(b) TRAINING ON REFUGEE LAW AND RELIGIOUS PERSECUTION.—The”.

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

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

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

(c) REGULATIONS AND EVALUATIONS CONCERNING STANDARDS OF PERFORMANCE AND PROGRAMS TO PROMOTE DEMOCRACY.—With respect to members of the Foreign Service, including all chiefs of mission, who are assigned to foreign countries categorized as nondemocratic in the most recent Annual Report on Democracy, the Secretary shall prescribe regulations concerning the standards of performance to be met

under sections 405(d) and 603(b) of the Foreign Service Act of 1980 (22 U.S.C. 3965(d) and 4003(b)), as amended by subsections (a) and (b), respectively, and the development of programs to promote democracy in foreign countries under section 617. The requirements of sections 617 and 618(a) shall serve as one of the bases for performance criteria in evaluating chiefs of mission and those officers at posts so designated by the chief of mission.

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

SEC. 620. APPOINTMENTS.

(a) APPOINTMENTS BY THE PRESIDENT.—Section 302 of the Foreign Service Act of 1980 (22 U.S.C. 3942) is amended by adding at the end the following new subsection:

“(c) If an individual (with respect to subsection (a)) or a member of the Service (with respect to subsection (b)) is appointed by the President to be a chief of mission in a country at the time such country is categorized as nondemocratic in an Annual Report on Democracy (required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005), and if such individual or such member has previously served as chief of mission in a country that was so categorized, the President shall transmit to the Committee on Foreign Relations of the Senate a written report summarizing the actions that such individual or member took during the period of such prior service to promote democracy and human rights in such country, including actions in furtherance of the strategy contained in such report.”.

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

Subtitle B—Alliances With Other Democratic Countries

SEC. 631. ALLIANCES WITH OTHER DEMOCRATIC COUNTRIES.

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

- (1) shared democratic principles, practices, and values; and
- (2) political, social, and economic freedoms around the world.

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

- (1) promote and protect democratic principles, practices, and values, including the right to free, fair, and open elections, secret balloting, and universal suffrage;
- (2) promote and protect fundamental shared political, social, and economic freedoms, including the freedoms of association, of expression, of the press, of religion, and to own private property;
- (3) promote and protect respect for the rule of law;
- (4) develop, adopt, and pursue strategies to advance common interests in international organizations and multilateral institutions to which members of the alliance of democratic countries belong; and
- (5) provide political, economic, and other necessary support to countries that are undergoing a transition to democracy.

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

SEC. 632. SENSE OF CONGRESS REGARDING THE ESTABLISHMENT OF A DEMOCRACY CAUCUS.

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

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

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

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

SEC. 633. ANNUAL DIPLOMATIC MISSIONS ON MULTILATERAL ISSUES.

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

SEC. 634. STRENGTHENING THE COMMUNITY OF DEMOCRACIES.

(a) **FORMAL MECHANISMS FOR THE COMMUNITY OF DEMOCRACIES.**—It is the sense of Congress that the Community of Democracies should develop a more formal mechanism for carrying out work between ministerial meetings, including hiring appropriate staff to carry out such work, and should, as appropriate, establish a headquarters.

(b) **DETAIL OF PERSONNEL.**—The Secretary is authorized to detail on a non-reimbursable basis any employee of the Department of State to any country that is a member of the Convening Group of the Community of Democracies.

(c) **REGIONAL GROUP IN THE COMMUNITY OF DEMOCRACIES.**—It is the sense of Congress that regional groups within the Community of Democracies should be established and strengthened in order to facilitate coordination of common positions and action on multilateral strategies to promote and consolidate democracy.

(d) **INTERNATIONAL CENTER FOR DEMOCRATIC TRANSITION.**—

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should, along with contributions from private individuals, support the initiative of the Government of Hungary and the governments of other European countries to establish a International Center for Democratic Transition to support transitions to full democracy.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for a grant to the International Center for Democratic Transition \$1,000,000 for each of fiscal years 2006, 2007, and 2008. Amounts appropriated under this paragraph shall remain available until expended.

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

Subtitle C—Funding for Promotion of Democracy

SEC. 641. POLICY.

It shall be the policy of the United States to provide financial assistance to eligible entities and eligible individuals in order to assist such entities and individuals in the promotion of democracy in countries categorized as nondemocratic in the most recent Annual Report on Democracy under section 612(a).

SEC. 642. HUMAN RIGHTS AND DEMOCRACY FUND.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Of the funds available for each of fiscal years 2006 and 2007, there are authorized to be appropriated to the Human Rights and Democracy Fund to carry out the purposes of this section \$50,000,000 for fiscal year 2006 and \$60,000,000 for fiscal year 2007. Amounts appropriated under this section shall remain available until expended.

(2) ADMINISTRATIVE EXPENSES.—Not more than five percent of amounts appropriated to the Human Rights and Democracy Fund for each fiscal year may be applied toward administrative expenses associated with carrying out this section.

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

Subtitle D—Presidential Actions

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

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

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

SEC. 652. PRESIDENTIAL COMMUNICATIONS.

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

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

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

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

TITLE VII—STRATEGIC EXPORT CONTROL AND SECURITY ASSISTANCE ACT OF 2005

Subtitle A—General Provisions

SEC. 701. SHORT TITLE.

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

SEC. 702. DEFINITIONS.

In this title:

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

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

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

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

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

(4) EXPORT.—The term “export” has the meaning given that term in section 120.17 of the International Traffic in Arms Regulations, and includes re-exports, transfers, and re-transfers by any means.

(5) EXPORT ADMINISTRATION REGULATIONS.—The term “Export Administration Regulations” means those regulations contained in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

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

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

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

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

(10) ITEM.—The term “item” means any good or technology, defense article or defense service subject to the export jurisdiction of the United States under law or regulation.

(11) LICENSE.—The term “license” means an official written document of the United States Government issued pursuant to the Export Administration Regulations or the International Traffic in Arms Regulations, as the case may be, authorizing a specific export.

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

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

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

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

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

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

SEC. 703. DECLARATION OF POLICY.

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

(1) export license procedures are properly designed to prioritize readily which exports may be approved quickly for United States friends and allies and which require greater scrutiny in order to safeguard national interests;

(2) technology related to the military superiority of the United States Armed Forces is safeguarded during and after export to a high level of confidence; and

(3) overlapping and duplicative functions among the responsible departments and agencies of the Government of the United States are consolidated

and integrated wherever appropriate in order to enhance efficiency, information sharing, and the consistent execution of United States policy.

Subtitle B—Revising and Strengthening Strategic Export Control Policies

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

(a) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—Section 1(b)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(2)) is amended—

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

“(A) IN GENERAL.—There”; and

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

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

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

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

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

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

“(C) DEPUTY UNDER SECRETARY FOR STRATEGIC EXPORT CONTROL.—There shall be in the Department of State a Deputy Under Secretary for Strategic Export Control who shall have primary responsibility to assist the Under Secretary for Arms Control and International Security in carrying out the responsibility of the Under Secretary described in subparagraph (B)(iii).”.

(c) DEFENSE TRADE CONTROLS REGISTRATION FEES.—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

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

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

and

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

“(4) functions of the Strategic Export Control Board established under section 712 of the Strategic Export Control and Security Assistance Act of 2005.”.

SEC. 712. STRATEGIC EXPORT CONTROL BOARD.

(a) ESTABLISHMENT.—There is established a Strategic Export Control Board (in this section referred to as the “Board”). The Board shall consist of representatives from the Department of Commerce, the Department of Defense, the Department of Homeland Security, the Department of Justice, the National Security Council, the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)), and other appropriate departments and agencies of the Government of the United States, and the Under Secretary for Arms Control and International Security of the Department of State. The Under Secretary for Arms Control and International Security shall serve as the chairperson of the Board.

(b) FUNCTIONS.—The Board shall—

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

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

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

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

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

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

(B) the cost-savings associated with integration of export licensing staffs and the promulgation of integrated export control regulations; and

(C) the resultant rationalization of budgetary resources to be authorized among the responsible departments and agencies of the United States Government;

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

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

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

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

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

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

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

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

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

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

Subtitle C—Procedures Relating to Export Licenses

SEC. 721. TRANSPARENCY OF JURISDICTIONAL DETERMINATIONS.

(a) DECLARATION OF POLICY.—Congress declares that the complete confidentiality surrounding several thousand commodity classification determinations made

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

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

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

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

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

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

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

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

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

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

SEC. 722. CERTIFICATIONS RELATING TO EXPORT OF CERTAIN DEFENSE ARTICLES AND DEFENSE SERVICES.

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

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

(2) in paragraph (2)—

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

(B) by striking subparagraph (B); and

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

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

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

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

(2) providing informal notice to such Committees within 10 days of receipt of such a proposal, such that questions by the Committees may be addressed wherever feasible in conjunction with the Department's processing; and

(3) making each interval in the processing of the proposal transparent to United States exporters through the Internet website of the Department.

SEC. 723. PRIORITY FOR UNITED STATES MILITARY OPERATIONS.

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

SEC. 724. LICENSE OFFICER STAFFING AND WORKLOAD.

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

- (1) in paragraph (11), by striking “and” at the end;
- (2) in paragraph (12), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following new paragraph:

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

SEC. 725. DATABASE OF UNITED STATES MILITARY ASSISTANCE.

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

“(c) AVAILABILITY OF REPORT INFORMATION ON THE INTERNET.—

“(1) REQUIREMENT FOR DATABASE.—The Secretary of State, in consultation with the Secretary of Defense, shall make available to the public the unclassified portion of each such report in the form of a database that is available via the Internet and that may be searched by various criteria.

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

SEC. 726. TRAINING AND LIAISON FOR SMALL BUSINESSES.

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

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

SEC. 727. COMMERCIAL COMMUNICATIONS SATELLITE TECHNICAL DATA.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, shall amend the International Traffic in Arms Regulations to provide for the export without a license of communications satellite technical data, at a level established by the Secretary of Defense, in instances in which—

- (1) the exporter is a person registered under section 38(b) of the Arms Export Control Act (22 U.S.C. 2778(b));
- (2) the purpose of the export is to market a sale of a United States manufactured communications satellite solely for commercial or civil end use;
- (3) no party to the transaction is proscribed under section 126.1 of the Regulations or otherwise restricted from receiving United States defense articles; and
- (4) each end user or recipient has agreed in writing not to reexport or retransfer the United States furnished technical data to any other person without the prior written consent of the United States Government.

SEC. 728. REPORTING REQUIREMENT FOR UNLICENSED EXPORTS.

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

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

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

(3) by adding at the end the following:

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

Subtitle D—Terrorist-Related Provisions and Enforcement Matters

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

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

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

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

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

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

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

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

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

(a) **FINDINGS; SENSE OF CONGRESS.**—

(1) **FINDINGS.**—Congress finds that—

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

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

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

(b) SCOPE OF EMBARGOES.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

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

(c) ESTABLISHMENT OF CONTROLS.—The Secretary of State shall consult with the Secretary of Commerce to ensure the establishment of appropriate foreign policy and national security controls and license requirements under the Export Administration Regulations in order to ensure the effective implementation of section 38(k) of the Arms Export Control Act, as added by subsection (b).

(d) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report that describes the actions taken to implement the requirements of subsection (c).

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

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

(b) CONTROL OF ITEMS ON MTCR ANNEX.—The Secretary of State, in coordination with the Secretary of Commerce, the Attorney General, and the Secretary of Defense, shall ensure that all items on the MTCR Annex are subject to stringent control by the Government of the United States pursuant to the International Traffic in Arms Regulations and the Export Administration Regulations.

(c) CERTIFICATION.—Not later than March 1 of each year, the Secretary of State, in coordination with the Secretary of Commerce, the Attorney General and the Secretary of Defense, shall submit to the appropriate congressional committees a report that contains—

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

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

SEC. 735. UNLAWFUL USE OF UNITED STATES DEFENSE ARTICLES.

(a) INELIGIBILITY FOR TERRORIST RELATED TRANSACTIONS.—Section 3(c)(1) of the Arms Export Control Act (22 U.S.C. 2753(c)(1)) is amended—

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

(2) by adding at the end the following:

“(C) In this section, the term ‘transaction’ means the taking of any action, directly or indirectly, by a foreign country that would be a transaction prohibited by

section 40 of this Act with respect to the United States Government and United States persons.”

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

Subtitle E—Strengthening United States Missile Nonproliferation Law

SEC. 741. PROBATIONARY PERIOD FOR FOREIGN PERSONS.

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

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

(1) the foreign person has—

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

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

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

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

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

(2) the President designates the waiver as classified information (as defined in section 606 of the National Security Act of 1947 (50 U.S.C. 426)); and

(3) the President transmits to the committees referred to in subsection (b)—

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

and

(B) a description of—

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

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

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

(a) **ARMS EXPORT CONTROL ACT.**—Section 73(a)(2) of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)) is amended by striking “2 years” each place it appears and inserting “4 years”.

(b) **PUBLIC INFORMATION.**—Section 73(e)(2) of the Arms Export Control Act (22 U.S.C. 2797b(e)(2)) is amended by adding at the end the following new sentences:

“Such report may be classified only to the extent necessary to protect intelligence sources and methods. If the report is so classified, the President shall make every effort to acquire sufficient alternative information that would allow a subsequent unclassified version of the report to be issued.”

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

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

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

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

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

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

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

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

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

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

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

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

“(8)(A) The term ‘person’ means—

“(i) a natural person;

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

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

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

(c) EXPORT ADMINISTRATION ACT OF 1979.—

(1) SANCTIONS IMPOSED ON GOVERNMENTAL ENTITIES.—Any sanction imposed on a foreign person under section 11B(b)(1)(B) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(1)(B)), as continued in effect under the International Emergency Economic Powers Act (in this subsection referred to as a “dual use sanction”), shall also be imposed on any governmental entity that the President determines exercises effective control over, benefits from, or directly or indirectly facilitates the activities of that foreign person.

(2) OTHER ENTITIES.—When a dual use sanction is imposed on a foreign person, the President may also impose that sanction on any other person or entity that the President has reason to believe has or may acquire prohibited items with the intent to transfer to that foreign person, or provide to that foreign per-

son access to, such items. In this paragraph, “prohibited items” are items that may not be exported to that foreign person on account of the dual use sanction imposed on that foreign person.

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

(4) **REPORT.**—The President shall submit on an annual basis to the Committee on International Relations of the House of Representatives and the Committee on Banking, Housing and Urban Affairs and the Committee on Foreign Relations of the Senate a report that contains the identity of any foreign person that engages in any transaction or activity with a foreign person on whom dual use sanctions have been imposed that either—

(A) would be the basis for imposing dual use sanctions under paragraph (2) but for which such sanctions have not been imposed; or

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

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

(5) **DEFINITIONS.**—In this subsection:

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

(B) **PERSON.**—

(i) The term “person” means—

(I) a natural person;

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

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

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

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

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

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

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

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

Subtitle F—Security Assistance and Related Provisions

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

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

(1) **GREECE.**—To the Government of Greece, the OSPREY class minehunter coastal ship PELICAN (MHC–53).

(2) **EGYPT.**—To the Government of Egypt, the OSPREY class minehunter coastal ships CARDINAL (MHC–60) and RAVEN (MHC–61).

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

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

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

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

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

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

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

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

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

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

SEC. 752. TRANSFER OF OBSOLETE AND SURPLUS ITEMS FROM KOREAN WAR RESERVES STOCKPILE AND REMOVAL OR DISPOSAL OF REMAINING ITEMS.

(a) TRANSFER OF ITEMS IN KOREAN STOCKPILE.—

(1) AUTHORITY.—Notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the President is authorized to transfer to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense, any or all of the items described in paragraph (2).

(2) COVERED ITEMS.—The items referred to in paragraph (1) are munitions, equipment, and materiel such as tanks, trucks, artillery, mortars, general purpose bombs, repair parts, barrier material, and ancillary equipment, if such items are—

- (A) obsolete or surplus items;
- (B) in the inventory of the Department of Defense;
- (C) intended for use as reserve stocks for the Republic of Korea; and
- (D) as of the date of the enactment of this Act, located in a stockpile in the Republic of Korea.

(3) VALUATION OF CONCESSIONS.—(A) The value of concessions negotiated pursuant to paragraph (1) shall be at least equal to—

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

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

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

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

(b) REMOVAL OR DISPOSAL OF REMAINING ITEMS IN KOREAN STOCKPILE.—The President shall provide for the removal or disposal of all items described in subsection (a)(2) that are not transferred pursuant to the authority of subsection (a) by not later than four years after the date of the enactment of this Act.

SEC. 753. EXTENSION OF PAKISTAN WAIVERS.

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

(1) in section 1(b)—

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

(B) in paragraph (1), by striking “2005 or 2006” and inserting “2006 or 2007”;

(2) in section 3(2), by striking “and 2006” and inserting “2006, and 2007”; and

(3) in section 6, by striking “2006” and inserting “2007”.

SEC. 754. REPORTING REQUIREMENT FOR FOREIGN MILITARY TRAINING.

Subsection (a)(1) of section 656 of the Foreign Assistance Act of 1961 (22 U.S.C. 2416) is amended—

(1) by striking “January 31” and inserting “March 1”; and

(2) by striking “and all such training proposed for the current fiscal year”.

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

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

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

SEC. 756. MARITIME INTERDICTION PATROL BOATS FOR MOZAMBIQUE.

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

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

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

Section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347) is amended—

(1) in the first sentence, by striking “The President” and inserting “(a) The President”; and

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

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

TITLE VIII—NUCLEAR BLACK MARKET ELIMINATION ACT

SEC. 801. SHORT TITLE.

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

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

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

(a) **DETERMINATION OF NUCLEAR ACTIVITIES BY FOREIGN PERSONS.**—Notwithstanding any other provision of law, the President is authorized to impose any or all of the sanctions described in subsection (b) whenever the President determines that a foreign person participated, on or after the date of the enactment of this Act, in the export, transfer or trade of—

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

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

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

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

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

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

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

(i) a nonnuclear weapon state; or

(ii) a foreign person.

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

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

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

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

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

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

- (1) the reasons for modifying or terminating the sanction;
- (2) how the purposes of this Act and United States national security are furthered by such modification or termination; and
- (3) what measures the United States will take or is taking to ensure that the foreign person will not engage in similar activities in the future.

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

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

(b) **PUBLICATION.**—When the President imposes sanctions under section 811, the President shall, to the maximum extent unclassified, publish in the Federal Register, not later than 15 days after reporting such sanctions to the appropriate congressional committees under subsection (a), the identity of each sanctioned foreign person, the period for which sanctions will be in effect, and the reasons for the sanctions.

Subtitle B—Further Actions Against Corporations Associated With Sanctioned Foreign Persons

SEC. 821. FINDINGS.

The Congress finds the following:

- (1) Foreign persons and corporations engaging in nuclear black-market activities are motivated by reasons of commercial gain and profit.
- (2) Sanctions targeted solely against the business interests of the sanctioned person or business concern may be unsuccessful in halting these proliferation activities, as the sanctions may be seen merely as the cost of doing business, especially if the business interests of the parent or subsidiary corporate entities are unaffected by the sanctions.
- (3) Such narrow targeting of sanctions creates the incentive to create shell and “carve-out” corporate entities to perform the proliferation activities and attract sanctions, leaving all other aspects of the larger corporation unaffected.
- (4) To dissuade corporations from allowing their associated commercial entities or persons from engaging in proliferation black-market activities, they must also be made to suffer financial loss and commercial disadvantage, and parent and subsidiary commercial enterprises must be held responsible for the proliferation activities of their associated entities.
- (5) If a corporation perceives that the United States Government will do everything possible to make its commercial activity difficult around the world, then that corporation has a powerful commercial incentive to prevent any further proliferation activity by its associated entities.
- (6) Therefore, the United States Government should seek to increase the risk of commercial loss for associated corporate entities for the proliferation actions of their subsidiaries.

SEC. 822. CAMPAIGN BY UNITED STATES GOVERNMENT OFFICIALS.

The President shall instruct all agencies of the United States Government to make every effort in their interactions with foreign government and business officials to persuade foreign governments and relevant corporations not to engage in any business transaction with a foreign person sanctioned under section 811, including any parent or subsidiary of the sanctioned foreign person, for the duration of the sanctions.

SEC. 823. COORDINATION.

The Secretary of State shall coordinate the actions of the United States Government under section 822.

SEC. 824. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State shall report to the appropriate congressional committees on the actions taken by the United States to carry out section 822.

Subtitle C—Incentives for Proliferation Interdiction Cooperation

SEC. 831. AUTHORITY TO PROVIDE ASSISTANCE TO COOPERATIVE COUNTRIES.

The President is authorized to provide, on such terms as the President considers appropriate, assistance under section 832 to any country that cooperates with the United States and with other countries allied with the United States to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry.

SEC. 832. TYPES OF ASSISTANCE.

The assistance authorized under section 831 is the following:

- (1) Assistance under section 23 of the Arms Export Control Act.
- (2) Assistance under chapters 4 and 5 of part II of the Foreign Assistance Act of 1961.
- (3) Drawdown of defense equipment and services under section 516 of the Foreign Assistance Act of 1961.

SEC. 833. CONGRESSIONAL NOTIFICATION.

Assistance authorized under this subtitle may not be provided until at least 30 days after the date on which the President has provided notice thereof to the appropriate congressional committees, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961.

SEC. 834. LIMITATION.

Assistance may be provided to a country under section 831 in no more than three fiscal years.

SEC. 835. USE OF ASSISTANCE.

To the extent practicable, assistance provided under this subtitle shall be used to enhance the capability of the recipient country to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace, or in vessels under its control or registry, including through the development of a legal framework in that country to enhance such capability by criminalizing proliferation, enacting strict export controls, and securing sensitive materials within its borders.

SEC. 836. LIMITATION ON SHIP OR AIRCRAFT TRANSFERS TO UNCOOPERATIVE COUNTRIES.

Notwithstanding any other provision of law, the United States may not transfer any excess defense article that is a vessel or an aircraft to a country that has not agreed that it will support and assist efforts by the United States to interdict items of proliferation concern until thirty days after the date on which the President has provided notice of the proposed transfer to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961, in addition to any other requirement of law.

Subtitle D—Rollback of Nuclear Proliferation Networks

SEC. 841. NONPROLIFERATION AS A CONDITION OF UNITED STATES ASSISTANCE.

United States foreign assistance should only be provided to countries that—

- (1) are not cooperating with any non-nuclear weapon state or any foreign group or individual who may be engaged in, planning, or assisting international terrorism in the development of a nuclear explosive device or its means of delivery and are taking all necessary measures to prevent their nationals and other persons and entities subject to their jurisdiction from participating in such cooperation; and
- (2) are fully and completely cooperating with the United States in its efforts to eliminate nuclear black-market networks or activities.

SEC. 842. REPORT ON IDENTIFICATION OF NUCLEAR PROLIFERATION NETWORK HOST COUNTRIES.

(a) REPORT.—

- (1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the President shall submit a report to the appropriate congressional committees that—

(A) identifies any country in which manufacturing, brokering, shipment, transshipment, or other activity occurred in connection with the transactions of the nuclear proliferation network that supplied Libya, Iran, North Korea, and possibly other countries or entities, and

(B) includes any additional information with respect to any country and any other nuclear proliferation networks or activities and the foreign persons believed to be participating therein, including any information relating to the participation of any foreign person in the export, transfer, or trade described in section 811.

(2) ADDITIONAL INFORMATION.—The report under paragraph (1) shall also include a description of the extent to which each country described in the report is, in the opinion of the President, fully cooperating with the United States in its efforts to eliminate the nuclear proliferation network described in paragraph (1)(A) and any other nuclear proliferation networks or activities. The President shall base the determination regarding a country's cooperation with the United States in part on the degree to which the country has satisfied United States requests for assistance and information, including whether the United States has asked and been granted direct investigatory access to key persons involved in a nuclear proliferation network.

(b) CLASSIFICATION.—Reports under this section shall be unclassified to the maximum extent possible.

SEC. 843. SUSPENSION OF ARMS SALES LICENSES AND DELIVERIES TO NUCLEAR PROLIFERATION NETWORK HOST COUNTRIES.

(a) SUSPENSION.—Upon submission of the report and any additional information under section 842 to the appropriate congressional committees, the President shall suspend all licenses issued under the Arms Export Control Act, and shall prohibit any licenses to be issued under that Act, to any country described in the report or additional information, until such time as the President certifies to the appropriate congressional committees that such country—

(1)(A) has fully investigated or is fully investigating the activities of any person or entity within its territory that has participated in the nuclear proliferation network or activities; and

(B) has taken or is taking effective steps to permanently halt similar illicit nuclear proliferation or acquisition activities;

(2) has been or is fully cooperating with the United States and other appropriate international organizations in investigating and eliminating the nuclear proliferation network, any successor networks operating within its territory, or other illicit proliferation and acquisition activities; and

(3) has enacted or is enacting new laws, promulgated decrees or regulations, or established practices designed to prevent future such activities from occurring within its territory.

(b) WAIVER.—The President may waive the requirements of subsection (a) in a fiscal year if—

(1) the President has certified to the appropriate congressional committees that the waiver is important to the national security of the United States; and

(2) five days have elapsed since making the certification under paragraph (1).

Subtitle E—General Provisions

SEC. 851. DEFINITIONS.

In this title:

(1) PARTICIPATED.—The term “participated” means to have sold, transferred, brokered, financed, assisted, delivered or otherwise provided or received, and includes any conspiracy or attempt to participate in any of the preceding activities, as well as facilitating such activities by any other person.

(2) FOREIGN PERSON.—The term “foreign person” has the meaning provided in section 38(g)(9)(C) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(C)) and includes, for purposes of subsections (a) and (b) of section 811, successors, subsidiaries, and subunits and other business organizations or associations in which that person may be deemed to have a controlling interest.

(3) EXCESS DEFENSE ARTICLE.—The term “excess defense article” has the meaning given that term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)).

(4) ITEMS OF PROLIFERATION CONCERN.—The term “items of proliferation concern” means any equipment, materials, or technology that could materially support the research, development, manufacturing, or acquisition by any means

of a nuclear explosive device, a chemical or biological weapon, or missile with a payload of 500 kilograms or greater and with a range of 300 kilometers or greater.

(5) PERSON.—The term “person”—

(A) means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity, or subsidiary, subunit, or parent entity thereof, and any successor of any such entity; and

(B) in the case of a country where it may be impossible to identify a specific governmental entity referred to in subparagraph (A), means all activities of that government relating to the development or production of any nuclear equipment or technology.

(6) UNITED STATES FOREIGN ASSISTANCE.—The term “United States foreign assistance” means assistance under the foreign operations, export financing, and related programs appropriations Act for a fiscal year, and assistance under the Foreign Assistance Act of 1961.

TITLE IX—FOREIGN ASSISTANCE PROVISIONS

Subtitle A—Foreign Assistance Act of 1961 and Related Provisions

CHAPTER 1—PART I OF THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 901. ASSISTANCE TO ESTABLISH CENTERS FOR THE TREATMENT OF OBSTETRIC FISTULA IN DEVELOPING COUNTRIES.

(a) AMENDMENT.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

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

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

“(4)(A) In carrying out the purposes of this subsection, the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the establishment and operation of not less than twelve centers for the treatment and prevention of obstetric fistula at appropriate sites in developing countries.

“(B) In selecting sites for the establishment of centers pursuant to subparagraph (A), the President should seek the consultation and advice of United States embassy officials, appropriate nongovernmental organizations, and local government officials in developing countries with high rates of obstetric fistula, with particular emphasis on countries in Africa.

“(C) Each center established pursuant to subparagraph (A) shall, to the maximum extent practicable, carry out the following activities:

“(i) The provision of surgery to repair obstetric fistula in women who do not otherwise have the resources to pay for such surgery and the provision of necessary post-surgery care and support for such women.

“(ii) Assistance related to surgery and post-surgery care and support described in clause (i), including the provision of transportation to and from the center for women in need of such transportation and the provision of necessary temporary shelter and food assistance to women in need of such shelter and food assistance.

“(iii) Activities to reduce the incidence of obstetric fistula, including the conduct of appropriate seminars and the dissemination of appropriate educational materials, such as brochures, pamphlets, and posters.

“(iv) Activities to expand access to contraception services for the prevention of pregnancies among women whose age or health status place them at high risk of prolonged or obstructed childbirth.

“(D) Each center established pursuant to subparagraph (A) shall, to the maximum extent practicable, ensure that women who suffer from obstetric fistula as a result of sexual abuse during conflicts or as a result of official abuse receive preference in receiving services described in clauses (i) and (ii) of subparagraph (C).

“(E) Not later than January 31, 2008, the President shall prepare and transmit to Congress a report on the implementation of this paragraph for fiscal years 2006 and 2007.

“(F) In this paragraph, the term ‘obstetric fistula’ means a rupture or hole in tissues surrounding a woman’s vagina, bladder, or rectum that occurs when the woman is in obstructed childbirth for a prolonged period of time without adequate medical attention.”

(b) **FUNDING.**—Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out sections 104 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b and 2293), \$5,000,000 for each such fiscal year is authorized to be available to carry out section 104(c)(4) of such Act (as added by subsection (a)).

SEC. 902. SUPPORT FOR SMALL AND MEDIUM ENTERPRISES IN SUB-SAHARAN AFRICA.

Section 240 of the Foreign Assistance Act of 1961 (22 U.S.C. 2200) is amended by adding at the end the following:

“(c) **SUPPORT FOR SMALL AND MEDIUM ENTERPRISES IN SUB-SAHARAN AFRICA.**—

“(1) **SUPPORT.**—The Corporation is commended for its activities in support of the development of small and medium enterprises, and is encouraged to exercise its authorities to promote investments in financial institutions that are duly incorporated in sub-Saharan African countries, to the extent that the purpose of such investments is to expand investment and lending opportunities to small and medium enterprises that—

“(A) are substantially owned by nationals of sub-Saharan African countries; and

“(B) are engaged in domestic commerce or international trade in sectors such as housing, agriculture, fishing, textiles and apparel, tourism, electronics, technology, manufacturing, and services.

“(2) **CONSIDERATION.**—In making a determination to provide insurance and financing to financial institutions referred to in paragraph (1), the Corporation should take into consideration the extent to which a project establishes and implements a nondiscrimination in lending policy to prohibit discrimination based on ethnicity, sex, color, race, religion, physical disability, marital status, or age.

“(3) **TECHNICAL ASSISTANCE.**—In supporting a project referred to in paragraph (1), the Corporation may provide technical assistance to—

“(A) improve the quality of management of financial institutions referred to in paragraph (1) to ensure the safety and stability of such institutions;

“(B) create in such financial institutions effective credit risk management systems to improve the quality of the assets of such institutions and the ability of such institutions to research and assess the overall credit risk of critical industries in the domestic economy; and

“(C) support effective credit risk management by developing internal credit rating systems and credit assessment tools that improve the ability of such financial institutions to evaluate individual credit worthiness and measure the overall amount of risk posed by the total number of borrowers.”.

SEC. 903. ASSISTANCE TO SUPPORT DEMOCRACY IN ZIMBABWE.

Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 and chapter 4 of part II of such Act, \$12,000,000 for each such fiscal year is authorized to be available, consistent with the provisions of the Zimbabwe Democracy and Economic Recovery Act of 2001 (Public Law 107–99; 22 U.S.C. 2151 note), to support—

(1) the restoration of democratic legitimacy and foster a free and fair electoral process in Zimbabwe, particularly through legislative process training for members of Parliament;

(2) capacity building for civil society organizations to effectively provide information on the political process to citizens, defend the legal rights of minorities, women and youth, document the level of adherence by the Government of Zimbabwe to national and international civil and human rights standards, and monitor and report on the entire electoral process in Zimbabwe;

(3) organizational capacity-building training for political parties in Zimbabwe;

(4) poll watcher training for party and civil society election observers in Zimbabwe; and

(5) the reestablishment of independent media through overseas broadcasts and Internet sites.

SEC. 904. RESTRICTIONS ON UNITED STATES VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS DEVELOPMENT PROGRAM.

(a) **LIMITATION.**—Of the amounts made available for each of fiscal years 2006 and 2007 for United States voluntary contributions to the United Nations Development Program, an amount equal to the amount the United Nations Development Program will spend in Burma during each fiscal year (including all funds administered by the United Nations Development Program in Burma) shall be withheld unless during such fiscal year the Secretary of State submits to the appropriate congressional committees the certification described in subsection (b).

(b) CERTIFICATION.—The certification referred to in subsection (a) is a certification by the Secretary that all programs and activities of the United Nations Development Program (including all programs and activities administered by the United Nations Development Program) in Burma—

(1) are focused on eliminating human suffering and addressing the needs of the poor;

(2) are undertaken only through international or private voluntary organizations that are independent of the State Peace and Development Council (SPDC) (formerly the State Law and Order Restoration Council or SLORC);

(3) provide no financial, political, or military benefit, including the provision of goods, services, or per diems, to the SPDC or any agency or entity of, or affiliated with, the SPDC, including any entity whose members are ineligible for admission to the United States by reason of such membership under any provision of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) (including the Myanmar Maternal and Child Welfare Association (MMCWA), the Myanmar Council of Churches (MCC), the Myanmar Medical Association (MMA), the Myanmar Women Affairs Federation (MWAFF), and the Union of Solidarity Development Association (USDA)); and

(4) are carried out only after consultation with the leadership of the National League for Democracy and the leadership of the National Coalition Government of the Union of Burma.

(5) REPORT.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter during fiscal years 2006 and 2007, the Secretary shall submit to the appropriate congressional committees a report on—

(A) all programs and activities of the United Nations Development Program (including all programs and activities administered by the United Nations Development Program) in Burma; and

(B) all recipients and subrecipients of funds provided under such programs and activities.

SEC. 905. ASSISTANCE FOR THE OFFICE OF THE POLICE OMBUDSMAN FOR NORTHERN IRELAND.

Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), \$100,000 for each such fiscal year is authorized to be available for—

(1) specialized investigative training, including training in the United States, of personnel of the Office of the Police Ombudsman for Northern Ireland; and

(2) advisory support to the Office of the Police Ombudsman for Northern Ireland for the development and strengthening of its investigative capacity in order to ensure that policing in Northern Ireland is carried out in compliance with internationally recognized human rights standards.

SEC. 906. REPORT ON FOREIGN LAW ENFORCEMENT TRAINING AND ASSISTANCE.

Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)), as amended by section 317(d) of this Act, is further amended by adding at the end the following new paragraph:

“(9)(A) A separate section on all foreign law enforcement training and assistance that is provided to foreign law enforcement personnel and other related governmental authorities by the Department of State, the Department of Defense, the Department of Justice, and the United States Agency for International Development during the previous fiscal year and all such training proposed for the current fiscal year.

“(B) The section on foreign law enforcement training and assistance shall include the following:

“(i) For each law enforcement training activity—

“(I) the purpose of the activity and the foreign policy justification for the activity;

“(II) the number of foreign law enforcement personnel who are provided training, their units of operation, and countries of origin;

“(III) the type of training activity;

“(IV) the location of the training activity;

“(V) the department or agency of the United States Government which is conducting the training, by unit or office; and

“(VI) the cost of the training activity and the specific budgetary account from which the cost is paid.

“(ii) For other law enforcement assistance—

“(I) the purpose of the assistance and the foreign policy justification for the assistance;

“(II) the type of assistance;
 “(III) the department or agency of the United States Government which is providing the assistance, by unit or office, where applicable; and

“(IV) the cost of the assistance and the specific budgetary account from which the cost is paid.

“(iii) For each country—

“(I) the aggregate number of students trained;

“(II) the aggregate cost of the law enforcement training and other law enforcement assistance; and

“(III) a plan describing the law enforcement assistance and rule of law programs of the relevant departments and agencies of the United States Government.

“(C) FORM.—The report required by this paragraph shall be in unclassified form but may include a classified annex.”.

SEC. 907. ASSISTANCE FOR DISASTER MITIGATION EFFORTS.

(a) FINDINGS.—Congress finds the following:

(1) The devastating impacts of natural disasters can be mitigated by assisting communities to build in safer locations, construct sturdier dwellings, enforce sound building codes and practices, and protect natural ecosystems.

(2) By 2050, two billion people are expected to be especially vulnerable to floods due to growing populations, indiscriminate logging, rapid urbanization, and increasing development along coasts and in other hazardous regions.

(3) According to a study by the World Bank and the United States Geological Survey during the 1990s, \$40 billion invested in preventive measures could have saved \$280 billion in disaster relief funds and saved countless lives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State, in consultation with the heads of other appropriate departments and agencies of the Government of the United States, should develop an initiative to encourage the use of disaster mitigation techniques, including techniques described in subsection (a)(1), by foreign governments in regions considered especially vulnerable to natural disasters.

(c) AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.—Section 491(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292(b)) is amended by adding at the end the following new sentence: “Assistance relating to disaster preparedness under the preceding sentence shall include assistance to encourage the use of disaster mitigation techniques, including to assist communities to build in safer locations, construct sturdier dwellings, enforce sound building codes and practices, and protect natural ecosystems.”.

SEC. 908. ASSISTANCE TO PROMOTE DEMOCRACY IN BELARUS.

Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq. and 2296 et seq.) and the FREEDOM Support Act (22 U.S.C. 5801 et seq.), \$12,000,000 for each such fiscal year is authorized to be available for assistance for the promotion of democracy in the Republic of Belarus, including free and fair electoral processes, the development of political parties and nongovernmental organizations, promoting democracy and respect for human rights and the rule of law, independent media, and international exchanges and training programs for leaders and members of the democratic forces that foster civil society.

SEC. 909. ASSISTANCE FOR MATERNAL AND PRENATAL CARE FOR CERTAIN INDIVIDUALS OF BELARUS AND UKRAINE INVOLVED IN THE CLEANUP OF THE CHORNOBYL DISASTER.

Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq. and 2296 et seq.) and the FREEDOM Support Act (22 U.S.C. 5801 et seq.), such sums as may be necessary for each such fiscal year are authorized to be available for assistance to improve maternal and prenatal care, especially for the purpose of helping prevent birth defects and pregnancy complications, for individuals in the Republic of Belarus and Ukraine involved in the cleanup of the region affected by the Chernobyl disaster.

SEC. 910. ASSISTANCE TO ADDRESS NON-INFECTIOUS DISEASES IN FOREIGN COUNTRIES.

(a) STATEMENT OF POLICY.—Congress declares the following:

(1) Medical evidence indicates that non-infectious diseases, like heart disease and obesity, are on the rise worldwide.

(2) In response to these statistics, the current allocation of funds appropriated to the United States Agency for International Development for Child Survival and Maternal Health, Vulnerable Children, HIV/AIDS, Infectious Dis-

eases, Reproductive Health and Family Planning, and the Global Fund to Fight AIDS, Tuberculosis and Malaria does not address noninfectious diseases.

(b) **AUTHORIZATION OF ASSISTANCE.**—The President, acting through the Administrator of the United States Agency for International Development, is authorized to provide assistance, on such terms and conditions as the President may determine, to address non-infectious diseases in foreign countries.

CHAPTER 2—PART II OF THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 921. ECONOMIC SUPPORT FUND ASSISTANCE FOR EGYPT.

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

(1) Despite more than \$28 billion in economic assistance provided by the United States to Egypt since 1975, Egypt's economy and educational systems are underdeveloped and democratic development remains extremely limited. Egypt remains near the bottom of many indices of growth and human development.

(2) Egypt's economic troubles, if not addressed through programs to develop Egypt's private sector, could destabilize the country.

(3) United States programs to promote growth in Egypt, including traditional development assistance as well as programs that attempt to link disbursement of cash assistance to the adoption of economic reforms by the Government of Egypt, have had, at best, mixed success.

(4) The United States has provided more than \$32 billion in military assistance to Egypt since 1979.

(5) Egypt is currently at peace with all its neighbors.

(6) Egypt and the United States entered into an agreement in March 2005, whereby Egypt undertook to accomplish certain reform-oriented policies primarily related to its financial sector, and the United States undertook, subject to its constitutional processes, to provide Egypt with cash assistance. This program of financial reform is important and should continue, supported by assistance in the form of cash transferred from the United States, but not in amounts in excess of amounts already agreed to and not for lesser policy reforms than have already been agreed to.

(7) The model of an agreement for policy change between the United States and Egypt, similar but not identical to, the concept of a "Millennium Challenge" compact that emphasizes performance and outcomes, would be a way to reinvigorate a program for the development of the Egyptian economy that has languished for years, and would give more Egyptians a stake in the proper planning and execution of programs to assist in their country's development.

(b) **STATEMENT OF POLICY.**—It shall be the policy of the United States—

(1) to acknowledge that—

(A) threats to Egypt's stability derive far more from domestic problems, such as inadequate economic growth, deficient educational and health-care systems, and lack of political freedom, than from external dangers; and

(B) external threats to Egyptian stability are, in fact, minimal;

(2) to provide non-military assistance to Egypt which results in actual, sustainable, and, to the extent possible, measurable outcomes in terms of economic growth, poverty reduction, humanitarian conditions, health, education, and political reform;

(3) to restructure Egypt's assistance package over time so as to diminish military assistance and end the reduction of economic assistance and to begin the process of this restructuring without delay; and

(4) to ensure that this restructuring is done in such a manner that ensures that maintenance and spare parts for existing Egyptian military equipment is not jeopardized and that Egyptian military purchases and projects to which the United States has already committed itself be funded fully in accordance with previous understandings.

(c) **AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.**—

(1) **IN GENERAL.**—Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq; relating to the "Economic Support Fund") is amended by inserting after section 534 the following new section:

"SEC. 535. REQUIREMENTS RELATING TO ASSISTANCE FOR EGYPT.

"(a) **REQUIREMENT FOR ASSISTANCE.**—Assistance may be provided for Egypt under this chapter for a fiscal year only if Egypt provides to the United States for the fiscal year a proposal described in subsection (b) that is evaluated and approved in accordance with subsection (c).

"(b) **PROPOSAL.**—

“(1) IN GENERAL.—A proposal described in this subsection is a proposal that reflects Egyptian priorities to use assistance provided under this chapter to meet the requirements of paragraph (2).

“(2) REQUIREMENTS.—The requirements described in this paragraph are—

“(A) promoting economic growth (including economic freedom);

“(B) reducing poverty;

“(C) improving humanitarian conditions among the poorest individuals in Egypt;

“(D) improving education and health systems for the people of Egypt;

“(E) reducing corruption in the public and private sectors; and

“(F) strengthening democratic institutions and individual freedoms.

“(c) EVALUATION AND APPROVAL OF PROPOSAL.—

“(1) EVALUATION.—The President, acting through the Secretary of State, and in consultation with the Secretary of the Treasury, the United States Trade Representative, and the Administrator of the United States Agency for International Development, shall evaluate the proposal provided to the United States pursuant to subsection (a) to determine the extent to which the proposal meets the requirements of subparagraphs (A) through (F) of subsection (b)(2).

“(2) APPROVAL.—The President shall approve the proposal only if the President determines that—

“(A) the proposal sufficiently meets the requirements of subparagraphs (A) through (F) of subsection (b)(2) in a manner that achieves, in particular, lasting economic growth and poverty reduction and substantially strengthened democratic institutions and individual freedoms; and

“(B) the Government of Egypt—

“(i) has adopted and implemented reforms necessary to implement the proposal;

“(ii) has implemented the proposal provided to the United States and approved for the prior fiscal year in accordance with the requirements of subparagraphs (A) through (F) of subsection (b)(2); and

“(iii) has demonstrated high standards of fiduciary controls and accountability with respect to assistance provided for Egypt under this chapter.

“(d) SUSPENSION AND TERMINATION OF ASSISTANCE.—The President, acting through the Secretary of State, may suspend or terminate assistance in whole or in part for Egypt under this chapter if the President determines that the Government of Egypt is not implementing the proposal in accordance with the requirements of subparagraphs (A) through (F) of subsection (b)(2).

“(e) CASH ASSISTANCE.—

“(1) REQUIREMENT.—Notwithstanding any other provision of this section, cash assistance may be provided to Egypt under this chapter for a fiscal year pursuant to the memorandum of understanding specified in paragraph (2) only if a proposal provided to the United States pursuant to subsection (a) for the fiscal year has been evaluated and approved in accordance with subsection (c).

“(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding specified in this paragraph is the memorandum of understanding agreed to by the Government of the United States and the Government of Egypt in March 2005, including any modification to the memorandum of understanding, except—

“(A) a modification to increase the amounts of assistance agreed to be provided under the memorandum of understanding; or

“(B) a modification to reduce significantly the scope of, or to extend significantly the time for, the performance by Egypt of obligations that it has undertaken under the memorandum of understanding.

“(f) CONGRESSIONAL NOTIFICATION.—Assistance may not be obligated for Egypt under this chapter until 30 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

“(g) REPORT.—The President, acting through the Secretary of State, shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each fiscal year that contains—

“(1) the proposal provided to the United States pursuant to subsection (a) for the fiscal year; and

“(2) the evaluation of the proposal carried out pursuant to subsection (c)(1).

“(h) **RULE OF CONSTRUCTION.**—The provisions of this section shall not be superseded except by a provision of law enacted after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2006 and 2007, which specifically repeals, modifies, or supersedes the provisions of this section.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply with respect to assistance for Egypt under chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2007 and each subsequent fiscal year.

(d) **MILITARY ASSISTANCE LEVELS FOR EGYPT; TRANSFER REQUIREMENT.**—The following amounts available for assistance for Egypt under section 23 of Arms Export Control Act (22 U.S.C. 2763; relating to the “Foreign Military Financing” program) shall be transferred to and consolidated with amounts available for assistance for Egypt under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the “Economic Support Fund”):

(1) For fiscal year 2006, the amount that exceeds \$1,260,000,000.

(2) For fiscal year 2007, the amount that exceeds \$1,220,000,000.

(3) For fiscal year 2008, the amount that exceeds \$1,180,000,000.

(e) **CASH-FLOW FINANCING FOR EGYPT.**—As soon as practicable after the date of the enactment of this Act, the President shall modify the program of cash-flow financing for Egypt under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the “Foreign Military Financing” program) so as to accomplish the purposes of the policy set forth in paragraphs (3) and (4) of subsection (b) of this section.

(f) **TRANSFER OF CERTAIN INTEREST FOR EGYPT.**—For fiscal year 2006 and subsequent fiscal years, any interest earned from amounts in an interest bearing account for Egypt to which funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the “Foreign Military Financing” program) are disbursed—

(1) shall be transferred to and consolidated with amounts available for assistance for the Middle East Partnership Initiative under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the “Economic Support Fund”); and

(2) shall be allocated for democracy and governance programs for Egypt, including direct support for nongovernmental organizations.

SEC. 922. INTER-ARAB DEMOCRATIC CHARTER.

(a) **STRATEGY.**—The Secretary of State, acting through the Assistant Secretary for Democracy, Human Rights, and Labor, and in consultation with the Assistant Secretary for Near East Affairs and the Assistant Secretary for Western Hemisphere Affairs, shall develop and implement a strategy to—

(1) support, including through the provision of technical assistance, efforts to establish an Inter-Arab Democratic Charter to promote human rights and democracy in the Near East region; and

(2) support and promote coordination among human rights organizations, pro-democracy advocates, and civil society members from both the Near East region and the Western Hemisphere to assist in efforts to establish the Inter-Arab Democratic Charter referred to in paragraph (1).

(b) **REPORT.**—Section 665(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2151n note) as amended by section 614(a)(2) of this Act, is further amended by inserting after the first sentence the following new sentence: “As part of such separate report, the Secretary shall include information on efforts by the Department of State to develop and implement the strategy to support efforts to establish an Inter-Arab Democratic Charter pursuant to section 708(a) of the Foreign Relations Authorization Act, Fiscal Years 2006 and 2007.”

(c) **FUNDING.**—Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the “Economic Support Fund”), including amounts made available to carry out the Human Rights and Democracy Fund and the Middle East Partnership Initiative, such sums as may be necessary for each such fiscal year is authorized to be available to the Secretary to carry out this section and the amendments made by this section.

SEC. 923. MIDDLE EAST PARTNERSHIP INITIATIVE.

(a) **FUNDING.**—Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the “Economic Support Fund”), such sums as may be necessary for each such fiscal year is authorized to be available to the Secretary of State to carry out programs and activities of the Middle East Partnership Initiative.

(b) **REQUIREMENT.**—Not less than 50 percent of amounts made available for each of the fiscal years 2006 and 2007 to carry out the Middle East Partnership Initiative shall be used to—

(1) strengthen civil society, particularly nongovernmental organizations, and expand female and minority participation in the political, economic, and educational sectors of countries participating in the Initiative; and

(2) strengthen the rule of law and promote democratic values and institutions, particularly through—

(A) developing and implementing standards for free and fair election in countries participating in the Initiative; and

(B) supporting inter-regional efforts to promote democracy in countries under authoritarian rule, including through the Community of Democracies and Forum for the Future.

SEC. 924. WEST BANK AND GAZA PROGRAM.

(a) **OVERSIGHT.**—For each of the fiscal years 2006 and 2007, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of funds for the West Bank and Gaza that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of United States assistance for the West Bank and Gaza funded under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the “Economic Support Fund”).

(b) **VETTING.**—Prior to any obligation of funds for each of the fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual or entity which the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(c) **PROHIBITION.**—None of the funds made available for each of the fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(d) **AUDITS.**—

(1) **IN GENERAL.**—The Administrator of the United States Agency for International Development shall ensure that independent audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted for each of the fiscal years 2006 and 2007 to ensure, among other things, compliance with this section.

(2) **AUDITS BY INSPECTOR GENERAL OF USAID.**—Of the funds available for each of the fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 that are made available for assistance for the West Bank and Gaza, up to \$1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of paragraph (1). Such funds are in addition to funds otherwise available for such purposes.

(e) **DEFINITION.**—In this subsection, the term “appropriate congressional committees” means—

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

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

SEC. 925. ECONOMIC SUPPORT FUND ASSISTANCE FOR VENEZUELA.

There are authorized to be appropriated to the President \$9,000,000 for each of the fiscal years 2006 and 2007 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the “Economic Support Fund”) to fund activities which support political parties, the rule of law, civil society, an independent media, and otherwise promote democratic, accountable governance in Venezuela.

CHAPTER 3—PART III OF THE FOREIGN ASSISTANCE ACT OF 1961**SEC. 931. SUPPORT FOR PRO-DEMOCRACY AND HUMAN RIGHTS ORGANIZATIONS IN CERTAIN COUNTRIES.**

Section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)) is amended by adding at the end the following new sentence: “The prohibition contained in the preceding sentence shall not apply with respect to assistance under part I (including chapter 4 of part II) of this Act provided in support of programs of a pro-democracy or human rights organization located or operating in a country described in such sentence, if, at least 30 days before obligating funds for such assistance, the Secretary of State notifies (in classified or unclassified form) the congressional committees specified in section 634A(a) of this Act in accordance with the procedures applicable to reprogramming notifications under that section that the pro-democracy or human rights organization opposes the use of terrorism, supports democracy and respect for human rights, including the equality of women and ethnic and religious minorities, and supports freedoms of the press, speech, association, and religion.”.

SEC. 932. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

- (1) by redesignating the second section 620G (as added by section 149 of Public Law 104–164 (110 Stat. 1436)) as section 620J; and
- (2) by adding at the end the following new section:

“SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

“(a) LIMITATION.—Assistance may be provided under this Act or any other provision of law to the Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

“(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that—

- “(1) providing direct assistance to the Palestinian Authority is important to the national security interests of the United States; and
- “(2) the Palestinian Authority—

“(A) is committed to and has initiated the process of purging from its security services individuals with ties to terrorism;

“(B) has made demonstrable progress toward dismantling the terrorist infrastructure, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and is fully cooperating with Israel’s security services;

“(C) has made demonstrable progress toward halting all anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and is replacing these materials, including textbooks, with materials that promote tolerance, peace, and coexistence with Israel;

“(D) has taken effective steps to ensure democracy, the rule of law, and an independent judiciary, and has adopted other reforms such as ensuring transparent and accountable governance;

“(E) is committed to ensuring that all elections within areas it administers to be free, fair, and transparent; and

“(F) is undertaking verifiable efforts to ensure the financial transparency and accountability of all government ministries and operations.

“(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every 6 months thereafter—

- “(1) the President shall transmit to Congress a recertification that the requirements contained in subsection (b) are continuing to be met; or
- “(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

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

(b) REPORT BY COMPTROLLER GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall

submit to the appropriate congressional committees a report that contains a review of the extent to which United States assistance to the Palestinian Authority under the Foreign Assistance Act of 1961 or any other provision of law is properly audited by the Department of State, the United States Agency for International Development, and all other relevant departments and agencies of the Government of the United States.

SEC. 933. ASSISTANCE FOR LAW ENFORCEMENT FORCES.

(a) **IN GENERAL.**—Section 660(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2420(b)) is amended—

(1) in paragraph (6)—

(A) by inserting “to any national, regional, district, municipal, or other sub-national governmental entity of a foreign country” after “with respect to assistance”; and

(B) by striking “, and the provision of professional” and all that follows through “democracy”;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

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

“(8) with respect to assistance to combat corruption in furtherance of the objectives for which programs are authorized to be established under section 133 of this Act;

“(9) with respect to the provision of professional public safety training to any national, regional, district, municipal, or other sub-national governmental entity of a foreign country, particularly training in international recognized standards of human rights, the rule of law, conflict prevention, and the promotion of civilian police roles that support democratic governance and foster improved police relations between law enforcement forces and the communities in which they serve;

“(10) with respect to assistance to combat trafficking in persons, particularly trafficking in persons by organized crime; or

“(11) with respect to assistance in direct support of developing capabilities for and deployment to impending or ongoing peace operations of the United Nations or comparable regional organizations.”

(b) **TECHNICAL AMENDMENTS.**—Section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420) is amended—

(1) in subsection (b) (as amended by subsection (a) of this section)—

(A) by striking paragraph (2);

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

(C) in paragraph (7), by moving the margin 2 ems to the left; and

(D) by redesignating paragraphs (3) through (11) as paragraphs (2) through (10), respectively; and

(2) by striking subsection (d).

Subtitle B—Other Provisions of Law

SEC. 941. AMENDMENTS TO THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002.

(a) **DECLARATION OF POLICY.**—It shall be the policy of the United States to—

(1) assist Afghanistan in the preparation of parliamentary elections which are currently scheduled to take place on September 18, 2005;

(2) urge donor governments and institutions to provide significant financial support to support the United Nations Assistance Mission in Afghanistan (UNAMA) in carrying out such parliamentary elections;

(3) assist legitimate and recognized parliamentary candidates and future elected parliamentary officials in carrying out the responsibilities and duties of their elected offices; and

(4) assist Afghanistan in the preparation for future presidential and parliamentary elections.

(b) **PURPOSES OF ASSISTANCE.**—Section 102 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7512) is amended—

(1) by redesignating paragraphs (5) through (9) as paragraphs (7) through (11), respectively; and

(2) by inserting after paragraph (4) the following new paragraphs:

“(5) to ensure that parliamentary and presidential elections in Afghanistan are carried out in a free, fair, and transparent manner;

“(6) to provide assistance to legitimate and recognized parliamentary candidates and future elected parliamentary officials in Afghanistan to better edu-

cate such candidates and officials on parliamentary procedures, anticorruption, transparency, and good governance;”.

(c) ACTIVITIES SUPPORTED.—Section 103(a)(5)(C) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(5)(C)) is amended—

- (1) by striking clauses (iii) and (iv);
- (2) by redesignating clauses (v) through (vii) as clauses (xi) through (xiii), respectively;

(3) by inserting after clause (ii) the following new clauses:

“(iii) programs to promote comprehensive public information campaigns, including nationwide voter and civic education, for the public, candidates, and political parties, and special efforts with respect to provinces in which small percentages of women voted in the October 2004 presidential elections;

“(iv) programs to accelerate disarmament, demobilization, and reintegration processes to ensure that candidates and political groups are not influenced or supported by armed militias;

“(v) programs to support the registration of new voters and the preparation of voter rolls;

“(vi) programs to support the vetting process of candidates for the parliamentary elections to ensure that such candidates are eligible under the relevant Afghan election requirements;

“(vii) programs to educate legitimate and recognized parliamentary candidates on campaign procedures and processes;

“(viii) capacity-building programs and advanced professional training programs for senior Afghan Government officials and future elected parliamentary officials in matters related to parliamentary procedures, anti-corruption, accountability to constituencies, transparency, good governance, and other matters related to democratic development;

“(ix) exchange programs to bring to the United States future elected parliamentary officials and senior officials of legitimate and recognized political parties for educational activities regarding legislative procedures, debate, and general campaign and legislative instruction;

“(x) programs to support nongovernmental organizations and other civil society organizations that will assist in civil and voter education programs and overall democracy development programs;”.

(4) in clause (xii) (as redesignated), by striking “and” at the end;

(5) in clause (xiii) (as redesignated), by striking the period at the end and inserting “; and”; and

(6) by adding at the end the following new clause:

“(xiv) other similar activities consistent with the purposes set forth in subsection (a).”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 103(a)(5)(C) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513(a)(5)(C)), as amended by subsection (c), is further amended—

(1) in the matter preceding clause (i), by striking “To support” and inserting “(i) To support”;

(2) by redesignating clauses (i) through (xiv) as subclauses (I) through (XIV), respectively; and

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

“(ii) Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 and chapter 4 of part II of such Act, \$50,000,000 for each such fiscal year is authorized to be available to the President to carry out subclauses (III) through (X) of clause (i).”.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the President should take all necessary and appropriate steps to encourage all donor governments and institutions to provide full financial and logistical support to the United Nations Assistance Mission in Afghanistan (UNAMA) to carry out the parliamentary elections in Afghanistan, which are currently scheduled to take place on September 18, 2005, so as to—

(1) ensure the parliamentary elections are legitimate and free from influence, intimidation, and violence by local militia leaders and illicit narcotics terrorist organizations;

(2) make certain that all Afghans who want to vote may do so and may be educated about their choice in parliamentary candidates;

(3) provide that all legitimate and recognized parliamentary candidates and officials of legitimate and recognized political parties are informed and educated on campaign procedures and processes;

(4) provide that future parliamentary officials and senior officials of legitimate and recognized political parties are informed and educated on the legislative procedures and process through exchange programs; and

(5) assure sufficient funds for deployment of international observers for the upcoming parliamentary elections and future presidential and parliamentary elections.

SEC. 942. AMENDMENTS TO THE TIBETAN POLICY ACT OF 2002.

(a) BILATERAL ASSISTANCE.—Section 616 of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) UNITED STATES ASSISTANCE.—

“(1) ASSISTANCE.—The President shall provide grants to nongovernmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetans inside Tibet that are designed in accordance with the principles contained in subsection (e).

“(2) ROLE OF SPECIAL COORDINATOR.—The United States Special Coordinator for Tibetan Issues (established under section 621(a)) shall review and approve all projects carried out pursuant to paragraph (1).

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out this subsection \$6,000,000 for fiscal year 2006 and \$8,000,000 for fiscal year 2007.”

(b) LANGUAGE TRAINING.—Section 619 of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended to read as follows:

“SEC. 619. REQUIREMENT FOR TIBETAN LANGUAGE TRAINING.

“The Secretary shall ensure at least one Foreign Service officer assigned to a United States post in the People’s Republic of China responsible for monitoring developments in Tibet has at least six months of Tibetan language training prior to taking up such assignment at such post, unless such officer possesses equivalent fluency. If the Secretary determines that training resources and timing permit, such officer shall receive one year of such training.”

(c) SPECIAL COORDINATOR FOR TIBETAN ISSUES.—Section 621 of the Tibetan Policy Act of 2002 (Public Law 107–228; 22 U.S.C. 6901 note) is amended by adding at the end the following new subsection:

“(e) PERSONNEL.—The Secretary shall assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues sufficient to assist in the management of the responsibilities of this section and section 616(d)(2).”

SEC. 943. AMENDMENTS TO THE ANGLO-IRISH AGREEMENT SUPPORT ACT OF 1986.

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

(1) United States assistance for the International Fund for Ireland (“International Fund”) has contributed greatly to the economic development of Northern Ireland and that both objectives of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415), economic development and reconciliation, remain critical to achieving a just and lasting peace in the region, especially in the economically-depressed areas; and

(2) since policing reform is a significant part of winning public confidence and acceptance in the new form of government in Northern Ireland, the International Fund is encouraged to support programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, and enhance peaceful mediation in neighborhoods of continued conflict.

(b) AMENDMENTS.—

(1) FINDINGS AND PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415) is amended by adding at the end the following new sentence: “Furthermore, the International Fund is encouraged to support programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, enhance peaceful mediation in neighborhoods of continued conflict, promote training programs to enhance the new district partnership police boards recommended by the Patten Commission, and assist in the transition of former British military installations and prisons into sites for peaceful, community-supported activities, such as housing, retail, and commercial development.”

(2) UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUNDS.—Section 3 of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end the following new subsection:

“(c) FISCAL YEARS 2006 AND 2007.—Of the amounts made available for fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund), there are authorized to be appropriated \$20,000,000 for each such fiscal year for United States contributions to the International Fund. Amounts appropriated pursuant to the authorization of appropriations under the preceding sentence are authorized to remain available until expended. Of the amount authorized to be appropriated for fiscal years 2006 and 2007 under this subsection, it is the sense of Congress that not less than 35 percent of such amount for each such fiscal year should be used to carry out the last sentence of section 2(b).”

(3) ANNUAL REPORTS.—Section 6(1) of the Anglo-Irish Agreement Support Act of 1986 is amended by adding at the end before the semicolon the following: “, specifically through improving local community relations and relations between the police and the people they serve”.

SEC. 944. ASSISTANCE FOR DEMOBILIZATION AND DISARMAMENT OF FORMER IRREGULAR COMBATANTS IN COLOMBIA.

(a) AUTHORIZATION.—Amounts made available for fiscal year 2006 and each subsequent fiscal year for assistance for the Republic of Colombia under this Act or any other provision of law may be made available for assistance for the demobilization and disarmament of former members of foreign terrorist organizations in Colombia, specifically the United Self-Defense Forces of Colombia (AUC), the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), if the Secretary of State makes a certification described in subsection (b) to the appropriate congressional committees prior to the initial obligation of amounts for such assistance for the fiscal year involved.

(b) CERTIFICATION.—A certification described in this subsection is a certification that—

(1) assistance for the fiscal year will be provided only for individuals who have verifiably renounced and terminated any affiliation or involvement with foreign terrorist organizations;

(2) the Government of Colombia is continuing to provide full cooperation with the Government of the United States relating to extradition requests involving leaders and members of the foreign terrorist organizations involved in murder, kidnapping, narcotics trafficking, and other violations of United States law; and

(3) the Government of Colombia has established a concrete and workable framework for dismantling the organizational structures of foreign terrorist organizations that adequately balances the need for both reconciliation and justice with concerns for fundamental human rights.

(c) DEFINITIONS.—In this section:

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

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

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

(2) FOREIGN TERRORIST ORGANIZATION.—The term “foreign terrorist organization” means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

SEC. 945. SUPPORT FOR FAMINE RELIEF IN ETHIOPIA.

(a) DEMONSTRATION INSURANCE PROJECT.—The Secretary of State is authorized to make a United States voluntary contribution to the United Nations World Food Program to establish and carry out a demonstration insurance project in the Federal Democratic Republic of Ethiopia using weather derivatives to transfer the risk of catastrophic drought resulting in famine from vulnerable subsistence farmers to international capital markets for the purpose of protecting vulnerable subsistence farmers against income and asset losses during natural disasters.

(b) REPORT.—Not later than one year and two years after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the implementation of the project referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section up to \$4,000,000 for fiscal year 2006.

SEC. 946. ASSISTANCE TO PROMOTE DEMOCRACY AND HUMAN RIGHTS IN VIETNAM.

(a) FINDING.—Congress finds that the Socialist Republic of Vietnam is a one-party state, ruled and controlled by the Communist Party of Vietnam, which continues to deny the right of citizens to change their government, prohibits independent political, labor, and social organizations, and continues to commit serious

human rights violations, including the detention and imprisonment of persons for the peaceful expression of dissenting religious and political views.

(b) **POLICY.**—It is the policy of the United States—

(1) to limit United States nonhumanitarian assistance provided to the Government of Vietnam, not to exceed the amount so provided for fiscal year 2005, unless the President certifies to Congress not later than 30 days after the date of the enactment of this Act that, during the 12-month period preceding such certification, Vietnam has made substantial progress toward—

(A) releasing political and religious prisoners;

(B) respecting religious freedom and other universally recognized human rights;

(C) allowing open access to the United States for its refugee program;

(D) cooperating fully toward providing information concerning the locations of members of the United States Armed Forces who continue to be officially listed as missing in action as a result of the Vietnam conflict;

(E) respecting the rights of ethnic minorities in the Central Highlands; and

(F) ensuring that it is not acting in complicity with organizations engaged in the trafficking of human persons; and

(2) to ensure that programs of educational and cultural exchange with Vietnam actively promote progress towards freedom and democracy in Vietnam by ensuring that Vietnamese nationals who have already demonstrated a commitment to these values are included in such programs.

(c) **DEFINITION.**—In this section, the term “United States nonhumanitarian assistance” means—

(1) any assistance under the Foreign Assistance Act of 1961 (including programs under title IV of chapter 2 of part I of such Act, relating to the Overseas Private Investment Corporation), other than—

(A) disaster relief assistance, including any assistance under chapter 9 of part I of such Act;

(B) assistance which involves the provision of food (including monetization of food) or medicine;

(C) assistance for refugees; and

(D) assistance to combat HIV/AIDS, including any assistance under section 104A of such Act; and

(2) sales, or financing on any terms, under the Arms Export Control Act.

(d) **AUTHORIZATION.**—

(1) **IN GENERAL.**—The President is authorized to provide assistance to non-governmental organizations and organizations to promote democracy and internationally recognized human rights in Vietnam.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the President \$2,000,000 to carry out paragraph (1).

Subtitle C—Miscellaneous Provisions

SEC. 951. REPORT ON UNITED STATES WEAPONS TRANSFERS, SALES, AND LICENSING TO HAITI.

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on all United States weapons transfers, sales, and licensing to the Government of the Republic of Haiti for the period beginning on October 4, 1991, and ending on the date of the enactment of this Act.

(b) **CONTENTS.**—The report required by subsection (a) shall include a detailed description of each of the following:

(1) The names of the individuals or governmental entities to which weapons were transferred, sold, or licensed.

(2) The number and types of weapons transferred, sold, or licensed.

(3) The safeguards, if any, that were required prior to the transfer, sale, or license of the weapons.

(c) **DEFINITION.**—In this section, the term “United States weapons transfers, sales, and licensing” means transfers, sales, and licensing of weapons under—

(1) section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

(2) chapter 8 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2291 et seq.).

SEC. 952. SENSE OF CONGRESS REGARDING ASSISTANCE FOR REGIONAL HEALTH EDUCATION AND TRAINING PROGRAMS.

(a) **STATEMENT OF POLICY.**—Congress recognizes that many health problems are not country specific. Instead many health issues can be categorized and treated more effectively on a regional basis.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States Agency for International Development should use up to five percent of country-specific health program funds, as needed, to address regional health education and training needs in instances in which it would be more cost effective to implement health education and training programs on a regional basis.

SEC. 953. SENSE OF CONGRESS REGARDING ASSISTANCE FOR REGIONAL HEALTH CARE DELIVERY.

(a) **STATEMENT OF POLICY.**—Congress declares the following:

(1) Health systems in developing countries for allocating and managing health resources are dysfunctional and incapable of addressing evolving epidemiological and demographical changes.

(2) Neither regional nor countrywide health problems can be adequately addressed without the infrastructure for health systems in place.

(3) The areas in Africa, Europe, Eurasia, the Middle East, and Asia with the greatest health problems all lack the infrastructure for health systems that can support providers and contain the cost of treatment.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States Agency for International Development should use up to five percent of country-specific health program funds, as needed, to support projects to create and improve indigenous capacity for health care delivery in regions in which such projects are most needed.

SEC. 954. SENSE OF CONGRESS REGARDING ELIMINATION OF EXTREME POVERTY IN DEVELOPING COUNTRIES.

It is the sense of Congress that—

(1) the elimination of extreme poverty in developing countries should be a major priority of United States foreign policy;

(2) the United States should further demonstrate its leadership and commitment to eliminating extreme poverty by working with developing countries, donor countries, and multilateral institutions committed to the necessary reforms, policies, and practices that reduce extreme poverty in developing countries and by pursuing greater coordination with key allies and international partners; and

(3) the President, acting through the Administrator of the United States Agency for International Development, and in consultation with the heads of other appropriate departments and agencies of the Government of the United States, international organizations, international financial institutions, recipient governments, civil society organizations, and other appropriate entities, should develop a comprehensive strategy to eliminate extreme poverty in developing countries that involves foreign assistance, foreign and local private investment, technical assistance, private-public partnerships, and debt relief.

SEC. 955. SENSE OF CONGRESS REGARDING UNITED STATES FOREIGN ASSISTANCE.

It is the sense of Congress that—

(1) United States foreign assistance should be used to support local capacity-building in developing countries and should focus on improving the institutional capacities of developing countries in order to promote long-term development; and

(2) the Department of State, the United States Agency for International Development, and the Millennium Challenge Corporation should increase their efforts to enhance recipient country participation in the planning of development programs, promote recipient country ownership of the programs, and build local capacity within the recipient country.

TITLE X—REPORTING REQUIREMENTS**SEC. 1001. TRANS-SAHARA COUNTER-TERRORISM INITIATIVE.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that efforts by the Government of the United States to expand the Pan Sahel Initiative into a robust counterterrorism program in the Saharan region of Africa, to be known as the “Trans-Sahara Counter Terrorism Initiative”, should be strongly supported.

(b) **REPORT.**—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed strategy, in classified form, regarding the plan of the Government of the United States to expand the Pan Sahel Initiative into a robust counter-terrorism program in the Saharan region of Africa, to be known as the “Trans-Sahara Counter Terrorism Initiative”.

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

(A) The names of the countries that will participate in the Initiative.

(B) A description of the types of security assistance necessary to create rapid reaction security forces in order to bolster the capacity of the countries referred to in subparagraph (A) to govern their borders.

(C) A description of training to ensure respect for human rights and civilian authority by rapid reaction security forces referred to in subparagraph (B) and other appropriate individuals and entities of the countries referred to in subparagraph (A).

(D) A description of the types of public diplomacy and related assistance that will be provided to promote development and counter radical Islamist elements that may be gaining a foothold in the region.

(3) UPDATE.—The Secretary shall submit to the appropriate congressional committees an update of the report required by this subsection not later than one year after the date of the initial submission of the report under this subsection.

(c) COOPERATION OF OTHER DEPARTMENTS AND AGENCIES.—The head of each appropriate department and agency of the Government of the United States shall cooperate fully with, and assist in the implementation of, the strategy described in subsection (b)(1) and shall make such resources and information available as is necessary to ensure the success of the Initiative described in such subsection.

SEC. 1002. ANNUAL PATTERNS OF GLOBAL TERRORISM REPORT.

(a) REQUIREMENT OF REPORT.—Section 140(a) Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) is amended—

(1) in the heading, by striking “COUNTRY REPORTS ON TERRORISM” and inserting “PATTERNS OF GLOBAL TERRORISM REPORT”; and

(2) in the matter preceding paragraph (1), by inserting “, the Committee on International Relations of the House of Representatives,” after “Speaker of the House of Representatives”.

(b) ASSESSMENTS WITH RESPECT TO FOREIGN COUNTRIES IN WHICH ACTS OF TERRORISM OCCURRED.—Section 140(a)(1)(A)(i) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)(1)(A)(i)) is amended—

(1) by striking “which were, in the opinion of the Secretary, of major significance;” and inserting “, including—”; and

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

“(I) the number of such acts of terrorism or attempted acts of terrorism;

“(II) the number of individuals, including United States citizens, who were killed or injured in such acts of terrorism;

“(III) the methods, and relative frequency of methods, utilized in such acts of terrorism; and

“(IV) assessments of individuals who were responsible for such acts of terrorism and the relationships of such individuals to terrorist groups;”.

(c) INFORMATION WITH RESPECT TO TERRORIST GROUPS.—Section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)(2)) is amended by inserting after “and any other known international terrorist group” the following “or emerging terrorist group”.

(d) INFORMATION WITH RESPECT TO ALL FOREIGN COUNTRIES.—Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(a)) is amended—

(1) in paragraph (2), by adding “and” at the end after the semicolon;

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking “from which the United States Government” and all that follows through “United States citizens or interests” and inserting “worldwide”;

(B) in subparagraph (A)—

(i) by striking “the individual or”;

(ii) by striking “the act” and inserting “acts of terrorism”; and

(iii) by striking “and” at the end;

(C) in subparagraph (B) by striking “against United States citizens in the foreign country”; and

- (D) by adding at the end the following new subparagraph:
“(C) the extent to which the government of the foreign country is not cooperating with respect to the matters described in subparagraphs (A) and (B) and other matters relating to counterterrorism efforts.”; and
(3) by striking paragraph (4).
- (e) EXISTING PROVISIONS TO BE INCLUDED IN REPORT.—Section 140(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(b)) is amended—
- (1) in the matter preceding paragraph (1), by striking “should to the extent feasible” and inserting “shall”;
- (2) in paragraph (1)—
- (A) in the matter preceding subparagraph (A), by inserting “and (a)(3)” after “subsection (a)(1)(A)”;
- (B) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;
- (C) by inserting before subparagraph (B) (as redesignated) the following new subparagraph:
“(A) a separate list, in chronological order, of all acts of international terrorism described in subsection (a)(1)(A)”;
- (D) in subparagraph (C) (as redesignated), by striking “affecting American citizens or facilities”; and
- (E) in subparagraph (D) (as redesignated)—
- (i) in clause (i), by adding at the end before the semicolon the following: “by the government of the country, government officials, nongovernmental organizations, quasi-governmental organizations, or nationals of the country”;
- (ii) in clause (v), by adding “and” at the end after the semicolon;
- and
- (iii) by adding at the end the following new clause:
“(vi) other types of indirect support for international terrorism, such as inciting acts of terrorism or countenance of acts of terrorism by the government of the country, government officials, nongovernmental organizations, quasi-governmental organizations, or nationals of the country”;
- (3) in paragraph (3)—
- (A) in subparagraph (E), by striking “and” at the end;
- (B) in subparagraph (F), by adding “and” at the end; and
- (C) by adding at the end the following new subparagraph:
“(G) information on the stated intentions and patterns of activities of terrorist groups described in subsection (a)(2), capabilities and membership of such groups, recruitment and fundraising activities of such groups, and the relationships of such groups to criminal organizations, including organizations involved in illicit narcotics trafficking”; and
- (4) by redesignating paragraphs (3) and (4) (as added by section 701(a)(2)(C) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3961)) as paragraphs (6) and (7), respectively.
- (f) NEW PROVISIONS TO BE INCLUDED IN REPORT.—Section 140(b) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(b)), as amended by subsection (e), is further amended—
- (1) in paragraph (6) (as redesignated), by striking “and” at the end;
- (2) in paragraph (7) (as redesignated), by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following new paragraphs:
“(8) an analysis of the efforts of multilateral organizations (excluding international financial institutions) to combat international terrorism, including efforts of the United Nations and its affiliated organizations, regional multilateral organizations, and nongovernmental organizations;
“(9) a list of countries of concern with respect to the financing of terrorism;
and
“(10) an analysis of policy goals of the United States for counterterrorism efforts in the subsequent calendar year.”.
- (g) CLASSIFICATION OF REPORT.—Section 140(c) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(c)) is amended to read as follows:
“(c) CLASSIFICATION OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form and shall contain a classified annex as necessary.”.
- (h) INTER-AGENCY PROCESS FOR COMPILATION OF REPORT.—Section 140 of Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

“(d) INTER-AGENCY PROCESS FOR COMPILATION OF REPORT.—The Secretary of State shall, in preparing the report required by subsection (a), establish an inter-agency process to—

“(1) consult and coordinate with other appropriate officials of the Government of the United States who are responsible for collecting and analyzing counterterrorism intelligence; and

“(2) utilize, to the maximum extent practicable, such counterterrorism intelligence and analyses.”

(i) COMPARABILITY STANDARD WITH PRIOR REPORT.—Section 140 of Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as amended by subsection (h), is further amended—

(1) by redesignating subsections (e) and (f) (as redesignated) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) (as added by subsection (h)) the following new subsection:

“(e) COMPARABILITY STANDARD WITH PRIOR REPORT.—The Secretary of State shall, in preparing the report required by subsection (a), use standards, criteria, and methodologies in a consistent manner so that statistical comparisons may be made among different reports. If significant changes are made to any such standards, criteria, or methodology, the Secretary shall, in consultation with other appropriate officials of the Government of the United States, make appropriate adjustments, using the best available methods, so that the data provided in each report is comparable to the data provided in prior reports.”

(j) DEFINITIONS.—Section 140(f)(1) of Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (as redesignated) is amended to read as follows:

“(1) the term ‘international terrorism’ means—

“(A) terrorism involving citizens or the territory of more than one country; or

“(B) terrorism involving citizens and the territory of one country which is intended to intimidate or coerce not only the civilian population or government of such country but also other civilian populations or governments;”

(k) REPORTING PERIOD.—Section 140(g) Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (as redesignated) is amended to read as follows:

“(g) REPORTING PERIOD.—The report required under subsection (a) shall cover the events of the calendar year preceding the calendar year in which the report is transmitted.”

(l) APPEARANCE OF SECRETARY OF STATE BEFORE CONGRESS.—Section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended by adding at the end the following new subsection:

“(h) APPEARANCE OF SECRETARY OF STATE BEFORE CONGRESS.—

“(1) IN GENERAL.—The Secretary of State shall appear before Congress at annual hearings, as specified in paragraph (2), regarding the provisions included in the report required under subsection (a).

“(2) SCHEDULE.—The Secretary of State shall appear before—

“(A) the Committee on International Relations of the House of Representatives on or about May 20 of even numbered calendar years;

“(B) the Committee on Foreign Relations of the Senate on or about May 20 of odd numbered calendar years; and

“(C) either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Secretary before the other Committee under subparagraph (A) or (B).”

(m) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f) is amended to read as follows:

“SEC. 140. ANNUAL PATTERNS OF GLOBAL TERRORISM REPORT.”

(2) TABLE OF CONTENTS.—The table of contents of such Act (as contained in section 1(b) of such Act) is amended in the item relating to section 140 to read as follows:

“Sec. 140. Annual patterns of global terrorism report.”

(n) EFFECTIVE DATE.—The amendments made by this section apply with respect to the report required to be transmitted under section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), by April 30, 2007, and by April 30 of each subsequent year.

SEC. 1003. DUAL GATEWAY POLICY OF THE GOVERNMENT OF IRELAND.

(a) **IN GENERAL.**—The Secretary of State shall review the dual gateway policy and determine the effects the discontinuation of such policy might have on the economy of the United States and the economy of western Ireland before the United States takes any action that could lead to the discontinuation of such policy.

(b) **ECONOMIC IMPACT STUDY.**—In determining the effects that the discontinuation of such policy might have on the economy of the United States, the Secretary, in consultation with the heads of other appropriate departments and agencies, shall consider the effects the discontinuation of such policy might have on United States businesses operating in western Ireland, Irish businesses operating in and around Shannon Airport, and United States air carriers serving Ireland.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report describing the determinations made under subsection (a), together with any recommendations for United States action.

(d) **DEFINITION.**—In this section, the term “dual gateway policy” means the policy of the Government of Ireland requiring certain air carriers serving Dublin Airport to undertake an equal numbers of flights to Shannon Airport and Dublin Airport during each calendar year.

SEC. 1004. STABILIZATION IN HAITI.

Not later than one year after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on United States efforts to—

- (1) assist in the disarmament of illegally armed forces in Haiti, including through a program of gun exchanges;
- (2) assist in the reform of the Haitian National Police; and
- (3) support stabilization in Haiti.

SEC. 1005. VERIFICATION REPORTS TO CONGRESS.

Section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)) is amended in the matter preceding paragraph (1)—

- (1) by striking “prepared by the Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff”; and
- (2) by inserting “, as the President considers appropriate” after “include”.

SEC. 1006. PROTECTION OF REFUGEES FROM NORTH KOREA.

Section 305(a) of the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7845) is amended—

- (1) in paragraph (1), by striking “and” at the end;
 - (2) in paragraph (2), by striking the period at the end and inserting “; and”;
- and

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

“(3) a detailed description of the measures undertaken by the Secretary of State to carry out section 303, including country-specific information with respect to United States efforts to secure the cooperation and permission of the governments of countries in East and Southeast Asia to facilitate United States processing of North Koreans seeking protection as refugees. The information required by this paragraph may be provided in a classified format, if necessary.”.

SEC. 1007. ACQUISITION AND MAJOR SECURITY UPGRADES.

Section 605(c) of the Secure Embassy Construction and Counterterrorism Act of 1999 (title VI of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001; Public Law 106–113–Appendix G) is amended—

- (1) in the heading, by striking “SEMIANNUAL”;
- (2) in the matter preceding paragraph (1), by striking “June 1 and”; and
- (3) in paragraph (1)(A), by striking “two fiscal quarters” and inserting “year”.

SEC. 1008. SERVICES FOR CHILDREN WITH AUTISM AT OVERSEAS MISSIONS.

(a) **STUDY.**—With respect to countries in which there is at least one mission of the United States, the Secretary of State shall conduct a study of the availability of programs that address the special needs of children with autism, including the availability of speech therapists and pediatric occupational therapists at Department of Defense sponsored schools. Such study shall include the estimated incidence of autism among dependents of members of the Foreign Service and dependents of specialist Foreign Service personnel. Such study shall also include an analysis of the possibility of establishing “Educational Centers of Excellence” for such children.

(b) REPORT.—Not later than 30 days after the completion of the study required under subsection (a), the Secretary shall submit to the appropriate congressional committees a report containing the findings of the study together with any recommendations for related action.

SEC. 1009. INCIDENCE AND PREVALENCE OF AUTISM WORLDWIDE.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of State shall direct the United States representative to the Executive Board of the United Nations Children’s Fund (UNICEF) to use the voice and vote of the United States to urge UNICEF to provide for the conduct of a study of the incidence and prevalence of autism spectrum disorders (in this section referred to as “autism”) worldwide.

(2) CONDUCT OF STUDY.—The study should—

(A) evaluate the incidence and prevalence of autism in all countries worldwide and compare such incidence and prevalence to the incidence and prevalence of autism in the United States and evaluate the reliability of the information obtained from each country in carrying out this subparagraph; and

(B) evaluate the feasibility of establishing a method for the collection of information relating to the incidence and prevalence of autism in all countries worldwide.

(b) REPORT.—The Secretary of State shall direct the United States representative to the Executive Board of UNICEF to use the voice and vote of the United States to urge UNICEF to—

(1) provide for the preparation of a report that contains the results of the study described in subsection (a); and

(2) provide for the availability of the report on the Internet website of UNICEF.

(c) FUNDING.—Of the amounts made available for fiscal year 2006 to carry out section 301 of the Foreign Assistance Act of 1961 (22 U.S.C. 2221), \$1,500,000 is authorized to be available for a voluntary contribution to UNICEF to conduct the study described in subsection (a) and prepare the report described in subsection (b).

SEC. 1010. INTERNET JAMMING.

(a) REPORT.—Not later than March 1 of the year following the date of the enactment of this Act, the Chairman of the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report on the status of state-sponsored and state-directed Internet jamming by repressive foreign governments and a description of efforts by the United States to counter such jamming. Each report shall list the countries the governments of which pursue Internet censorship or jamming and provide information concerning the government agencies or quasi-governmental organizations of such governments that engage in Internet jamming.

(b) FORM.—If the Chairman determines that such is appropriate, the Chairman may submit such report together with a classified annex.

SEC. 1011. DEPARTMENT OF STATE EMPLOYMENT COMPOSITION.

(a) STATEMENT OF POLICY.—In order for the Department of State to accurately represent all people in the United States, the Department must accurately reflect the diversity of the United States.

(b) REPORT ON MINORITY RECRUITMENT.—Section 324 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) is amended—

(1) in the matter preceding paragraph (1), by striking “April 1, 2003, and April 1, 2004,” and inserting “April 1, 2006, and April 1, 2007,”; and

(2) in paragraphs (1) and (2), by striking “minority groups” each place it appears and inserting “minority groups and women”.

(c) ACQUISITION.—Section 324 of such Act is further amended by adding at the end the following new paragraph:

“(3) For the immediately preceding 12-month period for which such information is available—

“(A) the numbers and percentages of small, minority-owned businesses that provide goods and services to the Department as a result of contracts with the Department during such period;

“(B) the total number of such contracts;

“(C) the total dollar value of such contracts; and

“(D) and the percentage value represented by such contract proportionate to the total value of all contracts held by the Department.”.

(d) USE OF FUNDS.—The provisions of section 325 of such Act shall apply to funds authorized to be appropriated under section 101(1)(G) of this Act.

SEC. 1012. INCITEMENT TO ACTS OF DISCRIMINATION.

(a) INCLUSION OF INFORMATION RELATING TO INCITEMENT TO ACTS OF DISCRIMINATION IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHT PRACTICES.—

(1) COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)), as amended by section 614(b)(1) of this Act, is further amended—

(A) in paragraph (10), by striking “and” at the end;

(B) in paragraph (11)(C), by striking the period at the end and inserting “; and”; and

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

“(12) wherever applicable, a description of the nature and extent of—

“(A) propaganda in foreign government and foreign government-controlled media and other sources, including foreign government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race or people;

“(B) complicity or involvement by the foreign government in the creation of such propaganda or incitement of acts of violence against any race or people; and

“(C) a description of the actions, if any, taken by the foreign government to eliminate such propaganda or incitement.”.

(2) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)), as amended by section 614(b)(2) of this Act, is further amended by inserting after the ninth sentence the following new sentence: “Each report under this section shall also include, wherever applicable, a description of the nature and extent of propaganda in foreign government and foreign government-controlled media and other sources, including foreign government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race or people, complicity or involvement by the foreign government in the creation of such propaganda or incitement of acts of violence against any race or people, and a description of the actions, if any, taken by the foreign government to eliminate such propaganda or incitement.”.

(b) EFFECTIVE DATE OF AMENDMENT.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply beginning with the first report submitted by the Secretary of State under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) after such date.

SEC. 1013. CHILD MARRIAGE.

(a) ONE TIME REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a one time report on the practice of the custom of child marriage in countries around the world. The report shall include the following information:

(1) A separate section for each country, as applicable, describing the nature and extent of child marriage in such country.

(2) A description of the actions, if any, taken by the government of each such country, where applicable, to revise the laws of such country and institutionalize comprehensive procedures and practices to eliminate child marriage.

(3) A description of the actions taken by the Department of State and other Federal departments and agencies to encourage foreign governments to eliminate child marriage and to support the activities of non-governmental organizations dedicated to eliminating child marriage and supporting its victims.

(b) INCLUSION OF INFORMATION RELATING TO CHILD MARRIAGE IN ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES.—

(1) COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)), as amended by sections 614(b)(1) and 1013(a)(1) of this Act, is further amended—

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

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

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

“(13)(A) wherever applicable, a description of the nature and extent of laws and traditions in each country that enable or encourage the practice of child marriage; and

“(B) a description of the actions, if any, taken by the government of each such country to revise the laws of such country and institutionalize comprehensive procedures and practices to eliminate child marriage.”.

(2) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)), as amended by sections

614(b)(2) and 1013(a)(2) of this Act, is further amended by inserting after the tenth sentence the following new sentence: “Each report under this section shall also include, wherever applicable, a description of the nature and extent of laws and traditions in each country that enable or encourage the practice of child marriage and a description of the actions, if any, taken by the government of each such country to revise the laws of such country and institutionalize comprehensive procedures and practices to eliminate child marriage.”.

(c) EFFECTIVE DATE OF AMENDMENT.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act and apply beginning with the first report submitted by the Secretary of State under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) after the report required under subsection (a).

SEC. 1014. MAGEN DAVID ADOM SOCIETY.

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

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

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

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

- (1) in paragraph (3), by striking “and” at the end;
- (2) by redesignating paragraph (4) as paragraph (5); and
- (3) by inserting after paragraph (3) the following new paragraph:

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

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

“(c) REPORT.—Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2006 and 2007, and one year thereafter, the Secretary of State shall submit a report, on a classified basis if necessary, to the appropriate congressional committees describing—

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

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

“(3) efforts of the High Contracting Parties to the Geneva Conventions of August 12, 1949, to adopt the October 12, 2000, draft additional protocol to the Geneva Conventions;

“(4) the extent to which the Magen David Adom Society is participating in the activities of the International Red Cross and Red Crescent Movement; and

“(5) efforts by any state, member, or official of the International Red Cross and Red Crescent Movement to prevent, obstruct, or place conditions upon—

“(A) adoption by the High Contracting Parties to the Geneva Conventions of August 12, 1949, of the October 12, 2000, draft additional protocol to the Geneva Conventions; and

“(B) full participation of the Magen David Adom Society in the activities of the International Red Cross and Red Crescent Movement.”.

SEC. 1015. DEVELOPMENTS IN AND POLICY TOWARD INDONESIA.

(a) STATEMENT OF CONGRESS RELATING TO RECENT DEVELOPMENTS, HUMAN RIGHTS, AND REFORM.—Congress—

(1) recognizes the remarkable progress in democratization and decentralization made by Indonesia in recent years and commends the people of Indonesia on the pace and scale of those continuing reforms;

(2) reaffirms—

(A) its deep condolences to the people of Indonesia for the profound losses inflicted by the December 26, 2004, earthquake and tsunami; and

(B) its commitment to generous United States support for relief and long term reconstruction efforts in affected areas;

(3) expresses its hope that in the aftermath of the tsunami tragedy the Government of Indonesia and other parties will succeed in reaching and implementing a peaceful, negotiated settlement of the long-standing conflict in Aceh;

(4) commends the Government of Indonesia for allowing broad international access to Aceh after the December 2004 tsunami, and urges that international nongovernmental organizations and media be allowed unfettered access throughout Indonesia, including in Papua and Aceh;

(5) notes with grave concern that—

(A) reform of the Indonesian security forces has not kept pace with democratic political reform, and that the Indonesian military is subject to inadequate civilian control and oversight, lacks budgetary transparency, and continues to emphasize an internal security role within Indonesia;

(B) members of the Indonesian security forces continue to commit many serious human rights violations, including killings, torture, rape, and arbitrary detention, particularly in areas of communal and separatist conflict; and

(C) the Government of Indonesia largely fails to hold soldiers and police accountable for extrajudicial killings and other serious human rights abuses, both past and present, including atrocities committed in East Timor prior to its independence from Indonesia;

(6) condemns the intimidation and harassment of human rights and civil society organizations by members of the Indonesian security forces and military-backed militia groups, and urges a complete investigation of the fatal poisoning of prominent human rights activist Munir in September 2004; and

(7) urges the Government of Indonesia and the Indonesian military to continue to provide full, active, and unfettered cooperation to the Federal Bureau of Investigation of the Department of Justice in its investigation of the August 31, 2002, attack near Timika, Papua, which killed three people (including two Americans, Rick Spier and Ted Burgon) and injured 12 others, and to pursue the indictment, apprehension, and prosecution of all parties responsible for that attack.

(b) FINDINGS RELATING TO PAPUA.—Congress finds the following:

(1) Papua, a resource-rich province whose indigenous inhabitants are predominantly Melanesian, was formerly a colony of the Netherlands.

(2) While Indonesia has claimed Papua as part of its territory since its independence in the late 1940s, Papua remained under Dutch administrative control until 1962.

(3) On August 15, 1962, Indonesia and the Netherlands signed an agreement at the United Nations in New York (commonly referred to as the “New York Agreement”) which transferred administration of Papua first to a United Nations Temporary Executive Authority (UNTEA), and then to Indonesia in 1963, pending an “act of free choice . . . to permit the inhabitants to decide whether they wish to remain with Indonesia”.

(4) In the New York Agreement, Indonesia formally recognized “the eligibility of all adults [in Papua] . . . to participate in [an] act of self-determination to be carried out in accordance with international practice”, and pledged “to give the people of the territory the opportunity to exercise freedom of choice . . . before the end of 1969”.

(5) In July and August 1969, Indonesia conducted an “Act of Free Choice”, in which 1,025 selected Papuan elders voted unanimously to join Indonesia, in circumstances that were subject to both overt and covert forms of manipulation.

(6) In the intervening years, indigenous Papuans have suffered extensive human rights abuses, natural resource exploitation, environmental degradation, and commercial dominance by immigrant communities, and some individuals and groups estimate that more than 100,000 Papuans have been killed during Indonesian rule, primarily during the Sukarno and Suharto administrations.

(7) While the United States supports the territorial integrity of Indonesia, Indonesia’s historical reliance on force for the maintenance of control has been counterproductive, and long-standing abuses by security forces have galvanized independence sentiments among many Papuans.

(8) While the Indonesian parliament passed a Special Autonomy Law for Papua in October 2001 that was intended to allocate greater revenue and decision making authority to the Papuan provincial government, the promise of special autonomy has not been effectively realized and has been undermined in its implementation, such as by conflicting legal directives further subdividing the province in apparent contravention of the law and without the consent of appropriate provincial authorities.

(9) Rather than demilitarizing its approach, Indonesia has reportedly sent thousands of additional troops to Papua, and military operations in the central

highlands since the fall of 2004 have displaced thousands of civilians into very vulnerable circumstances, contributing further to mistrust of the central government by many indigenous Papuans.

(10) According to the 2004 Annual Country Report on Human Rights Practices of the Department of State, in Indonesia “security force members murdered, tortured, raped, beat, and arbitrarily detained civilians and members of separatist movements” and “police frequently and arbitrarily detained persons without warrants, charges, or court proceedings” in Papua.

(c) REPORTING REQUIREMENTS.—

(1) REPORT ON SPECIAL AUTONOMY.—Not later than 180 days after the date of the enactment of this Act and one year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report detailing implementation of special autonomy for Papua and Aceh. Such reports shall include—

(A) an assessment of the extent to which each province has enjoyed an increase in revenue allocations and decision making authority;

(B) a description of access by international press and non-governmental organizations to each province;

(C) an assessment of the role played by local civil society in governance and decision making;

(D) a description of force levels and conduct of Indonesian security forces in each province; and

(E) a description of United States efforts to promote respect for human rights in each province.

(2) REPORT ON THE 1969 ACT OF FREE CHOICE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report analyzing the 1969 Act of Free Choice.

SEC. 1016. MURDERS OF UNITED STATES CITIZENS JOHN BRANCHIZIO, MARK PARSON, AND JOHN MARIN LINDE.

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

(1) On October 15, 2003, a convoy of clearly identified United States diplomatic vehicles was attacked by Palestinian terrorists in Gaza resulting in the death of United States citizens John Branchizio, Mark Parson, and John Marin Linde, and the injury of a fourth United States citizen.

(2) John Branchizio, Mark Parson, and John Marin Linde were contract employees providing security to United States diplomatic personnel who were visiting Gaza in order to identify potential Palestinian candidates for Fulbright Scholarships.

(3) A senior official of the Palestinian Authority was reported to have stated on September 22, 2004, that “Palestinian security forces know who was behind the killing” of John Branchizio, Mark Parson, and John Marin Linde.

(4) Following her visit to Israel and the West Bank on February 7, 2005, Secretary of State Condoleezza Rice announced that she had been “assured by President Abbas of the Palestinian Authority’s intention to bring justice to those who murdered three American personnel in the Gaza in 2003”.

(5) Since the attack on October 15, 2003, United States Government personnel have been prohibited from all travel in Gaza.

(6) The United States Rewards for Justice program is offering a reward of up to \$5,000,000 for information leading to the arrest or conviction of any persons involved in the murder of John Branchizio, Mark Parson, and John Marin Linde.

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

(1) the continued inability or unwillingness of the Palestinian Authority to actively and aggressively pursue the murderers of United States citizens John Branchizio, Mark Parson, and John Marin Linde and bring them to justice calls into question the Palestinian Authority’s viability as a partner for the United States in resolving the Palestinian-Israeli conflict;

(2) future United States assistance to the Palestinian Authority may be affected, and the continued operation of the PLO Representative Office in Washington may be jeopardized, if the Palestinian Authority does not fully and effectively cooperate in bringing to justice the murderers of John Branchizio, Mark Parson, and John Marin Linde; and

(3) it is in the vital national security interest of the United States to safeguard, to the greatest extent possible consistent with their mission, United States diplomats and all embassy and consulate personnel, and to use the full power of the United States to bring to justice any individual or entity that threatens, jeopardizes, or harms them.

(c) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of State shall submit a report, on a classified basis if necessary, to the appropriate congressional committees describing—

(1) efforts by the United States to bring to justice the murderers of United States citizens John Branchizio, Mark Parson, and John Marin Linde;

(2) a detailed assessment of efforts by the Palestinian Authority to bring to justice the murderers of John Branchizio, Mark Parson, and John Marin Linde, including—

(A) the number of arrests, interrogations, and interviews by Palestinian Authority officials related to the case;

(B) the number of Palestinian security personnel and man-hours assigned to the case;

(C) the extent of personal supervision or involvement by the President and Ministers of the Palestinian Authority; and

(D) the degree of cooperation between the United States and the Palestinian Authority in regards to this case;

(3) a specific assessment by the Secretary of whether the Palestinian efforts described in paragraph (2) constitute the best possible effort by the Palestinian Authority; and

(4) any additional steps or initiatives requested or recommended by the United States that were not pursued by the Palestinian Authority.

(d) CERTIFICATION.—The requirement to submit a report under subsection (c) shall no longer apply if the Secretary of State certifies to the appropriate congressional committees that the murderers of United States citizens John Branchizio, Mark Parson, and John Marin Linde have been identified, arrested, and brought to justice.

(e) DEFINITION.—In this section, the term “appropriate congressional committees” means—

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

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

SEC. 1017. DIPLOMATIC RELATIONS WITH ISRAEL.

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

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

(2) Israel currently maintains diplomatic relations with 160 countries, 33 countries do not have any diplomatic relations with Israel, and one country has partial relations with Israel.

(3) The Government of Israel has been actively seeking to establish formal relations with a number of countries.

(4) After 57 years of existence, Israel deserves to be treated as an equal country by its neighbors and the world community.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should assist Israel in its efforts to establish diplomatic relations.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes the following information (in classified or unclassified form, as appropriate):

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

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to their attitudes toward and plans for entering into diplomatic relations with Israel.

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

(d) DEFINITION.—In this section, the term “appropriate congressional committees” means—

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

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

SEC. 1018. TAX ENFORCEMENT IN COLOMBIA.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on International Relations of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee

on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate a report detailing challenges to tax code enforcement in Colombia. This report shall include, as a percentage of Colombia's gross domestic product, an estimate of current tax revenue, an estimate of potential additional tax revenue if Colombia's existing tax laws were fully enforced, and a discussion of how such additional revenue could be used to achieve the objectives of Plan Colombia, including supporting and expanding Colombia's security forces and increasing the availability of alternative livelihoods for illicit crop growers and former combatants.

SEC. 1019. PROVISION OF CONSULAR AND VISA SERVICES IN PRISTINA, KOSOVA.

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing the possibility of providing consular and visa services at the United States Office Pristina, Kosovo (USOP) to residents of Kosova.

(b) **CONTENTS.**—The report required under subsection (a) shall contain the following information:

- (1) The reasons why consular and visa services are not currently offered at the USOP, even though the Office has been in operation for more than five years.
- (2) Plans for providing consular and visa services at the USOP, including conditions required before such services would be provided and the planned timing for providing such services.
- (3) An explanation of why consular and visa services will not be offered at the USOP by January 1, 2007, if such services are not planned to be offered by such date.
- (4) The number of residents of Kosova who apply for their visas outside of Kosova for each calendar year from 2000–2005.

SEC. 1020. DEMOCRACY IN PAKISTAN.

Not later than December 31 in each of fiscal years 2006 and 2007, the President shall submit to the appropriate congressional committees a report that contains a description of the extent to which, over the preceding 12-month period, the Government of Pakistan has restored a fully functional democracy in Pakistan in which free, fair, and transparent elections are held.

SEC. 1021. STATUS OF THE SOVEREIGNTY OF LEBANON.

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

(1) all parties in the Middle East and internationally should exert every effort to implement in its entirety the provisions of United Nations Security Council Resolution 1559 (2004), which, among other things—

(A) calls for “strict respect” for Lebanon’s sovereignty, territorial integrity, unity, and political independence “under the sole and exclusive authority of the Government of Lebanon throughout Lebanon”;

(B) calls upon all remaining foreign forces to withdraw from Lebanon;

(C) calls for the “disbanding and disarmament of all Lebanese and non-Lebanese militias”; and

(D) supports the extension of the control of the Government of Lebanon over all Lebanese territory;

(2) in accordance with United Nations Security Council Resolution 1559, all militias in Lebanon, including Hizballah, should be disbanded and disarmed at the earliest possible opportunity, and the armed forces of Lebanon should take full control of all of Lebanon’s territory and borders;

(3) the Government of Lebanon is responsible for the disbanding and disarming of the militias, including Hizballah, and preventing the flow of armaments and other military equipment to the militias, including Hizballah, from Syria, Iran, and other external sources;

(4) the Government of the United States should closely monitor progress toward full implementation of all aspects of United Nations Security Council Resolution 1559, particularly the matters described in subparagraphs (A) through (D) of paragraph (1);

(5) the Government of the United States should closely monitor the Government of Lebanon’s efforts to stanch the flow of armaments and other military equipment to Hizballah and other militias from external sources, such as Syria and Iran;

(6) the United States and its allies should consider providing training and other assistance to the armed forces of Lebanon to enhance their ability to disarm Hizballah and other militias and stanch the flow of arms to Hizballah and other militias; and

(7) United States assistance provided to Lebanon after the date of the enactment of this Act may be affected if Lebanon does not make every effort to disarm militias, including Hizballah, and to deny them re-armament.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that describes and evaluates—

(1) the extent to which armed militias continue to operate in Lebanon and the progress of the Government of Lebanon to disband and disarm such militias;

(2) the extent to which the Government of Lebanon is committed to disbanding and disarming Hizballah and other militias and stanching the flow of arms to Hizballah and other militias;

(3) the progress of the armed forces of Lebanon to deploy to and take full control of all of Lebanon's borders;

(4) the extent to which countries in the region attempt to direct arms to Lebanon-based militias or allow their territory to be traversed for this purpose and the extent to which these armament efforts succeed;

(5) the routes and means used by external sources attempting to supply arms to the Lebanon-based militias the countries that are involved in these efforts;

(6) the efforts of the United States and its allies to facilitate the process of disbanding and disarming Lebanon-based militias and stanching the flow of weapons to such militias; and

(7) any recommendations for legislation to support the disbanding and disarming of Lebanon-based militias.

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form and may contain a classified annex if necessary.

(d) CERTIFICATION.—The requirement to submit a report under subsection (b) shall no longer apply if the Secretary certifies to the appropriate congressional committees that all Lebanon-based militias have been disbanded and disarmed and the armed forces of Lebanon are deployed to and in full control of Lebanon's borders.

SEC. 1022. ACTIVITIES OF INTERNATIONAL TERRORIST ORGANIZATIONS IN LATIN AMERICA AND THE CARIBBEAN.

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

(1) activities in Latin America and the Caribbean by international terrorist organizations and their affiliates and supporters represent a direct threat to the national security of the United States and hemispheric stability;

(2) international terrorist organizations, such as Hezbollah and Hamas, have profited and taken advantage of the dearth or weakened state of the rule of law in many Latin American and Caribbean countries to further their own aims; and

(3) the United States should work cooperatively with countries of Latin America and the Caribbean to expose and prevent such activities.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and not later than June 30 of the year thereafter, the Secretary of State shall submit to the appropriate congressional committees a report on the activities of international terrorist organizations in Latin America and the Caribbean. The report shall include the following:

(1) An assessment of the membership, stated intentions, recruitment, and terrorist fundraising capabilities of each international terrorist organization operating in Latin America and the Caribbean.

(2) An assessment of the relationship of each such international terrorist organization with other criminal enterprises or terrorist organizations for fundraising and other criminal purposes.

(3) An assessment of the activities of each such international terrorist organization.

(c) FORM.—The report required by subsection (b) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1023. ANALYSIS OF EMPLOYING WEAPONS SCIENTISTS FROM THE FORMER SOVIET UNION IN PROJECT BIOSHIELD.

(a) REPORT.—Not later than November 1, 2006, the Secretary of State, after consultation with the Secretary of Health and Human Services, shall submit to the appropriate congressional committees a report containing an analysis of—

(1) the scientific and technological contributions that scientists formerly employed in the former Soviet Union in the field of biological warfare could make to the research and development of biomedical countermeasures;

(2) the practical alternative methods through which the services of such scientists could be employed so as to facilitate the application of the knowledge and experience of such scientists to such research and development;

(3) the cost-effectiveness of those methods of employing the services of such scientists; and

(4) the desirability and national security implications of providing employment opportunities for such scientists in the field of research and development of biomedical countermeasures for purposes of biological weapons nonproliferation.

(b) RECOMMENDATIONS.—Each Secretary shall also include in the report required under subsection (a) any recommendations of each for appropriate legislation to address the issues analyzed in the report.

(c) DEFINITION.—In this section, the term “biomedical countermeasures” means a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))), biological product (as such term is defined in section 351(i) of the Public Health Service Act (42 U.S.C. 262(i))), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) that is used—

(1) in the diagnosis, cure, mitigation, treatment, or prevention of harm from any biological, chemical, radiological, or nuclear agent that may cause a public health emergency affecting national security; or

(2) in diagnosis, cure, mitigation, treatment, or prevention of harm from a condition that may result in adverse health consequences or death.

SEC. 1024. EXTRADITION OF VIOLENT CRIMINALS FROM MEXICO TO THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) Mexico is unable to extradite criminals who face life sentences without the possibility of parole because of a 2001 decision of the Mexican Supreme Court.

(2) As a result of this ruling, Mexico is unable to extradite to the United States numerous suspects wanted for violent crimes committed in the United States unless the United States assures Mexico that these criminals will not face life imprisonment without the possibility of parole.

(3) The attorneys general from all 50 States have asked the Government of the United States to continue to address this extradition issue with the Government of Mexico.

(4) The Government of the United States and the Government of Mexico have experienced positive cooperation on numerous matters relevant to their bilateral relationship, including increased cooperation on extraditions.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government of the United States should encourage the Government of Mexico to continue to work closely with the Mexican Supreme Court to urge the Court to re-visit its October 2001 ruling so that the possibility of life imprisonment without parole will not have an effect on the timely extradition of criminal suspects from Mexico to the United States.

(c) REPORTS.—

(1) ANNUAL NUMBER AND STATUS OF FORMAL EXTRADITION REQUESTS MADE TO MEXICO BY THE UNITED STATES.—Not later than six months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(A) the number of formal requests made to the Government of Mexico by the Government of the United States for the extradition of Mexican nationals suspected of or convicted *in absentia* for crimes committed in the United States in the preceding fiscal year, the names of such nationals, the crimes of which each such national is suspected or has been convicted *in absentia*, a detailed disposition of the status of each such extradition request, and the progress that has been made with respect to each such extradition request in the preceding fiscal year; and

(B) the number of such nationals who Mexico has extradited to the United States in response to formal extradition requests for such nationals in the preceding fiscal year.

(2) AGGREGATE NUMBER AND STATUS OF FORMAL EXTRADITION REQUESTS MADE TO MEXICO BY THE UNITED STATES.—Not later than six months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(A) the number of formal requests made to the Government of Mexico by the Government of the United States for the extradition of Mexican na-

nationals suspected of or convicted *in absentia* for crimes committed in the United States since the signing of the Extradition treaty, with appendix, between the United States and Mexico, signed at Mexico City on May 4, 1978 (31 UST 5059), including the names of such nationals, the crimes of which each such national is suspected or has been convicted *in absentia*, a detailed disposition of the status of each such extradition request, and the progress that has been made with respect to each such extradition request since such signing; and

(B) the number of such nationals who Mexico has extradited to the United States in response to formal extradition requests for such nationals since the signing of the Extradition treaty, with appendix between the United States and Mexico.

(3) COOPERATION BY THE UNITED STATES WITH EXTRADITION REQUESTS FROM MEXICO.—Not later than six months after the date of the enactment of this Act and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a report that includes—

(A) the number of United States nationals who the United States has extradited to Mexico in response to formal extradition requests for such nationals by Mexico in the preceding fiscal year; and

(B) the number of United States nationals who the United States has extradited to Mexico in response to formal extradition requests for such nationals by Mexico since the signing of the Extradition treaty, with appendix between the United States and Mexico.

(d) FORM.—If the Secretary of State determines that such is appropriate, the Secretary may submit a report required under subsection (c) with a classified annex.

SEC. 1025. ACTIONS OF THE 661 COMMITTEE.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on United States decisions, actions, communications, and deliberations in the 661 Committee of the United Nations regarding the issues of overpricing of contracts, kickbacks from sales of humanitarian goods, efforts to correct and revalue the remaining contracts in the post-Saddam Hussein regime era, oil smuggling, and trade protocols. The report shall examine the process by which the United States made its decisions in the 661 Committee, the officials in the United States Government involved in these decisions, and the names of the officials who made the final decisions. The report shall also include information detailing the positions of the other members states of the 661 Committee with respect to the issues described in this subsection.

(b) INCLUSION OF SUPPORTING DOCUMENTS.—The report required under subsection (a) shall contain all supporting documents with respect to the decisions, actions, communications, and deliberations referred in such subsection.

(c) FORMAT.—If the Secretary determines that such is appropriate, the Secretary may submit the report required under subsection (a) with a classified annex.

(d) DEFINITION.—In this section, the term “661 Committee” means the committee within the United Nations that was tasked with administering the United Nations oil for food program.

SEC. 1026. ELIMINATION OF REPORT ON REAL ESTATE TRANSACTIONS.

Section 12 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 303) is hereby repealed.

TITLE XI—MISCELLANEOUS PROVISIONS

Subtitle A—General Provisions

SEC. 1101. STATEMENT OF POLICY RELATING TO DEMOCRACY IN IRAN.

(a) FINDINGS.—Congress finds the following:

(1) Iran is neither free nor democratic. Men and women are not treated equally in Iran, women are legally deprived of internationally recognized human rights, and religious freedom is not respected under the laws of Iran. Undemocratic institutions, such as the Guardians Council, thwart the decisions of elected leaders.

(2) The April 2005 report of the Department of State states that Iran remained the most active state sponsor of terrorism in 2004.

(3) That report also states that Iran continues to provide funding, safe-haven, training, and weapons to known terrorist groups, including Hizballah, Hamas, the Palestine Islamic Jihad, al-Aqsa Martyrs Brigade, and the Popular

Front for the Liberation of Palestine, and has harbored senior members of al-Qaeda.

(b) **POLICY.**—It is the policy of the United States that—

- (1) currently, there is not a free and fully democratic government in Iran;
- (2) the United States supports transparent, full democracy in Iran;
- (3) the United States supports the rights of the Iranian people to choose their system of government; and
- (4) the United States condemns the brutal treatment, imprisonment, and torture of Iranian civilians who express political dissent.

SEC. 1102. IRANIAN NUCLEAR ACTIVITIES.

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

(1) Iran remains the world's leading sponsors of international terrorism and is on the Department of State's list of countries that provide support for acts of international terrorism.

(2) Iran has repeatedly called for the destruction of Israel, and Iran supports organizations, such as Hizballah, Hamas, and the Palestine Islamic Jihad, that deny Israel's right to exist and are responsible for terrorist attacks against Israel.

(3) The Ministry of Defense of the Government of Iran confirmed in July 2003 that it had successfully conducted the final test of the Shahab-3 missile, giving Iran an operational intermediate-range ballistic missile capable of striking both Israel and United States troops throughout the Middle East and Afghanistan.

(4) Inspections by the International Atomic Energy Agency (IAEA) in Iran have revealed significant undeclared activities, including plutonium reprocessing efforts.

(5) Plutonium reprocessing is a necessary step in a nuclear weapons program that uses plutonium created in a reactor.

(6) Iran continues to assert its right to pursue nuclear power and related technology, continues constructing a heavy water reactor that is ideal for making plutonium for weapons, and has not fully cooperated with the ongoing investigation by the IAEA of its nuclear activities.

(7) The United States has publicly opposed the completion of reactors at the Bushehr nuclear power plant because the transfer of civilian nuclear technology and training could help to advance Iran's nuclear weapons program.

(8) Russia, in spite of strong international concern that Iran intended to use civilian nuclear energy plants to develop nuclear weapons, provided Iran with support to complete the Bushehr nuclear facility.

(9) Russia intends to begin supplying the Bushehr nuclear facility with fuel in June 2005, and the Bushehr nuclear plant is expected to begin operation at the beginning of 2006.

(10) The Iranian parliament has ratified a bill supporting the construction of 20 new nuclear power plants.

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

(1) Russia's provision of assistance to Iran on the Bushehr nuclear reactor is inconsistent with the nonproliferation goals of the United States;

(2) Iran's stated plans to construct 20 new nuclear facilities and its development of nuclear technologies, coupled with acknowledged and unacknowledged ties to terrorist groups, constitute a threat to global peace and security; and

(3) the national security interests of the United States will best be served if the United States develops and implements a long-term strategy to halt all foreign nuclear cooperation with Iran.

(c) **STATEMENT OF CONGRESS.**—Congress calls upon the leaders of the governments of the G-8 to—

(1) insist that the Government of Russia terminate all assistance, including fuel shipments, to the Bushehr nuclear facility in Iran; and

(2) condition Russia's continued membership in the G-8 on Russia's termination of all assistance, including fuel shipments, to the Bushehr facility and to any other nuclear plants in Iran.

SEC. 1103. LOCATION OF INTERNATIONAL INSTITUTIONS IN AFRICA.

(a) **STATEMENT OF CONGRESS.**—Congress declares that, for the purpose of maintaining regional balances with respect to the location of international organizations and institutions in Africa, such organizations or institutions, such as the African Development Bank, that move their headquarters offices from their original locations for reasons of security should return once those security issues have been resolved or should relocate to another country in the region in which the organization or institution was originally headquartered.

(b) **CONSULTATIONS REGARDING RETURN.**—The Secretary of State is authorized to begin consultations with appropriate parties to determine the feasibility of returning such organizations and institutions to the regions in which they were originally headquartered.

SEC. 1104. BENJAMIN GILMAN INTERNATIONAL SCHOLARSHIP PROGRAM.

Section 305 of the International Academic Opportunity Act of 2000, (title III of the Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000) (Public Law 106–309; 22 U.S.C. 2462 note) is amended by striking “\$1,500,000” and inserting “\$4,000,000”.

SEC. 1105. PROHIBITION ON COMMEMORATIONS RELATING TO LEADERS OF IMPERIAL JAPAN.

The Department of State, both in Washington and at United States diplomatic missions and facilities in foreign countries, shall not engage in any activity, including the celebration of the recently enacted Showa holiday, which may, in any manner, serve to commemorate or be construed as serving to commemorate leaders of Imperial Japan who were connected to the attack on the United States Fleet at Pearl Harbor, Oahu, Hawaii, on December 7, 1941.

SEC. 1106. UNITED STATES POLICY REGARDING WORLD BANK GROUP LOANS TO IRAN.

(a) **UNITED STATES POLICY.**—The Secretary of State, in consultation with the Secretary of the Treasury, shall work to secure the support of the governments of countries represented on the decisionmaking boards and councils of the international financial institutions of the World Bank Group to oppose any further activity in Iran by the international financial institutions of the World Bank Group until Iran abandons its program to develop nuclear weapons.

(b) **NOTIFICATION.**—Not later than 30 days after the Secretary initiates efforts to carry out subsection (a), the Secretary shall notify the appropriate congressional committees of such efforts.

(c) **WORLD BANK GROUP DEFINED.**—As used in this section, the term “World Bank Group” means the International Bank for Reconstruction and Development, the International Development Association, the International Financial Corporation, and the Multilateral Investment Guaranty Agency.

SEC. 1107. STATEMENT OF POLICY REGARDING SUPPORT FOR SECI REGIONAL CENTER FOR COMBATING TRANS-BORDER CRIME.

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

(1) The Southeast European Cooperative Initiative (SECI) Regional Center for Combating Trans-Border Crime, located in Bucharest, Romania, is composed of police and customs officers from each of the 12 member states of SECI: Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Slovenia, Serbia and Montenegro and Turkey.

(2) The SECI Regional Center supports joint trans-border crime fighting efforts through the establishment of task forces, including task forces relating to trafficking in human beings, anti-drugs, financial and computer crimes, stolen vehicles, anti-smuggling and anti-fraud, and terrorism.

(b) **STATEMENT OF POLICY.**—It is the policy of the United States to continue to support the activities of the SECI Regional Center for Combating Trans-border Crime.

SEC. 1108. STATEMENT OF POLICY URGING TURKEY TO RESPECT THE RIGHTS AND RELIGIOUS FREEDOMS OF THE ECUMENICAL PATRIARCH.

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

(1) Turkey is scheduled to begin accession negotiations with the European Union on October 3, 2005.

(2) In 1993 the European Union defined the membership criteria for accession to the European Union at the Copenhagen European Council, obligating candidate countries to have achieved certain levels of reform, including stability of institutions guaranteeing democracy, the rule of law, and human rights, and respect for and protection of minorities.

(3) The Government of Turkey refuses to recognize the Ecumenical Patriarch’s international status.

(4) The Government of Turkey has limited to Turkish nationals the candidates available to the Holy Synod for selection as the Ecumenical Patriarch and has refused to reopen the Theological School at Halki, thus impeding training for the clergy.

(b) **STATEMENT OF POLICY.**—Congress—

(1) calls on Turkey to continue to demonstrate its willingness to adopt and uphold European standards for the protection of human rights;

(2) based on the ideals associated with the European Union and its member states, calls on Turkey to eliminate all forms of discrimination, particularly those based on race or religion, and immediately—

(A) grant the Ecumenical Patriarch appropriate international recognition and ecclesiastic succession;

(B) grant the Ecumenical Patriarchate the right to train clergy of all nationalities, not just Turkish nationals; and

(C) respect property rights and human rights of the Ecumenical Patriarchate; and

(3) calls on Turkey to pledge to uphold and safeguard religious and human rights without compromise.

SEC. 1109. STATEMENT OF POLICY REGARDING THE MURDER OF UNITED STATES CITIZEN JOHN M. ALVIS.

(a) FINDINGS.—Congress finds the following:

(1) On November 30, 2000, United States citizen John M. Alvis was brutally murdered in Baku, Azerbaijan.

(2) John M. Alvis was serving his final two weeks of a two year full-time commitment to the International Republican Institute, a United States non-governmental organization carrying out assistance projects for the Government of the United States to help promote democracy and strengthen the rule of law in Azerbaijan.

(3) The United States is committed to ensuring that the truth of the murder of John M. Alvis is determined and the individual or individuals who are responsible for this heinous act are brought to justice.

(b) STATEMENT OF POLICY.—Congress—

(1) appreciates the efforts of the Government of Azerbaijan to find the individual or individuals who are responsible for the murder of United States citizen John M. Alvis and urges the Government of Azerbaijan to continue to make these efforts a high priority; and

(2) urges the Secretary of State to continue to raise the issue of the murder of United States citizen John M. Alvis with the Government of Azerbaijan and to make this issue a priority in relations between the Government of the United States and the Government of Azerbaijan.

SEC. 1110. STATEMENT OF CONGRESS AND POLICY WITH RESPECT TO THE DISENFRANCHISEMENT OF WOMEN.

(a) FINDINGS.—Congress finds the following:

(1) Following the May 16, 2005, decision of the Kuwaiti parliament to enfranchise its female citizens, Saudi Arabia is now the only country in world that restricts the franchise and the right to hold elected office to men only.

(2) Only men were allowed to vote and run for office in Saudi Arabia's municipal elections held earlier this year, the first elections of any kind that Saudi Arabia has held since 1963.

(b) STATEMENTS OF CONGRESS.—Congress—

(1) strongly condemns the disenfranchisement of women, including restrictions that prevent women from holding office; and

(2) calls on the Government of Saudi Arabia to, at the earliest possible time, promulgate a law that grants women the right to vote and to run for office in all future Saudi elections, whether local, provincial, or national.

(c) POLICY.—The President is encouraged to take such action as the President considers appropriate, including a downgrading of diplomatic relations, to encourage countries that disenfranchise only women to grant women the rights to vote and hold office.

Subtitle B—Sense of Congress Provisions

SEC. 1111. KOREAN FULBRIGHT PROGRAMS.

It is the sense of Congress that Fulbright program activities for the Republic of Korea (commonly referred to as “South Korea”) should—

(1) include participation by students from throughout South Korea, including proportional representation from areas outside of Seoul;

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

(3) broaden the Korean student emphasis beyond degree-seeking graduate students to include opportunities for one-year nondegree study at United States colleges and universities by pre-doctoral Korean students; and

(4) include a significant number of Korean students planning to work or practice in areas other than advanced research and university teaching, such as in government service, media, law, and business.

SEC. 1112. UNITED STATES RELATIONS WITH TAIWAN.

It is the sense of Congress that—

(1) it is in the national interests of the United States to communicate directly with democratically elected and appointed officials of Taiwan, including the President of Taiwan, the Vice-President of Taiwan, the Foreign Minister of Taiwan, and the Defense Minister of Taiwan;

(2) the Department of State should, in accordance with Public Law 103-416, admit such high level officials of Taiwan to the United States to discuss issues of mutual concern with United States officials; and

(3) the Department of State should, in cooperation with the Ministry of Foreign Affairs of Taiwan, facilitate high level meetings between such high level officials of Taiwan and their counterparts in the United States.

SEC. 1113. NUCLEAR PROLIFERATION AND A. Q. KHAN.

(a) FINDINGS.—Congress finds the following:

(1) Dr. Abdul Qadeer Khan, former director of the A.Q. Khan Research Laboratory in Pakistan and Special Adviser to the Prime Minister on the Strategic Programme, had the status of a federal minister and established and operated an illegal international network which sold nuclear weapons and related technologies to a variety of countries.

(2) China provided Dr. Khan with nuclear weapons designs, and the illegal international nuclear proliferation network established by Dr. Khan may have provided other countries with these designs.

(3) The illegal international nuclear proliferation network established by Dr. Khan assisted Iran with its nuclear program by supplying Iran with uranium-enrichment technology, including centrifuge equipment and designs.

(4) The illegal international nuclear proliferation network established by Dr. Khan assisted North Korea with its nuclear weapons program by providing centrifuge technology, including designs and complete centrifuges.

(5) The illegal international nuclear proliferation network established by Dr. Khan assisted Libya with its nuclear program by providing blueprints of centrifuge parts and thousands of assembled centrifuge parts.

(6) There is concern that the illegal international nuclear proliferation network created by Dr. Khan may be still in existence and its work still on-going.

(7) Defense cooperation and technology transfer between China and Pakistan have been recently strengthened, including the codevelopment and manufacturing of a minimum of 400 J-17 “Thunder” fighter aircraft, with a minimum of 250 going to China. This and other Chinese-Pakistani technology sharing provides an expanded basis for further Pakistani proliferation of advanced military technology.

(8) The illegal international nuclear proliferation network established by Dr. Khan is a threat to United States national security.

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

(1) should continue efforts to—

(A) dismantle the illegal international nuclear proliferation network created by Dr. Abdul Qadeer Khan; and

(B) counter, through diplomacy and negotiation, the proliferation of weapons of mass destruction from Pakistan to other countries;

(2) should request and Pakistan should grant access to interview Dr. Khan and his top associates to determine in greater detail what technology his network provided or received from Iran, North Korea, Libya, and China; and

(3) should take the steps necessary to ensure that Pakistan has verifiably halted any cooperation with any country in the development of nuclear or missile technology, material, or equipment, or any other technology, material, or equipment that is useful for the development of weapons of mass destruction, including exports of such technology, material, or equipment.

SEC. 1114. PALESTINIAN TEXTBOOKS.

(a) FINDINGS.—Congress finds the following:

(1) Since 1993, the United States has provided more than \$1,400,000,000 to assist the Palestinian people, including to assist with the process of strengthening the Palestinian education system.

(2) Since 1950, the United States has provided more than \$3,200,000,000 in assistance to United Nations Relief and Works Agency (UNRWA), which operates schools in camps housing Palestinians.

(3) The Palestinian Authority has undertaken a reform of its textbooks, a process which will be completed in 2006.

(4) These new textbooks, while an improvement over past texts, fail in many respects to foster attitudes amongst the Palestinian people conducive to peace with Israel, including references to the infamous Protocols of the Elders of Zion, failure to acknowledge the State of Israel, and failure to discuss Jews in sections dealing with religious tolerance.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of State should express in the strongest possible terms United States opposition to the inclusion in Palestinian textbooks of materials which foster anti-Semitism and rejection of peace with Israel, and to express the unwillingness of the United States to continue to support educational programs of the Palestinian Authority, whether directly or indirectly, should the Palestinian Authority continue to include material which does not foster tolerance and peace.

SEC. 1115. INTERNATIONAL CONVENTION AFFIRMING THE HUMAN RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES.

(a) FINDINGS.—Congress finds the following:

(1) There are more than 600,000,000 people who have a disability and more than two-thirds of all persons with disabilities live in developing countries.

(2) Only two percent of children with disabilities in developing countries receive any education or rehabilitation.

(3) A substantial shift has occurred globally from an approach of charity toward persons with disabilities to the recognition of the inherent universal human rights of persons with disabilities.

(4) A clearly defined international standard addressing the rights of persons with disabilities would assist developing countries in the creation and implementation of national laws protecting those rights.

(5) To better protect and promote the rights of persons with disabilities and to establish international norms, the United Nations General Assembly adopted Resolution 56/168 (December 19, 2001) which established an ad hoc committee to consider proposals for a comprehensive and integral international convention that affirms the human rights and dignity of persons with disabilities.

(6) With the strong commitment and leadership of the United States and the vast domestic experience of the United States in the advancement of disability rights, the world community can benefit from United States participation in the drafting of an international convention that affirms the human rights and dignity of persons with disabilities.

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

(1) the United States should play a leading role in the drafting of an international convention that affirms the human rights and dignity of persons with disabilities and which is consistent with the Constitution of the United States, the Americans with Disabilities Act of 1990, and other rights enjoyed by United States citizens with disabilities;

(2) for this purpose, the President should authorize the Secretary of State to send to the Sixth Session of the United Nations Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities to be held in August 2005 and to subsequent sessions of the Ad Hoc Committee a United States delegation which includes individuals with disabilities who are recognized leaders in the United States disability rights movement; and

(3) the United States delegation referred to in paragraph (2) should seek the input and advice of the Department of State's Advisory Committee on Persons with Disabilities with respect to matters considered at the Sixth Session of the United Nations Ad Hoc Committee and subsequent sessions.

SEC. 1116. FULBRIGHT SCHOLARSHIPS FOR EAST ASIA AND THE PACIFIC.

(a) FINDINGS.—Congress finds the following:

(1) From 1949–2003, the Department of State awarded 13,176 Fulbright Scholarships to students from East Asia and the Pacific, but only 31 went to Pacific Island students.

(2) In 2003–2004, the Department of State awarded 315 scholarships to students from East Asia and the Pacific, but none were awarded to Pacific Island students.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of State should conduct a review and submit to the appropriate congressional committees a report regarding the marginalization of Pacific Islands students in the awarding of Fulbright Scholarships.

SEC. 1117. BAKU-TBILISI-CEYHAN ENERGY PIPELINE.

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

(1) It has been the long-standing policy of the United States to support the independence, security, and economic development of the newly independent states of the Caspian Sea region.

(2) The growth and stability of the newly independent states of the Caspian Sea region will be greatly enhanced by the development of their extensive oil and natural gas resources and the export of these resources unhindered along an east-west energy transportation corridor.

(3) The establishment of an east-west energy transportation corridor would enhance the energy security of the United States, Turkey, and other United States allies by ensuring an unhindered flow of energy from the Caspian Sea region to world markets.

(4) The centerpiece of the proposed east-west energy transportation corridor is the Baku-Tbilisi-Ceyhan (BTC) pipeline, which was first endorsed by the relevant regional governments in 1998 and which will carry one million barrels of Caspian Sea oil per day from Baku, Azerbaijan, to Ceyhan, Turkey, via a route that passes through Tbilisi, Georgia.

(5) The BTC pipeline was inaugurated on May 25, 2005, and Caspian Sea oil exports from the port of Ceyhan, Turkey, will begin later this year.

(6) The BTC pipeline project has received strong bipartisan support during the administrations of both Presidents Bill Clinton and George W. Bush.

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

(1) the governments and peoples of Turkey and the newly independent states of the Caspian Sea region should be congratulated for the successful completion of the Baku-Tbilisi-Ceyhan pipeline;

(2) the policy of the United States to support the independence, security, and economic development of the newly independent states of the Caspian Sea region should be reaffirmed; and

(3) projects should be encouraged that would further develop the east-west energy transportation corridor between the newly independent states of the Caspian Sea region and Europe and that advance the strategic goals of the United States, especially the promotion of appropriate multiple routes for the transportation to world markets of oil and gas from the Caspian Sea region.

SEC. 1118. LEGISLATION REQUIRING THE FAIR, COMPREHENSIVE, AND NONDISCRIMINATORY RESTITUTION OF PRIVATE PROPERTY CONFISCATED IN POLAND.

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

(1) The protection of and respect for property rights is a basic tenet for all democratic governments that operate according to the rule of law.

(2) Private properties were seized and confiscated by the Nazis in occupied Poland or by the Communist Polish government after World War II.

(3) Some post-Communist countries in Europe have taken steps toward compensating individuals whose property was seized and confiscated by the Nazis during World War II and by Communist governments after World War II.

(4) Poland has continuously failed to enact legislation that requires realistically achievable restitution or compensation for those individuals who had their private property seized and confiscated.

(5) Although President Aleksander Kwasniewski of Poland later exercised his veto power, in March 2001 the Polish Parliament passed a bill that would have provided compensation for seized and confiscated property, but only to individuals who were registered as Polish citizens as of December 31, 1999, thereby excluding all those individuals who emigrated from Poland during and after World War II.

(6) President Kwasniewski met in 2002 with congressional leaders of the United States Helsinki Commission and stated that he intended to draft a new law requiring the restitution of previously seized and confiscated private property that would not discriminate based on the residency or citizenship of an individual, and which would be ready to take effect by the beginning of 2003.

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

(1) Poland should develop a final and complete settlement for those individuals who had their private property seized and confiscated by the Nazis during World War II or by the Communist Polish government after the war;

(2) restitution should be made in a timely manner if they are to be of any benefit to the many Holocaust survivors who are in their eighties or older; and

(3) the President and the Secretary of State should engage, as appropriate—

(A) in an open dialogue with the Government of Poland supporting the adoption of legislation requiring the fair, comprehensive, and nondiscrim-

inatory restitution of or compensation for private property that was seized and confiscated; and

(B) in follow-up discussions with the Government of Poland regarding the status and implementation of such legislation.

SEC. 1119. CHILD LABOR PRACTICES IN THE COCOA SECTORS OF COTE D'IVOIRE AND GHANA.

It is the sense of Congress that—

(1) the Government of the Republic of Cote d'Ivoire and the Government of the Republic of Ghana should be commended for the tangible steps they have taken to address the situation of child labor in the cocoa sector;

(2) the Government of Cote d'Ivoire and the Government of Ghana should consider child labor and forced labor issues top priorities;

(3) the chocolate industry signatories to the September 19, 2001, voluntary Protocol for the Growing and Processing of Cocoa Beans and their Derivative Products in a Manner that Complies with ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor should meet the sixth and final pillar of the Protocol, to “develop and implement credible, mutually-acceptable, voluntary, industry-wide standards of public certification, consistent with applicable federal law, that cocoa beans and their derivative products have been grown and/or processed without any of the worst forms of child labor” by July 1, 2005;

(4) the chocolate industry, nongovernmental organizations, and the Government of Cote d'Ivoire and the Government of Ghana should continue their efforts in full force beyond July 1, 2005, to develop and implement a system to monitor child labor in the cocoa industry of Cote d'Ivoire and Ghana;

(5) the Office to Monitor and Combat Trafficking in Persons of the Department of State should include information on the association between trafficking in persons and the cocoa industries of Cote d'Ivoire, Ghana, and other cocoa producing regions in the annual trafficking in persons report to Congress; and

(6) the Department of State should assist the Government of Cote d'Ivoire and the Government of Ghana in preventing the trafficking of persons into the cocoa fields and other industries in West Africa.

SEC. 1120. CONTRIBUTIONS OF IRAQI KURDS.

(a) FINDINGS.—Congress finds the following:

(1) Iraqi Kurdish forces played a unique and significant role in the fight to liberate Iraq for all Iraqis in 2003.

(2) Since Iraq's liberation, Iraqi Kurdish leaders have played prominent and constructive roles in the drafting and passage of the Transitional Administrative Law and, more generally, in seeking to achieve a free, stable, and democratic Iraq.

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

(1) Iraqi Kurds should be commended for their many contributions and sacrifices made in the cause of creating a free, stable, and democratic Iraq; and

(2) the Iraqi Transitional Government and the Kurdistan Regional Government are expected to adhere to the highest standards of democratic governance, including through enforcement of full equality and rights for all religious and ethnic minorities, such as Assyrians and Turcomans.

SEC. 1121. PROLIFERATION SECURITY INITIATIVE.

It is the sense of Congress that—

(1) the Secretary of State should strive to expand and strengthen the Proliferation Security Initiative announced on May 31, 2003, by President George W. Bush, placing particular emphasis on including countries outside of the North Atlantic Treaty Organization (NATO); and

(2) the United States should seek an international instrument, in the form of a United Nations Security Council resolution, multilateral treaty, or other agreement, to enhance international cooperation with the Proliferation Security Initiative regarding the interdiction, seizure, and impoundment in international waters and airspace of illicit shipments of weapons of mass destruction and their delivery systems and of related materials, equipment, and technology.

SEC. 1122. SECURITY OF NUCLEAR WEAPONS AND MATERIALS.

It is the sense of Congress that the President should seek to devise and implement standards to improve the security of nuclear weapons and materials by—

(1) establishing with other willing nations a set of guidelines containing performance-based standards for the security of nuclear weapons and materials;

(2) negotiating with those nations agreements to adopt guidelines containing performance-based standards and implement appropriate verification measures to assure ongoing compliance;

(3) coordinating with those nations and the International Atomic Energy Agency to strongly encourage other nations to adopt and verifiably implement the standards; and

(4) encouraging all nations to work with the International Atomic Energy Agency to complete the negotiation, adoption, and implementation of its proposed series of documents related to the security of nuclear materials.

SEC. 1123. INTERNATIONAL CRIMINAL COURT AND GENOCIDE IN DARFUR, SUDAN.

Based upon the adoption of resolutions on July 22, 2004, by both the House of Representatives and the Senate and the declaration on September 9, 2004, by former Secretary of State Colin Powell that the atrocities unfolding in Darfur, Sudan, are genocide, it is the sense of Congress that, notwithstanding the American Servicemembers' Protection Act of 2002 (title II of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States; Public Law 107-206), the United States should render assistance to the efforts of the International Criminal Court to bring to justice persons accused of genocide, war crimes, or crimes against humanity in Darfur, Sudan, provided that legally binding assurances have been received from the United Nations Security Council or the International Criminal Court that no current or former United States Government official, employee (including any contractor), member of the United States Armed Forces, or United States national will be subject to prosecution by the International Criminal Court in connection with those efforts.

SEC. 1124. ACTION AGAINST AL-MANAR TELEVISION.

(a) FINDINGS.—Congress finds that—

(1) in 1996, the Secretary of State designated Hizballah as a foreign terrorist organization (FTO) under section 219 of the Immigration and Nationality Act;

(2) al-Manar television is owned and controlled by Hizballah and acts on behalf of Hizballah, as openly acknowledged by Hizballah leader Hasan Nasrallah;

(3) al-Manar's programming, in accordance with Hizballah's policy, openly promotes hatred of and graphically glorifies and incites violence, including suicide bombings, against Americans, Israelis, and Jews;

(4) in December 2004, the Secretary of State placed al-Manar on its Terrorist Exclusion List, immediately after which the sole satellite company that broadcast al-Manar in North America pulled al-Manar off the air;

(5) in recent months, several European Union (EU) countries and EU-based satellite companies have taken actions that severely limit al-Manar's broadcasting reach in Europe; and

(6) al-Manar continues to broadcast to all of the Arab world, much of non-Arab Asia, most of Central and South America, and parts of Europe, with the cooperation of companies headquartered in Europe and the Arab world.

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

(1) all countries that host satellite companies that broadcast al-Manar, on whose territory al-Manar may be viewed over media subject to government regulation, or where advertising or other financial support for al-Manar originates, should take action, by the strongest and most comprehensive appropriate means available, to suppress al-Manar's terroristic programming; and

(2) the Arab States Broadcasting Union, which is part of the Arab League, should revoke al-Manar's membership status because of al-Manar's promotion of hatred and incitement to violence, including suicide bombings, directed toward Americans, Israelis, and Jews.

SEC. 1125. STABILITY AND SECURITY IN IRAQ.

It is the sense of Congress that the President should transmit to the appropriate congressional committees as soon as possible after the date of the enactment of this Act the plan to provide for a stable and secure government of Iraq and an Iraqi military and police force that will allow the United States military presence in Iraq to be diminished.

SEC. 1126. PROPERTY EXPROPRIATED BY THE GOVERNMENT OF ETHIOPIA.

It is the sense of the Congress that the Government of Ethiopia should account for, compensate for, or return to United States citizens, and entities not less than 50 percent beneficially owned by United States citizens, property of such citizens and entities that has been nationalized, expropriated, or otherwise seized by the Government of Ethiopia before the date of the enactment of this Act in contravention of international law.

SUMMARY

The Foreign Relations Authorization Act for Fiscal Years 2006 and 2007 (H.R. 2601) authorizes funding for the Department of State, for the Broadcasting Board of Governors which is responsible for U.S. international broadcasting activities, for security assistance, and other foreign affairs programs. H.R. 2601 continues efforts by this Committee to protect the national security interests of the United States, reform the mission of U.S. foreign policy agencies, and strengthen the U.S. diplomatic platform to better serve U.S. citizens and promote U.S. interests.

The legislation also continues efforts to focus on key foreign policy and national security problems facing the nation. The legislation carries out reforms in the strategic export control area to ensure that U.S. military and dual-use technology does not get into the hands of our enemies. It addresses the problem of the trade in nuclear weapons technology that has been uncovered in the last few years and it carries out wide-ranging reforms to the Department of State to institutionalize efforts to promote democracy abroad.

BACKGROUND AND PURPOSE

This bill provides various authorities for the Department of State and the Broadcasting Board of Governors to carry out operations of the agencies for fiscal years 2006 and 2007. As required by law, these agencies must have the authority which is provided in this bill to spend appropriated funds.

In the nearly 4 years since September 11, 2001, there has been an increased appreciation for a strong and robust diplomatic effort to protect U.S. national interests abroad. H.R. 2601 continues the Committee's support for that effort. The legislation meets the President's request for increases in the amount for the daily operations of the Department of State, particularly its diplomatic operations abroad. Each U.S. Embassy is the platform for the implementation of U.S. foreign policy interests in each country, and serves as the base of operations for numerous U.S. agencies, including the Defense Department, the Justice Department, the Department of Homeland Security, the Treasury Department and virtually every other agency of the U.S. Government. In this connection, the Committee fully funds the Embassy Security, Construction, and Maintenance Account, which ensures that U.S. Government employees have safe and secure facilities from which to work. The Committee's long-term efforts have been valuable as we note that terrorist bombers directed their efforts away from the U.S. consulate in Istanbul because of its security measures and the security standards resulted in a relatively small loss of life suffered in car bombings directed against the U.S. consulate in Karachi, Pakistan.

In most of the accounts, the bill matches the President's request for funding. The bill recognizes that requirements of the State Department to meet demanding new missions in Iraq and Afghanistan have required more resources and creative approaches to staffing. A greater emphasis over the past several years on public diplomacy has resulted in increased funding for State Department activities in this area. The Broadcasting Board of Governors has also

seen increases through supplemental funding and regular budget requests for additional programming and the creation of the new Middle East Broadcasting Networks. The U.S. must continue to have a multi-faceted public outreach effort and one which is systematically assessed. The bill provides these programs with the funds and direction to do just that.

The bill also strengthens the U.S. Government's development and execution of nonproliferation and export control policy, particularly with respect to countering the proliferation of dangerous missile and nuclear technology, and to assure this area is properly integrated with U.S. national security interests in the global war on terrorism. The bill also takes a balanced approach to improve the responsiveness of the export control system to legitimate needs of the U.S. business community while also enhancing the provision of security assistance to other countries.

Many foreign policy concerns are addressed in this bill. Nuclear proliferation is a top concern and the bill suggests that the U.S. national interests are greatly served in this regard by a stronger International Atomic Energy Agency and by stronger responses to black markets in nuclear materials.

In many other areas of foreign policy concerns the Committee has expressed its concern for continued engagement in areas of development, human rights, democracy, poverty reduction, and improved delivery of foreign assistance including efforts to institutionalize the promotion of democracy around the world.

HEARINGS

The Committee and its Subcommittees held numerous hearings on issues related to the bill. The Full Committee held two hearings. The first, "International Relations Budget for Fiscal Year 2006" was held on February 17, 2005, with Secretary of State Condoleezza Rice. The other Full Committee hearing was held on May 5, 2005, entitled, "Promoting Democracy through Diplomacy." Testimony was received from the following: Rep. Frank R. Wolf; Hon. Paula Dobriansky, Under Secretary for Global Affairs, U.S. Department of State; Hon. Mark Palmer, Capital Development Company; Ms. Jennifer Windsor, Freedom House; Mr. Saad al-Din Ibrahim, Woodrow Wilson International Center for Scholars; and Mr. Edil Baisalov, Coalition for Democracy and Civil Society, Kyrgyzstan.

The Subcommittee on Africa, Global Human Rights and International Operations held eight hearings on issues related to the bill, and the Subcommittee on International Terrorism and Nonproliferation held one hearing. These hearings were:

3/1/05—United Nations Organization Mission in the Democratic Republic of Congo: A Case for Peacekeeping Reform, Subcommittee on Africa, Global Human Rights and International Operations briefing (Witness: Jane Holl Lute, Ph.D., Assistant Secretary-General for Mission Support, Department of Peacekeeping Operations, United Nations.)

3/1/05—United Nations Organization Mission in the Democratic Republic of Congo: A Case for Peacekeeping Reform, Subcommittee on Africa, Global Human Rights and International Operations hearing (Witnesses: Hon. Kim R. Holmes,

Assistant Secretary, Bureau of International Organizational Affairs, U.S. Department of State; and public witnesses.)

3/16/05—Northern Ireland Human Rights: Update on the Cory Collusion Inquiry Reports, Subcommittee on Africa, Global Human Rights and International Operations hearing (Witnesses: Hon. Mitchell Reiss, Special Envoy of the President and the Secretary of State for Northern Ireland, U.S. Department of State; and public witnesses.)

3/17/05—A Global Review of Human Rights: Examining the State Department's 2004 Annual Report, Subcommittee on Africa, Global Human Rights and International Operations hearing (Witnesses: Hon. Michael G. Kozak, Acting Assistant Secretary, Bureau of Democracy, Human Rights and Labor, U.S. Department of State; and public witnesses.)

4/14/05—Foreign Relations Authorization for FY 2005–2006: Department of State Management Initiatives, Subcommittee on Africa, Global Human Rights and International Operations hearing (Witnesses: Hon. Christopher B. Burnham, Acting Under Secretary for Management, U.S. Department of State; and Ms. Louise Crane, Vice President of the American Foreign Service Association.)

4/21/05—Zimbabwe: Prospects for Democracy After the March 2005 Elections, Subcommittee on Africa, Global Human Rights and International Operations hearing (Witnesses: Hon. Constance Berry Newman, Assistant Secretary, Bureau of African Affairs, U.S. Department of State; and public witnesses.)

4/28/05—The North Korean Human Rights Act of 2004: Issues and Implementation, Joint Hearing of the Subcommittee on Asia and the Pacific and the Subcommittee on Africa, Global Human Rights and International Operations (Witnesses: Hon. Joseph E. DeTrani, Special Envoy for the Six-Party Talks, U.S. Department of State; Hon. Arthur E. “Gene” Dewey, Assistant Secretary, Bureau of Population, Refugees and Migration, U.S. Department of State; Ms. Gretchen A. Birkle, Acting Principal Deputy Assistant Secretary, Bureau of Democracy, Human Rights and Labor, U.S. Department of State; and public witnesses.)

5/12/05—Reviewing the State Department's Annual Report on Terrorism, Subcommittee on International Terrorism and Nonproliferation hearing (Witnesses: Hon. Philip D. Zelikow, Counselor, U.S. Department of State; Mr. John O. Brennan, Interim Director, National Counterterrorism Center; and public witnesses.)

5/12/05—Foreign Relations Authorization for FY2005–2006: Embassy and Border Security, Subcommittee on Africa, Global Human Rights and International Operations hearing (Witnesses: Mr. Gregory B. Starr, Deputy Assistant Secretary for Countermeasures, Bureau of Diplomatic Security, U.S. Department of State; Maj. Gen. Charles E. Williams, USA (Ret.), Director, Bureau of Overseas Buildings Operations, U.S. Department of State; and Mr. Dan Smith, Principal Deputy Assistant Secretary, Bureau of Consular Affairs, U.S. Department of State.)

5/18/05—United Nations Peacekeeping Reform: Seeking Greater Accountability and Integrity, Subcommittee on Africa, Global Human Rights and International Operations hearing (Witnesses: Mr. Philo L. Dibble, Principal Deputy Assistant Secretary, Bureau of International Organization Affairs, U.S. Department of State; and public witnesses.)

COMMITTEE CONSIDERATION

On May 26, 2005, the Subcommittee on Africa, Global Human Rights and International Operations marked up the bill, H.R. 2601, The Foreign Relations Authorization Act, Fiscal Years 2006 and 2007, pursuant to notice, in open session. The following action took place during the Subcommittee markup:

1. TANCREDO amendment—Sense of Congress relating to U.S. relations with Taiwan—AGREED to by voice vote
2. TANCREDO amendment—Certification of Mexican cooperation regarding extradition—WITHDRAWN
3. LEE amendment—Report on Department of State business contracting—AGREED to by voice vote
4. FLAKE amendment—Regarding funds for activities relating to Cuba—DEFEATED by a record vote of 5–8
 Voting YES: Flake, Payne, Lee, McCollum and Meeks
 Voting NO: Smith, Royce, Tancredo, Green, Boozman, Fortenberry, Sherman and Watson
5. FORTENBERRY En bloc:
 - Part 1: Benjamin A. Gilman international scholarship program
 - Part 2: Translation of reports of the Department of State
 En bloc AGREED to by voice vote
6. MCCOLLUM amendment—Reports on child marriage—AGREED to by voice vote
7. SHERMAN En bloc:
 - Part 1: Support for pro-democracy and human rights organizations
 - Part 2: Sense of Congress relating to nuclear proliferation and A.Q. Khan
(version of this portion of en bloc included Lee-suggested clarification language on page 3, line 10)
 En bloc AGREED to by voice vote
8. SHERMAN amendment—Regarding Palestinian Authority textbooks
9. LEE amendment to the SHERMAN amendment (#8)—Clarification on page 2, line 9 regarding continued support of the *educational programs* of the Palestinian Authority
 The Lee amendment was AGREED to by voice vote
 The Sherman amendment, as amended by the Lee amendment, was AGREED to by voice vote
10. SHERMAN amendment—Regarding civil service positions at the Department of State and USAID—WITHDRAWN

H.R. 2601, as amended, was reported favorably for consideration by the Full Committee.

On June 8 and June 9, 2005, the Full Committee marked up the bill, H.R. 2601, pursuant to notice, in open session. The Committee agreed to a motion to favorably report the bill, as amended, by a record vote of 44 ayes to 0 nays. The following action took place during the markup:

Wednesday, June 8, 2005:

1. Smith (NJ) Amendment in the Nature of a Substitute—Unanimous Consent that this amendment be considered base text—there was no objection.
2. Smith (NJ) en bloc amendment—35 perfecting amendments to the base text (amendment #1)—Unanimous Consent to agree to the en bloc—there was no objection.

Amendments in the En Bloc:

1. Berkley Amendment 19—Disenfranchisement of Women
2. Berkley Amendment 22—Terrorist Financing (Amendment to an Amendment—Strike and Add)
3. Blumenauer Amendment 38—Disaster Mitigation Efforts
4. Brown Amendment 36—Amend AIT
5. Crowley Amendment 13—Poland
6. Crowley Amendment 17—Israel Dip Relations
7. Crowley Amendment 20—Irish Child
8. Delahunt Amendment 8—Tax Enforcement in Colombia
9. Engel Amendment 47—U.S. office in Kosovo
10. Engel Amendment 50—Cocoa Children
11. Faleomavaega Amendment 25—Democracy and Weapons in Pakistan
12. Hyde Amendment 651—Palestinian Authority
13. Hyde Amendment 652—International Atomic Energy Agency
14. Hyde Amendment 656—technical—\$3 million
15. Hyde Amendment 657—Insert Israel Refugee Asst.
16. Lantos Amendment 1—Education and training needs “Strike and Add”
17. Lantos Amendment 2—Advance Democracy Act
18. Lantos Amendment 34—Section 660
19. Lantos Amendment 35—Police Reporting
20. Lantos Amendment 65—Sovereignty in Lebanon
21. Lantos Amendment 66—Iraqi Kurds
22. Lantos Amendment 67—OPIC
23. Lantos Amendment 676—Nuclear Black Market
24. McCaul Amendment 2—FTO Latin America
25. Rohrabacher Amendment—Regarding Tibet
26. Schiff Amendment 40—Proliferation Security
27. Schiff Amendment 41—Scientist from FSU
28. Schiff Amendment 43—Security of nuclear weapons and materials
29. Smith Amendment 53—Refugee Warehousing

30. Smith Amendment—Vietnam Section 804 language
31. Smith Amendment—Irish
32. Tancredo Amendment 35—Mexico Extraditions
33. Tancredo Amendment 37—ICC
34. Watson Amendment 12—DOS HR Policies
35. Wexler Amendment—al-Manar
36. Delahunt amendment—report on the actions of the 661 Committee—WITHDRAWN
37. Poe amendment regarding Burma—WITHDRAWN
38. Ackerman amendment—Pakistan Proliferation Accountability Act—defeated 14–28
39. Lee amendment—Sense of Congress to withdraw troops from Iraq—defeated 12–33
40. Lee amendment—Policy Regarding United States Military Policy in Iraq—defeated 15–29
41. Issa amendment—Egypt ESF—defeated 14–29
42. Smith en bloc amendment—2 items in en bloc—passed by U.C.
 - on behalf of Hyde (Authorization for Additional License and Compliance Officers) and Flake (Activities Related to Cuba)
 - Unanimous Consent motion to agree to the en bloc. There was no objection.
43. Delahunt amendment—Report on Actions of the 661 Committee—passed by voice vote
 - amendment similar to earlier amendment offered and withdrawn—this amendment was a revised version*
44. Leach amendment—U.S. rejoin the IPU—defeated 18–21
45. Burton amendment—Assistance for Demobilization and Disarmament of Former Irregular Combatants in Colombia—passed by voice vote
46. Crowley amendment—Obstetric Fistula—passed by voice vote
47. Rohrabacher amendment—Sense of Congress Regarding Property Expropriated by the Government of Ethiopia—passed by U.C.
48. Issa amendment en bloc—3 items regarding Egypt—WITHDRAWN
49. Smith technical amendment—passed by U.C.

Thursday, June 9, 2005—continuation of markup of H.R. 2601

1. Lee amendment—Haiti—passed by U.C.
2. Crowley amendment—Sense of Congress Regarding Stability and Security in Iraq—passed 32–9
 - this amendment first was agreed to by Unanimous Consent; Mr. Crowley later asked Unanimous Consent to have a record vote on the amendment.*
3. Lee amendment—Assistance to Promote Economic and Social Development in Colombia—defeated 20–22
 - (SMITH amendment in the nature of a substitute, as amended, was agreed to by voice vote)*

Motion to report H.R. 2601 favorably, as amended—passed 44–0.

VOTES OF THE COMMITTEE

Clause (3)(b) of rule XIII of the Rules of the House of Representatives requires that the results of each record vote on an amendment or motion to report, together with the names of those voting for or against, be printed in the Committee report. The following record votes occurred during consideration of H.R. 2601:

Vote #1—Ackerman amendment—Pakistan Proliferation Accountability Act—defeated 14–28

Voting YES: Rohrabacher, Ackerman, Payne, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Blumenauer, Schiff, Watson and McCollum

Voting NO: Smith (NJ), Burton, Gallegly, Ros-Lehtinen, King, Chabot, Paul, Issa, Flake, Davis, Green, Weller, Pence, McCotter, Harris, Boozman, Barrett, Mack, Fortenberry, McCaul, Poe, Lantos, Faleomavaega, Berkley, Napolitano, Smith (WA), Chandler and Cardoza

Vote #2—Lee amendment—Sense of Congress to withdraw troops from Iraq—defeated 12–33

Voting YES: Leach, Paul, Payne, Sherman, Wexler, Delahunt, Meeks, Lee, Blumenauer, Watson, Smith (WA) and McCollum

Voting NO: Smith (NJ), Burton, Gallegly, Ros-Lehtinen, Rohrabacher, Royce, King, Chabot, Issa, Flake, Davis, Green, Weller, Pence, McCotter, Harris, Wilson, Boozman, Barrett, Mack, Fortenberry, McCaul, Poe, Lantos, Ackerman, Faleomavaega, Engel, Crowley, Berkley, Napolitano, Schiff, Chandler and Cardoza

Vote #3—Lee amendment—Policy Regarding United States Military Policy in Iraq—defeated 15–29

Voting YES: Leach, Rohrabacher, Paul, Payne, Sherman, Wexler, Delahunt, Meeks, Lee, Blumenauer, Napolitano, Watson, Smith (WA), McCollum and Cardoza

Voting NO: Smith (NJ), Burton, Gallegly, Ros-Lehtinen, Royce, King, Chabot, Issa, Flake, Davis, Green, Weller, Pence, McCotter, Harris, Wilson, Boozman, Barrett, Mack, Fortenberry, McCaul, Poe, Lantos, Ackerman, Engel, Crowley, Berkley, Schiff and Chandler

Vote #4—Issa amendment—Egypt ESF—defeated 14–29

Voting YES: Rohrabacher, King, Chabot, Issa, Davis, McCotter, Wilson, Boozman, Mack, Poe, Wexler, Lee, Watson and McCollum

Voting NO: Leach, Smith (NJ), Burton, Gallegly, Ros-Lehtinen, Royce, Paul, Flake, Green, Weller, Pence, Harris, Barrett, Fortenberry, McCaul, Lantos, Ackerman, Payne, Sherman, Engel, Delahunt, Crowley, Blumenauer, Berkley, Napolitano, Schiff, Smith (WA), Chandler and Cardoza

Vote #5—Leach amendment—U.S. rejoin the IPU—defeated 18–21

Voting YES: Weller, Lantos, Ackerman, Faleomavaega, Payne, Sherman, Wexler, Delahunt, Lee, Crowley, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), Chandler and Cardoza

Voting NO: Smith (NJ), Gallegly, Ros-Lehtinen, Rohrabacher, Royce, King, Chabot, Paul, Issa, Flake, Davis, Green, Pence, McCotter, Harris, Boozman, Barrett, Mack, Fortenberry, McCaul and Poe

Vote #6—Crowley amendment—Sense of Congress Regarding Stability and Security in Iraq—passed 32–9

Voting YES: Hyde, Smith (NJ), Royce, Chabot, Tancredo, Flake, Green, Harris, Wilson, Barrett, Mack, Fortenberry, McCaul, Lantos, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Delahunt, Meeks, Crowley, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), McCollum, Chandler and Cardoza

Voting NO: Burton, Gallegly, Ros-Lehtinen, King, Davis, Weller, McCotter, Boozman, and Lee

Vote #7—Lee amendment—Assistance to Promote Economic and Social Development in Colombia—defeated 20–22

Voting YES: Lantos, Berman, Ackerman, Faleomavaega, Payne, Sherman, Engel, Delahunt, Meeks, Lee, Crowley, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), McCollum, Chandler and Cardoza

Voting NO: Hyde, Smith (NJ), Burton, Gallegly, Ros-Lehtinen, Rohrabacher, Royce, King, Chabot, Tancredo, Flake, Davis, Green, Weller, McCotter, Harris, Wilson, Boozman, Barrett, Mack, Fortenberry and McCaul

Vote #8—Motion to report H.R. 2601 favorably, as amended—passed 44–0

Voting YES: Hyde, Smith (NJ), Burton, Gallegly, Ros-Lehtinen, Rohrabacher, Royce, King, Chabot, Tancredo, Issa, Flake, Davis, Green, Weller, McCotter, Harris, Wilson, Boozman, Barrett, Mack, Fortenberry, McCaul, Lantos, Berman, Ackerman, Faleomavaega, Payne, Sherman, Wexler, Engel, Delahunt, Meeks, Lee, Crowley, Blumenauer, Berkley, Napolitano, Schiff, Watson, Smith (WA), McCollum, Chandler and Cardoza

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2601, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 1, 2005.

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

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2601, the Foreign Relations Authorization Act, Fiscal Years 2006 and 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte, who can be reached at 226-2840.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable Tom Lantos
Ranking Member

H.R. 2601—Foreign Relations Authorization Act, Fiscal Years 2006 and 2007.

SUMMARY

H.R. 2601 would specifically authorize appropriations totaling \$10.8 billion in 2006 and \$10 billion in 2007 for the Department of State, international broadcasting activities, international assistance programs, and related agencies. The bill also contains several indefinite authorizations and provisions that would raise the cost of discretionary programs for contributions to international peacekeeping, public diplomacy, personnel, and other programs over the 2006-2010 period. CBO estimates that those indefinite authorizations and provisions would require appropriations of almost \$1.9 billion over the 2006-2010 period. In addition, the legislation would authorize the spending of additional funds totaling almost \$0.5 billion for several international assistance programs. In total, CBO estimates that implementing the bill would cost about \$22.3 billion over the 2006-2010 period, assuming the appropriation of the necessary amounts.

The bill contains provisions that would both increase and decrease direct spending, primarily from the reappropriation of funds that would be made available in the State Department's Buying Power Maintenance Account and from the sale of naval vessels. We estimate that enacting H.R. 2601 would increase direct spending by \$7 million in 2006 and \$56 million over the 2006-2015 period. Those totals include estimated receipts for asset sales of \$32 million over the 2006-2007 period. (Asset sale receipts are a credit against direct spending.) Finally, CBO estimates the bill would increase governmental receipts (i.e., revenues) by an insignificant

amount each year by creating new criminal penalties related to protective functions of State Department special agents.

H.R. 2601 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2601 is shown in Table 1. The costs of this legislation fall within budget functions 050 (national defense), 150 (international affairs), 300 (natural resources and environment), 750 (administration of justice), and 800 (general government).

TABLE 1. BUDGETARY IMPACT OF H.R. 2601, THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

	By Fiscal Year, in Millions of Dollars					
	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for State Department, International Assistance Programs, and Related Agencies						
Estimated Authorization Level ¹	19,418	0	0	0	0	0
Estimated Outlays	20,011	8,762	3,936	2,183	988	431
Proposed Changes						
Estimated Authorization Level	0	11,209	11,507	145	146	151
Estimated Outlays	0	7,080	9,606	3,224	1,376	972
Spending Under H.R. 2601 for State Department, International Assistance Programs, and Related Agencies						
Estimated Authorization Level ¹	19,418	11,209	11,507	145	146	151
Estimated Outlays	20,011	15,842	13,542	5,407	2,364	1,403
CHANGES IN DIRECT SPENDING (EXCLUDING ASSET SALES) ²						
Estimated Budget Authority	0	81	21	21	21	21
Estimated Outlays	0	33	14	11	11	11
ASSET SALES						
Estimated Budget Authority	0	-26	-6	0	0	0
Estimated Outlays	0	-26	-6	0	0	0
CHANGES IN REVENUES						
Criminal Penalties for Interference with State Department Special Agents						
Estimated Revenues	0	*	*	*	*	*

NOTE: * = Less than \$500,000.

¹The 2005 level is the amount appropriated for that year for the State Department, International Assistance programs, and Related Agencies.

²These amounts do not include costs for section 205 of the bill because CBO cannot estimate the timing or amount of increase in surcharges for passport and immigrant visas.

BASIS OF ESTIMATE

Most of the bill's budgetary impact would stem from authorizations for the Department of State, international broadcasting activities, international assistance, and related agencies. The bill also includes "earmarks" for programs and activities for which funds have not otherwise been authorized or appropriated. In this estimate, such earmarks are treated as new authorizations and their budgetary impact is included with spending subject to appropriation. The bill also contains provisions that would both increase and

decrease direct spending, primarily from the reappropriation of funds that would be made available in the State Department's Buying Power Maintenance Account and from the sale of naval vessels. Finally, a provision that would create new criminal penalties would affect governmental receipts.

For this estimate, CBO assumes that this legislation will be enacted near the start of fiscal year 2006, that the specified and estimated authorization amounts will be appropriated near the start of each fiscal year, and that outlays will follow historical spending patterns for existing and similar programs.

Spending Subject to Appropriation

The bill contains provisions that would affect costs for personnel, contributions to international organizations, foreign assistance, and other programs. H.R. 2601 would authorize appropriations at the specified level of \$10.8 billion in 2006 and \$10 billion in 2007. The bill also would authorize such sums as may be necessary over the 2006–2010 period for several other programs, and would also earmark spending of funds not specifically authorized elsewhere in the bill for additional spending in 2006 and 2007. CBO estimates that combined those provisions would authorize additional appropriations of about \$430 million in 2006 and \$2.4 billion over the 2006–2010 period. In total, CBO estimates that the bill would authorize the appropriation of about \$11.2 billion in 2006 and \$23.2 billion over the 2007–2010 period.

Specified Authorizations. The authorizations of appropriations in this bill would cover the operating expenses and programs of the Department of State, the Broadcasting Board of Governors (BBG), and related agencies, as well as a few international assistance programs. As shown in Table 2, H.R. 2601 would authorize the appropriation, over the next two years, of \$16.2 billion for the State Department for programs related to the conduct of foreign affairs, international organizations, and other associated programs, \$2.4 billion for foreign information and exchange activities, and \$2.1 billion for international assistance and other programs.

TABLE 2. SPENDING SUBJECT TO APPROPRIATION IN H.R. 2601, THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

	By Fiscal Year, in Millions of Dollars				
	2006	2007	2008	2009	2010
SPECIFIED AUTHORIZATIONS					
Conduct of Foreign Affairs					
Authorization Level	8,529	7,690	0	0	0
Estimated Outlays	5,332	6,760	1,620	1,021	723
Foreign Information and Exchange Activities					
Authorization Level	1,203	1,223	2	2	2
Estimated Outlays	827	1,144	359	69	25
International Assistance and Other Programs					
Authorization Level	1,046	1,071	3	3	3
Estimated Outlays	726	1,027	319	32	20
Subtotal, Specified Authorizations					
Authorization Level	10,778	9,984	5	5	5
Estimated Outlays	6,885	8,931	2,298	1,122	768
ESTIMATED AUTHORIZATIONS					
Earmarks of Funds Not Specifically Authorized					
Estimated Authorization Level	226	225	0	0	0
Estimated Outlays	51	127	116	67	44
Assessed Contributions to International Organizations and Peacekeeping					
Estimated Authorization Level	92	1,060	0	0	0
Estimated Outlays	90	420	631	0	0
Personnel Benefits					
Estimated Authorization Level	45	82	122	125	129
Estimated Outlays	36	72	111	120	125
ADVANCE Democracy Act of 2005					
Estimated Authorization Level	53	63	3	1	1
Estimated Outlays	13	34	32	17	12
Office Building for American Institute in Taiwan					
Estimated Authorization Level	0	78	0	0	0
Estimated Outlays	0	12	23	35	8
International Assistance					
Estimated Authorization Level	14	14	14	14	15
Estimated Outlays	4	9	12	14	14
Miscellaneous Provisions					
Estimated Authorization Level	1	1	1	1	1
Estimated Outlays	1	1	1	1	1
Subtotal, Estimated Authorizations					
Estimated Authorization Level	431	1,523	140	141	146
Estimated Outlays	195	675	926	254	204
Total Authorizations					
Estimated Authorization Level	11,209	11,507	145	146	151
Estimated Outlays	7,080	9,606	3,224	1,376	972

Earmarks of Funds Not Specifically Authorized. The bill contains several earmarks of specified and unspecified amounts for programs that are not otherwise authorized in the bill. For the purposes of this estimate, earmarks for programs not otherwise authorized are treated as an authorization for the specified or estimated amounts. Those programs with earmarks not otherwise authorized are the Economic Support Fund (ESF), the Foreign Military Financing Program, International Organizations and Programs, and Assistance for the Independent States of the Former

Soviet Union. The Congress provided an appropriation for each of those programs for 2005. In total, CBO estimates that these earmarks would total \$226 million in 2006 and \$225 million in 2007. (Those amounts do not include the earmark for the Human Rights and Democracy Fund discussed below under the heading “ADVANCE Democracy Act.”)

Economic Support Fund. CBO estimates that under the bill, earmarks for the ESF would total \$203 million in 2006 and \$205 million in 2007. These amounts include specific earmarks for both 2006 and 2007 of \$50 million for Afghanistan for programs related to elections, \$20 million for a contribution to the International Fund for Ireland, and \$12 million for Zimbabwe for assistance to support democracy.

In addition, section 923 would earmark such sums as may be necessary for the Middle East Partnership Initiative, an ongoing program within the ESF, for 2006 and 2007. Based on information from the State Department, CBO estimates that this authorization level would total \$120 million in 2006 and \$122 million in 2007. Section 922 would also earmark such sums as may be necessary for a new program, the Inter-Arab Democratic Charter, for 2006 and 2007. Based on the size of similar programs within the State Department, CBO estimates that this program would effectively authorize about \$1 million in both 2006 and 2007.

Assistance for the Independent States of the Former Soviet Union. CBO estimates that earmarks for this account would total \$15 million in both 2006 and 2007. Section 908 would earmark \$12 million in both 2006 and 2007 from this account for assistance to promote democracy in the Republic of Belarus. In addition, section 909 would earmark such sums as may be necessary from this account for the Republic of Belarus and Ukraine to improve maternal and prenatal care to help prevent birth defects and pregnancy complications related to the cleanup of the Chernobyl disaster. Based on the cost of similar programs, CBO estimates that this earmark would total \$3 million in both 2006 and 2007.

Sustainable Development Assistance. Section 901 would earmark \$5 million in both 2006 and 2007 for the creation of obstetric fistula centers for surgery to repair the fistulas and for activities to reduce the incidence of obstetric fistulas.

International Organizations and Programs. Section 1009 would earmark \$1.5 million from this account in 2006 for a voluntary contribution to the United Nations Children’s Fund to conduct a study on the worldwide incidence and prevalence of autism.

Foreign Military Financing. Section 756 would earmark \$1 million in 2006 from the Foreign Military Financing Program for the provision of not more than four excess coastal patrol boats to Mozambique.

Assessed Contributions to International Organizations and Peacekeeping. Three provisions in the bill contain indefinite authorizations affecting the United States’ assessed contributions to international organizations and peacekeeping. In total, CBO estimates the following provisions would cost \$90 million in 2006 and \$1.1 billion over the 2006–2010 period, assuming appropriation of the necessary amounts.

Assessed Contributions to International Peacekeeping. Section 102 would authorize the appropriation of such sums as may be nec-

essary in 2007 for contributions to international peacekeeping. CBO estimates this provision would require additional appropriations of \$1.05 billion in 2007 (the specific authorization for 2006 of \$1.04 billion, adjusted for inflation).

Assessed Contributions to the International Atomic Energy Agency (IAEA). Section 403 would authorize the appropriation of such sums as may be necessary to permit the State Department to pay the United States assessed contributions to the IAEA in a timely fashion. Under current law, these contributions are due near the start of the calendar year, but are usually appropriated and remitted to the IAEA after the start of the fiscal year—a delay of at least nine months. Based on information from the department, CBO estimates the bill would authorize the appropriation of \$84 million in 2006, thereby allowing the department to pay both calendar year 2005 and calendar year 2006 assessments in fiscal year 2006.

Currency Fluctuations. Section 102 would authorize the appropriation of such sums as may be necessary in 2006 and 2007 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. CBO estimates that the dollar will decline roughly 2 percent in 2006 and that the Department of State would require an additional \$8 million that year to fully pay assessed contributions to international organizations. Currency fluctuations over the longer term are extremely difficult to project, and they could result in spending either more or less than the amounts specifically authorized in the bill for contributions to international organizations and programs. Therefore, this estimate assumes no additional spending for currency fluctuations in 2007.

Personnel Benefits. The bill contains several provisions that would provide benefits to State Department personnel and would increase costs by \$36 million in 2006 and about \$465 million over the 2006–2010 period, assuming the appropriation of the necessary funds.

Locality-based Pay Adjustments. Section 305 would amend current law to allow the department to increase pay for Foreign Service officers posted overseas to compensate for the loss of locality pay. Based on information from the department, CBO estimates such locality-based pay adjustments would cost about \$28 million in 2006, \$63 million in 2007, and an average of \$110 million a year over the 2008–2010 period, assuming the appropriation of the necessary funds.

Hardship and Danger-Pay Allowances. Section 303 would increase the cap on hardship allowances and danger-pay allowances from 25 percent to 35 percent of basic pay for employees serving overseas. Based on information from the Department of State, CBO estimates implementing this section would cost about \$6 million a year, assuming the appropriation of the necessary funds.

Educational Expenses of Dependent Children. Section 301 would authorize payments for certain educational expenses of dependent children of Foreign Service employees posted overseas. Section 506 would allow the BBG to pay for the educational expenses of certain dependents of employees in the Commonwealth of the Northern

Mariana Islands. Based on information from the Department of State and the BBG, CBO estimates implementing these provisions would cost about \$3 million annually, assuming the appropriation of the necessary funds.

Death Gratuity. Section 310 would amend current law to allow the State Department to pay a minimum gratuity of \$100,000 to the surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty abroad. According to information from the department, no gratuities had been paid for several years before 2005, and only 2 gratuities have been paid so far in 2005. Based on this information and assuming that these trends continue, CBO estimates implementing this provision would cost about less than \$500,000 a year, assuming the availability of appropriated funds.

ADVANCE Democracy Act. Title VI would authorize the Secretary of State to expand or create new programs to promote democracy and human rights overseas. Specifically, it would earmark \$50 million in 2006 and \$60 million in 2007 for the Human Rights and Democracy Fund, an existing program within the Economic Support Fund. Because H.R. 2601 would not specifically authorize appropriations for the ESF, this estimate treats this earmark as a new authorization of appropriations.

In addition, the title contains several other provisions, listed below, that contain both specific and indefinite authorizations. Based on information from the State Department, CBO estimates that these provisions would authorize the appropriation of an additional \$3 million a year in 2006 and 2007. Thus, CBO estimates that the total authorizations of appropriations in the ADVANCE Democracy Act would be \$53 million in 2006, \$63 million in 2007, and about \$120 million over the 2006–2010 period.

Among the many requirements of Title VI, it would:

- Establish a new office with the Department of State to promote the transition of nondemocratic and partly democratic countries to democracy,
- Authorize a pilot program to establish two regional “Democracy Hubs” at United States missions overseas,
- Require an annual report listing and describing countries that are deemed to be nondemocratic or in transition to democracy,
- Require the department to convene a working group to review progress in promoting democracy,
- Establish a Democracy Promotion and Human Rights Advisory Board to review and recommend strategies for promoting democracy and human rights, and to prepare a study on United States’ democracy assistance,
- Establish a Web site for global democracy and human rights,
- Require training for Foreign Service officers in promoting democracy, and
- Establish an International Center for Democratic Transitions.

Office Building for American Institute in Taiwan (AIT). Section 215 would amend current law to authorize such sums as may be necessary for the construction of a new office building for

the AIT in Taipei, Taiwan. Public Law 106–212 authorized the appropriation of \$75 million for the facility without fiscal year limitation. According to the Department of State, the projected cost of the building is now \$153 million, and roughly \$20 million has been spent on site acquisition and design. CBO estimates a net increase in authorization of \$78 million and assumes that construction would begin in 2007 and end in 2010.

International Assistance. The bill contains provisions that would add new purposes for which international assistance programs could be used and thus would provide an implicit authorization for these new purposes. In total, CBO estimates that these authorizations would total \$14 million in 2006 and about \$70 million over the 2006–2010 period.

International Disaster and Famine Assistance. Section 907 would allow assistance for disaster preparedness to include activities that would mitigate the effects of natural disasters. Such activities would include assisting communities to build in safer locations, construct sturdier dwellings, and enforce sound building codes and practices. Based on similar efforts for famine relief, CBO estimates that this provision would authorize about \$10 million a year for these activities. After adjusting for annual inflation and the normal spending patterns for this account, CBO estimates that implementing this provision would cost \$3 million in 2006 and \$39 million over the 2006–2010 period, assuming appropriation of the estimated amounts.

Economic Support Fund. Section 931 would allow grants to pro-democracy groups or human rights organizations in countries that the State Department has determined support terrorism. Under current law, groups operating in those countries are not allowed to receive such funds. Based on the size of similar programs for promoting democracy operated out of the ESF, CBO estimates that this provision would authorize about \$4 million a year for these grants. After adjusting for annual inflation and the normal spending patterns for this account, CBO estimates that implementing this provision would cost about \$1 million in 2006 and \$14 million over the 2006–2010 period, assuming appropriation of the estimated amounts.

Sustainable Development Assistance. Section 910 would authorize the President to provide assistance to foreign countries to address non-infectious diseases, such as heart disease. Based on information from the State Department, CBO does not expect the President to use this authority.

Miscellaneous Provisions. H.R. 2601 also contains several provisions that CBO estimates would have an insignificant individual impact on spending subject to appropriation, but in total would increase spending by \$1 million a year, assuming the availability of appropriated funds.

- Section 317 would establish a new office at the State Department to encourage foreign countries to develop a culture of lawfulness. Information from the department indicates the office would have a staff of three people.
- Section 401 would authorize U.S. participation in the Regional Emerging Disease Intervention Center in Singapore.

- The bill includes numerous provisions that would expand or introduce new reporting requirements and other provisions that would eliminate or consolidate existing reporting requirements.

Direct Spending

The bill contains provisions that would both increase and decrease direct spending, primarily from the reappropriation of funds that would be made available in the State Department's Buying Power Maintenance Account and from the sale of naval vessels. We estimate that enacting H.R. 2601 would increase direct spending by \$7 million in 2006 and \$56 million over the 2006–2015 period (see Table 3). Those totals include estimated receipts for asset sales of \$32 million over the 2006–2007 period. (Asset sale receipts are a credit against direct spending.)

Buying Power Maintenance Account. The State Department may maintain an approved level of program activity in the face of currency fluctuations through a Buying Power Maintenance Account. Under current law, the Secretary of State may transfer any current funds in excess of needs that result from an increase in the purchasing power of the dollar from accounts under “Administration of Foreign Affairs” to the Buying Power Maintenance Account. The funds in the account are available for transfer back to those accounts only to offset future adverse fluctuations in exchange rates or overseas wage or price levels. The Secretary may also transfer unavailable balances into the Buying Power Maintenance Account, but only to the extent and in such amounts as specifically provided in advance in appropriation acts. No appropriation act has ever provided that authority. Section 204 of the bill would strike the requirement for appropriation action, thus allowing the Secretary to transfer lapsed funds into the Buying Power Maintenance Account and making them available to offset future adverse currency fluctuations.

TABLE 3. ESTIMATED DIRECT SPENDING IN THE FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

	By fiscal year, in Millions of Dollars										
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	
CHANGES IN DIRECT SPENDING (EXCLUDING ASSET SALES) ¹											
Buying Power Maintenance Account	80	20	20	20	20	0	0	0	0	0	
Estimated Budget Authority	32	13	10	10	10	2	*	*	0	0	
Estimated Outlays											
Medical Reimbursements											
Estimated Budget Authority	1	1	1	1	1	1	1	1	1	1	
Estimated Outlays	1	1	1	1	1	1	1	1	1	1	
Subtotal											
Estimated Budget Authority	81	21	21	21	21	1	1	1	1	1	
Estimated Outlays	33	14	11	11	11	3	1	1	1	1	
ASSET SALES											
Estimated Budget Authority	-26	-6	0	0	0	0	0	0	0	0	
Estimated Outlays	-26	-6	0	0	0	0	0	0	0	0	
TOTAL CHANGES IN DIRECT SPENDING											
Estimated Budget Authority	55	15	21	21	21	1	1	1	1	1	
Estimated Outlays	7	8	11	11	11	3	1	1	1	1	

NOTE: * = less than \$500,000.

¹These amounts do not include costs for section 205 of the bill because CBO cannot estimate the timing or amount of increase in surcharges for passport and immigrant visas.

According to the *Treasury Combined Statement on Receipts, Outlays, and Balances, 2004*, the Department of State had \$80 million in unobligated, unavailable balances in various accounts in the Administration of Foreign Affairs Bureau at the start of 2005. Under the bill, such balances could be transferred into the Buying Power Maintenance account upon enactment and made available to meet adverse exchange-rate fluctuations. In addition, CBO estimates approximately 0.5 percent of obligated balances, or about \$20 million, would be deobligated each year and reappropriated under the bill. Because we estimate the dollar will decline in value over the next year, we estimate that about half of the funds would be transferred out of the Buying Power Maintenance Account and spent. In total, we estimate direct spending of about \$80 million over the 2006–2015 period.

Medical Reimbursements. Section 203 would provide the State Department greater flexibility in retaining reimbursements for funding medical care provided to employees and eligible family members overseas. Based on information from the department, CBO estimates that it would collect and spend between \$500,000 and \$1 million a year.

Surcharges on Passport and Visa Fees. Section 205 would authorize the Secretary of State to administratively increase the dollar amount of certain surcharges on passport and immigrant visa fees. Under current law, the department charges a \$12 surcharge on passport fees and a \$45 surcharge on immigrant visa fees, and retains the proceeds for spending related to border security. The department has no current plans to raise these surcharges, and CBO has no basis for estimating when or in what amount changes might be made. (Neither the collection nor the spending of these surcharges is subject to appropriation, thus any

increase in collections and spending would constitute direct spending.)

International Litigation Fund. Section 202 would allow the State Department's International Litigation Fund to retain awards of costs and attorneys' fees that result from a decision by an international tribunal. Based on information from the department, CBO estimates that the Department of State would collect and spend less than \$500,000 a year under this provision.

Asset Sales

Section 751 would authorize the transfer of eight naval vessels to foreign countries: five by grant and three by sale. Based on information from the Navy regarding the value of these ships and recent experience with actual sales and grants, CBO estimates the sales would increase offsetting receipts by \$32 million over the 2006–2007 period.

Revenues

Section 201 would raise governmental receipts (revenues) by establishing new criminal penalties that would be assessed against persons interfering with the protective functions of State Department special agents. 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 later spent. CBO estimates that the criminal penalties that would be established under the bill would increase direct spending from the Crime Victims Fund by less than \$500,000 per year.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 2601 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

PREVIOUS CBO ESTIMATE

On March 18, 2005, CBO transmitted a cost estimate for S. 600, the Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007, as ordered reported by the Senate Committee on Foreign Relations on March 10, 2005. Several sections of the two bills are identical or similar and would have similar estimated costs. S. 600 would authorize the appropriation of specific amounts that match the President's request for 2006 and such sums as may be necessary for 2007. In addition, S. 600 would be the first comprehensive foreign assistance authorization act since the mid-1980s—authorizing funding for most existing assistance programs and also several new ones—while the scope of H.R. 2601 is somewhat more-limited. S. 600 would not authorize the sale or grant of naval vessels, as the House bill would do. Other differences in the cost estimates reflect differences in the two bills.

PERFORMANCE GOALS AND OBJECTIVES

The goals and objectives of this legislation are to provide authorization for the activities of the State Department and related agencies for fiscal years 2006 and 2007.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, of the Constitution.

NEW ADVISORY COMMITTEES

H.R. 2601 does not establish or authorize any new advisory committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 2601 does not apply to the legislative branch.

SECTION-BY-SECTION ANALYSIS

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006–2007

TITLE I. AUTHORIZATIONS OF APPROPRIATIONS

Section 101. Administration of Foreign Affairs.

This section authorizes appropriations under the heading “Administration of Foreign Affairs” for fiscal years 2006 and 2007. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, effective implementation of consular programs and its border security component, the acquisition and maintenance of office space and living quarters for the United States missions abroad, provision of security for those operations, and information resource management.

In particular, this section provides authorization of appropriations for the necessary expenses of the Department of State and the Foreign Service. These expenses include an authorization of appropriations for worldwide security upgrades, U.S. public diplomacy programs, the capital investment program, representation expenses, protection of foreign missions and officials, emergencies in the diplomatic and consular service, repatriation loans, and payment to the American Institute in Taiwan.

Changes from the Administration’s request include: \$20 million for the State Department’s Bureau of Democracy, Human Rights and Labor; funds for Anti-Semitism and Religious Freedom programs in the OSCE (\$225,000 and \$205,000, respectively); Rangel Fellows program for minorities at the State Department, \$1.5 million; and \$3 million each of fiscal years 2006 and 2007 for minority recruitment.

Section 101(1). Diplomatic and Consular Programs.

Public Diplomacy. This subsection authorizes \$333,863,000 for fiscal year 2006 for public diplomacy activities carried out under the Diplomatic and Consular Programs account. The Committee recognizes the importance of a broad public diplomacy program and therefore continues to specifically authorize funds for these activities. There has been an increasing amount of resources spent on public diplomacy and the Committee strongly urges the Secretary of State to implement a system of program evaluation and measurement so that managers can determine, based on quantifiable evidence, what is most effective in any given region. The Com-

mittee also strongly recommends closer coordination of U.S. foreign policy objectives and public diplomacy programs. In particular, the Department should improve such coordination between the regional bureaus and the Bureau of Educational and Cultural Exchange.

Diversity in the Foreign Service. The Committee continues to believe that the Department, while having made progress, needs to continue to increase its efforts to reach out to minority groups in the recruitment process. The Institute for Foreign Service and Diplomacy (IFSD) at Kean University in New Jersey is an example of an academic initiative that seeks to increase the number of Hispanics and other underrepresented population groups entering careers in Foreign Service and diplomacy. The IFSD offers its students traditional coursework in international affairs along with a generous package of related seminars and internships. The increase in funding for minority recruitment should support initiatives such as IFSD, whose goals are directly in line with the stated goals of the U.S. Department of State regarding the recruitment and employment of underrepresented groups in the Foreign Service. The IFSD and other similar programs accomplish these goals through a combination of academic classes, related educational internships and foreign language programs, seminars, lectures and overseas activities. Ultimately, these programs provide students with the tools they need to become successful Foreign Service Officers, thereby contributing to improving the Department of State's ability to accurately represent America's diversity abroad.

Section 101(E) and (F) Anti-Semitism and Religious Freedom. Congress commends the Organization for Security and Cooperation in Europe's Office of Democratic Institutions and Human Rights (ODIHR) for fulfilling its Berlin taskings, but also regrets the lack of implementation by many OSCE participating States of their commitments to track and report on anti-Semitic crimes and hate crimes. Congress also commends the developers of the OSCE/ODIHR Law Enforcement Officers Hate Crimes Training Program and urges its utilization as a valuable resource. Subparagraph (E) authorizes \$225,000 for fiscal year 2006 for targeted projects through ODIHR, regarding anti-Semitism and intolerance, training activities implementing the Law Enforcement Officers Hate Crimes Training Program, and activities of the three personal representatives of the OSCE Chair-in-Office.

Congress recognizes that religious freedom is a fundamental human right often violated or ignored in countries of the Organization for Security and Cooperation in Europe. In many countries, laws and regulations impacting religious liberty often serve to hinder, rather than facilitate, the ability of individuals and communities of believers to freely profess and practice their religion or belief. Subparagraph (F) authorizes \$125,000 for each of fiscal years 2006 and 2007 for activities aimed at promoting freedom of religion or belief through targeted projects of the Office of Democratic Institutions and Human Rights, including activities of the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief providing technical reviews of draft or current legislation affecting religion or belief.

Limitations on religious freedom are particularly acute in the Caucasus and Central Asia. Subparagraph F also authorizes \$80,000 for fiscal year 2006 for OSCE Missions in Armenia, Azer-

baijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan for activities to address issues pertaining to religious freedom or belief or to fund new staff dedicated to monitor related developments.

Rightsizing. The Committee urges the State Department to follow rightsizing plans for all overseas posts. The Department needs to be sure that authorized positions at overseas posts are actually needed to carry out the priorities as identified in the Mission Program Plan. There should be a cyclical review of State Department staffing to be sure that positions and skill sets match the specific needs of any given U.S. Embassy or consulate.

Section 101(2). Capital Investment Fund.

Subsection 101(2) authorizes \$131,000,000 for each of fiscal years 2006 and 2007 for the capital investment fund. This account supports the State Department's information technology and communications systems initiatives.

Section 101(3). Embassy Security, Construction and Maintenance.

Subsection 101(3) authorizes \$1,526,000,000 for fiscal year 2006 and \$1,550,000,000 for fiscal year 2007. This account is used to manage and maintain the Department's real estate assets, and funds Embassy and other construction projects overseas.

Capital Cost Sharing. The Committee is encouraged by the progress made in implementing the Capital Cost Sharing program and strongly believes this program must include all agencies with personnel stationed in U.S. embassies, although the Committee recognizes that the Marine Security Guard program will operate outside the program.

Section 101(4). Educational and Cultural Exchange Programs.

Subsection 101(4) authorizes \$428,900,000 for fiscal year 2006 and \$438,500,000 for fiscal year 2007 for Educational and Cultural Exchange programs.

South Korea. To help address declining opinions of the United States among young people in our longtime ally, South Korea, subsection (4)(B) authorizes \$750,000 per year for the creation of summer academic study programs in the United States for Korean college and university students. The programs will focus on political systems, government institutions, society, and democratic culture in the United States. It is estimated that this modest funding will allow the establishment of three summer institutes, each of which can handle between 25 and 30 students, thus reaching between 75 and 90 Korean student leaders per year.

HIV/AIDS in India. Subparagraph (H) authorizes \$1,000,000 in each of the fiscal years 2006 and 2007 for exchanges related to HIV/AIDS research and mitigation strategies. The Committee understands that India reports as many as 1,000 new AIDS cases per month, with some estimating that almost two-thirds of all HIV-positive Asians live in India. Many experts are particularly concerned that infections are moving from high-risk groups to the general population. The Committee believes that a significant program using these funds should be directed toward India and strongly encourages the establishment of a summer exchange program for

postgraduate students from India to attend conferences and engage in research activities at leading universities in the U.S.

Urban Planners. The Committee commends the Department for exchange programs encompassing city and regional planners for the purpose of sharing best practices and innovative approaches to comprehensive land-use and transportation planning and urges that these programs be continued.

As the world undergoes a process of massive urbanization, metropolitan areas throughout the developing world are experiencing a greater strain on natural resources, health and education infrastructures, and economic capacity. These areas will present planning challenges for investment in transportation and other key infrastructure systems, and coordinating these investments with sound land use and economic development planning. The partnership between Portland State University and China's Ministry of Land and Resources can serve as a model for a city and regional planner exchange program.

Center for Hemispheric Policy. The Center for Hemisphere Policy at the University of Miami is a unique, existing program administered through the Department of State's Educational and Cultural Exchange Programs that serves governments, non-governmental organizations, and the private sector by providing world-class research and strategic analysis related to the U.S., the Caribbean and Latin America. The Committee therefore recommends current funding levels be provided for hemispheric policy research and strategic analysis conducted at the Center for Hemisphere Policy at the University of Miami.

Section 101(5). Representation Allowances.

Subsection 101(5) authorizes \$8,281,000 for each of fiscal years 2006 and 2007 for representation allowances.

Section 101(6). Protection of Foreign Missions and Officials.

Subsection 101(6) authorizes \$9,390,000 for each of fiscal years 2006 and 2007 for the protection of foreign missions and officials account.

Section 101(7). Emergencies in the Diplomatic and Consular Service.

Subsection 101(7) authorizes \$12,143,000 for each of fiscal years 2006 and 2007 for diplomatic and consular service activities.

Section 101(8). Repatriation Loans.

Subsection 101(8) authorizes \$1,319,000 for each of fiscal years 2006 and 2007 for repatriation loans.

Section 101(9). Payment to the American Institute in Taiwan.

Subsection 101(9) authorizes \$19,751,000 for fiscal year 2006 and \$20,146,020 for fiscal year 2007 for the American Institute in Taiwan.

Section 101(10). Office of the Inspector General.

Subsection 101(10) authorizes \$29,983,000 for each of fiscal years 2006 and 2007 for the Office of Inspector General.

Section 102. Contributions to International Organizations.

This section authorizes funds for U.S. participation in international organizations. Subsection 102(a) authorizes \$1,296,500,000 for fiscal year 2006 and \$1,322,430,000 for fiscal year 2007 to fund the U.S.-assessed contributions for its share of the expenses of the United Nations and other international organizations of which the United States is a member.

Subsection 102(b) authorizes \$1,035,500,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for the U.S.-assessed contributions for International peacekeeping missions.

This authorization reflects the Committee's continued commitment to United Nations peacekeeping operations and the search for peace and stability around the world. However, the Committee is deeply troubled by reports of sexual exploitation, abuse, and other forms of misconduct by United Nations peacekeepers serving in the Democratic Republic of Congo, Burundi, Liberia, Haiti, Ethiopia and Eritrea, and elsewhere. Such heinous crimes have done irreparable damage to the image of United Nations peacekeeping. The Committee expects the United Nations to undertake serious and far-reaching peacekeeping reforms—including the adoption and enforcement of a uniform Code of Conduct—and fully anticipates that these reforms will be put in place without further delay. In particular, the Committee welcomes the recent report by Prince Zeid, the U.N. Permanent Representative from Jordan, requested by the Secretary-General, and urges the implementation of the reforms recommended by the report.

This section also authorizes such sums as may be necessary for each of the fiscal years 2006 and 2007 to offset adverse fluctuations in foreign currency exchange rates.

Section 103. International Commissions.

This section authorizes \$67,172,000 for each of fiscal years 2006 and 2007 for the International Boundary and Water Commission-U.S. and Mexico; the International Boundary Commission-U.S. and Canada; the International Joint Commission and the International Fisheries Commissions. These funds are necessary to enable the United States to meet its obligations as a participant in these international boundary commissions.

Section 104. Migration and Refugee Assistance.

This section authorizes \$955,000,000 for fiscal year 2006 and \$983,650,000 for fiscal year 2007 for the Migration and Refugee Assistance program. The fiscal year 2006 level is \$62 million above the President's fiscal year 2006 request of \$893,000,000. The funding enables 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, governments, and bilateral assistance, as authorized by law.

This section also makes available \$40 million for refugees resettling in Israel, and \$2.5 million for a pilot program to address the needs of long-term refugee populations.

The world's refugee crisis persists, with more than 13 million refugees, 80 percent of whom are women in children, in desperate need of durable solutions. Many have been traumatized by the loss of their homes and the murder of their loved ones, compounded by the uncertainty of their precarious existence in refugee camps. Due to funding shortfalls to meet pressing needs, refugees often lack adequate food rations, medical care, and protection. The State Department's Bureau of Population, Refugees and Migration has faced funding shortfalls over the last several fiscal years, and for fiscal year 2001, overall spending levels are significantly above the \$774 million appropriated in fiscal year 2005 for refugee and migration assistance. It is expected the Department will spend the \$120.4 million in fiscal year 2005 supplemental funds appropriated for refugees earlier this year, and that the needs identified for the supplemental funding will continue into fiscal year 2006. Many of these needs were not included in the Administration's fiscal year 2006 request. Areas of need include: Humanitarian assistance for vulnerable displaced populations in Chad and Sudan; returns in Burundi, the Democratic Republic of Congo, and Liberia; a higher annual budget for the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA); and addressing the needs of Burmese refugees in East Asia. With regard to refugee admissions, the Committee strongly supports the \$26 million appropriated in the supplemental to reach the 70,000 admissions goal, but acknowledges higher costs are involved which reflect the additional logistical and security requirements involved in admitting refugees to the U.S.

As underscored by the strongly bipartisan support for the North Korean Human Rights Act of 2004 (P.L. 108-333), the Congress remains acutely concerned about the plight of North Korean refugees, and the Committee intends that funds from this account may be used to assist North Korean refugees, as appropriate.

Section 105. Centers and Foundations.

This section authorizes: \$18,000,000 for each of fiscal years 2006 and 2007 for the Asia Foundation (\$8 million above the President's fiscal year 2006 request); \$80,000,000 for each of fiscal years 2006 and 2007 for the National Endowment for Democracy (at the President's request level); and \$13,024,000 for each of fiscal years 2005 and 2006 for the Center for Cultural and Technical Interchange Between East and West (at the President's request level). The increased funding for the Asia Foundation is to further support its programs throughout Asia, including democracy in Afghanistan, civil society, particularly with Muslim organizations, in Indonesia, women's empowerment in Pakistan, legal reform in China and counter-trafficking in Cambodia.

Section 106. United States International Broadcasting Activities.

This section authorizes a total of \$661,043,000 for international broadcasting. This is \$9.1 million above the President's request. The additional \$9.1 million is authorized to overcome jamming of Radio Free Asia in Vietnam. In addition, \$5 million is authorized for broadcasting to Belarus for each of the fiscal years 2006 and 2007 to increase the number of hours broadcast to that country. The Lukashenka regime's extensive information blockade and total

control over state media are compelling reasons for increasing broadcast hours to Belarus. The Committee encourages collaboration with other governments and non-governmental organizations in facilitating the unhindered dissemination of information to the largest possible audience in Belarus.

Subsection 106(1) authorizes \$603,394,000 for fiscal year 2006 and \$621,495,820 for fiscal year 2007 International Broadcasting Operations.

Subsection 106(2) authorizes \$10,893,000 for each of fiscal years 2006 and 2007 for Broadcasting Capital Improvements.

Subsection 106(3) authorizes \$37,656,000 for fiscal year 2006 and \$29,931,000 for Broadcasting for Cuba (at the President's request). The fiscal year 2006 level includes \$10 million for a *one-time* purchase of an airborne platform for transmitting Radio and TV Marti to overcome jamming by the Cuban Government. The ongoing expenses for this new activity are \$2 million which is reflected in the fiscal year 2007 authorization level.

TITLE II. DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Section 201. Consolidation of Law Enforcement Powers; New Criminal Offense.

This section would replicate 18 U.S.C. 3056(d) for Diplomatic Security (DS) agents. Section 3056(d) of Title 18 presently provides for criminal penalties when an individual interferes with a Secret Service agent protecting a foreign dignitary, or interferes with a Bureau of Alcohol, Tobacco and Firearms (ATF) agent detailed to support the same activity. Under current law, if an individual similarly interferes with a Diplomatic Security agent or an ATF agent temporarily detailed in support of the DS protective mission, the individual is not subject to any criminal penalty. This unfairly encumbers the mission and potentially impacts the ability of the Department of State to safely escort the person under physical and diplomatic protection. This section would remedy this deficiency in the law.

Section 202. International Litigation Fund.

This section authorizes the State Department to replenish the existing International Litigation Fund (ILF) by retaining amounts awarded in international arbitrations relating to the costs of litigation where the claims are defended by the Department. Under current law, the Department can contribute to the International Litigation Fund a small percentage of any damage award obtained. That authorization does not apply, however, to cases where the Department defends the United States against international claims because, in such cases, an award favorable to the United States will not call for any payment on the claim, even though litigation costs, attorneys' fees and expenses may be awarded to the Department if it prevails. The amendment in this section would permit the ILF to be replenished by such awards.

Section 203. Retention of Medical Reimbursements.

This section enables the State Department to retain medical insurance reimbursements in the year in which they are collected. In order to facilitate immediate medical treatment of its employees

abroad, the Department pays all medical fees for its employees and receives reimbursement from the employee's insurer at a later date. However, because of the long lag time in the processing of foreign medical claims by U.S. insurers, reimbursements are made after the fiscal year in which the Department pays medical fees. In such an instance, the reimbursements are credited to the previous fiscal year and under U.S. law cannot be obligated or expended (since the fiscal year is past). This provision enables the Department to retain medical insurance reimbursements in the year in which they are collected allowing the Department to better manage the reimbursements received and use them for future cases where the Department reimburses medical fees. The Committee expects that reimbursements from insurance companies will continue to be credited to the account which pays for employees' medical expenses but under the authority of this section will now be credited to the account that is currently available at the time the reimbursement is received.

Section 204. Buying Power Maintenance Account.

This section amends section 24(b)(7) of the State Department Basic Authorities Act by striking subparagraph (D) and increasing the value of the Buying Power Maintenance Account. Section 24(b) established the Account, whereby unused funds appropriated to the Department may be transferred to the account when currency fluctuation causes a favorable exchange rate, resulting in excess funds. These funds are then used to cover shortfalls caused by a future decline in the value of the dollar. Subsection (b)(7) permits the transfer of expired, unobligated balances into the no-year Buying Power Maintenance Account (for example, when funds are credited back to the account after the end of a fiscal year), subject to compliance with congressional reprogramming requirements and a \$100 million cap. The amendment in this section eliminates a requirement which makes such transfers subject to advance appropriations, which has made the transfer authority less usable. The Committee notes that the Department of Defense has a similar authority (10 U.S.C. 2779).

Section 205. Authority to Administratively Amend Surcharges.

This section allows the Secretary of State to adjust fee levels for passports and immigrant visas administratively in keeping with the practice followed for other fees collected by the Department.

Section 206. Accountability Review Boards.

This section provides a limited exemption from the requirement to convene an Accountability Review Board (ARB) in incidents that involve serious injury, loss of life or significant destruction of property at or related to a U.S. Mission in Iraq or Afghanistan. The Secretary of State would have the discretion to convene an ARB or use alternate accountability review procedures for these two high-risk missions. In addition to providing for appropriate accountability review, affording such discretion recognizes that alternative procedures may be better suited to review cases at missions where the level of risk is higher than would normally be considered acceptable.

Section 207. Designation of Colin L. Powell Residential Plaza.

This section authorizes the naming of the staff housing facility for the U.S. Embassy in Jamaica as the “Colin L. Powell Residential Plaza.” This provision was suggested by the State Department as a tribute to former Secretary Powell for his efforts on behalf of the foreign service and to recognize his Jamaican heritage.

Section 208. Removal of Contracting Prohibition.

This section repeals Section 406(c) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (P.L. 99–399) which made persons doing business with Libya ineligible for contracts awarded under this act. The Department seeks relief from this prohibition in order to undertake near-term activities, such as refurbishing and maintaining the current U.S. liaison office in Tripoli.

Section 209. Translation of Reports of the Department of State.

This section requires that, within 30 days after the date of issuance by the U.S. mission in a foreign country, the *Trafficking in Persons Report* and the *International Religious Freedom Report* shall be translated into the official language of that country. In addition, the translated report must be posted on the Web site of the U.S. Embassy in that country. The Committee strongly believes that translation of the reports is critical to accomplishing the purpose of the U.S. Congress in requiring these reports.

Section 210. Entries Within Passports.

This section amends the law (“An Act to regulate the issue and validity of passports, and for other purposes”, approved July 3, 1926 (22 U.S.C. 211a; 44 Stat. 887)), under which the Secretary of State is authorized to issue passports and is intended to be read as an essential condition of that authority. It provides that upon the request of a U.S. citizen or the legal guardian of a citizen born in the city of Jerusalem, the Secretary of State shall record the place of birth as Israel.

Unlike other citizens, who if born outside the United States have their passports marked with the country of their birth, Americans born in Jerusalem, Israel, have their passports marked “Jerusalem.” This provision, similar to provisions of prior years’ bills, permits such citizens to have, on request, their passports state “Israel” rather than “Jerusalem.” The provision clarifies that this requirement relates to, and is part of, the underlying provision relating to the authority of the Secretary to issue passports, and that such authority is derived solely from statute. Moreover, the section notes the citizen has a right to bear a passport that is accurate.

Section 211. United States Actions with Respect to Jerusalem as the Capital of Israel.

This section addresses the status of Jerusalem as part of Israel. Subsection (a) provides that none of the funds authorized to be appropriated by this act may be expended for the operation of a U.S. consulate in Jerusalem unless such a consulate is under the supervision of the U.S. Ambassador to Israel. The Congress believes that it is difficult for United States policy in Israel to be consistent if the Embassy and Consulate operate, unlike other such entities, under separate—rather than unified—direction. The Consulate has

within its jurisdiction areas that are clearly within Israel under the policies of the Congress and even of this (and prior) Administrations. This provision has been carried in prior years' bills.

Subsection (b) provides that none of the funds authorized to be appropriated by this act may be available for the publication of any official government document which lists countries and their capital cities unless it identifies Jerusalem as the capital of Israel. This provision was carried in last year's Foreign Relations Authorization Act and is repeated so as to apply to spending authorized by this act, as well. The Congress believes that Israel is entitled to decide where its capital is and that our Embassy should be in that capital; it has consistently supported Israel in this regard.

Section 212. Availability of Unclassified Telecommunications Facilities.

This section requires the Secretary of State to make available to Congressional Committees the use of telecommunication facilities located in an overseas facility to allow Committees to receive testimony or other communications from an individual in that country.

The Department of State has not always fully cooperated in making its unclassified telecommunications facilities available to Committees of Congress to receive the testimony of witnesses who are located overseas. This would clarify that it is the duty of the Department to assist the Congress in this regard. Increasing the use of digital videoconferencing technology has the potential to reduce the travel expenses for witnesses that might otherwise be borne by the taxpayer, and to increase the range of information available to the Congress so as to improve its oversight and legislative efforts.

Section 213. Reporting Formats.

This section requires the Secretary of State to submit required congressional reports electronically. This requirement is to take effect with the first report submitted after enactment of this act. The Department of State has lagged behind agencies such as the United States Agency for International Development in providing information to the Congress in machine-readable form. Its reports, which are prepared internally in machine-readable form, are reduced to paper for delivery to the Congress but are not accompanied by "electronic" versions. This practice results in waste and delays or prevents the further dissemination, in appropriate cases, of the information to the public.

Section 214. Extension of Requirement for Scholarships for Tibetans and Burmese.

This section amends section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (P.L. 104-319) by striking "for the Fiscal Year 2003" and inserting "for each of the Fiscal Years 2006 and 2007." This continues the authority for scholarships for Tibetans and Burmese students and professionals.

Section 215. American Institute in Taiwan Facilities Enhancement.

This provision amends P.L. 106-212, the American Institute in Taiwan Facilities Enhancement Act, by striking the \$75 million authorization of appropriations and replacing such authorization with

“such sums as may be necessary.” While final construction decisions have not been made, the expectation is that the new building for the American Institute in Taiwan will cost more than the \$75 million originally authorized.

Section 216. Activities Related to Cuba.

This section, as authorized by existing law, provides \$5 million from fiscal year 2006 funds to be used for various educational exchange programs operated by the Bureau of Educational and Cultural Affairs of the Department of State to support the Cuban people. It underscores U.S. policy by focusing on human rights dissidents, pro-democracy activists, and independent civil society members. It provides for congressional oversight by requiring: (1) no later than 90 days after the date of enactment of this act, reporting to the Committee on prospective participants in the programs listed in the section; and (2) a 15-day prior notification to the Committee on participants deemed by the Department to be eligible for such programs. Nothing in this section shall be construed as limiting, in any way, existing restrictions in U.S. law relating to travel to and from Cuba or existing prohibitions relating to Cuban nationals, including those imposed due to Cuba’s designation as a state-sponsor of terrorism under the Export Administration Act, as amended, and those prohibitions imposed by other U.S. laws on officials, agents, instrumentalities of, and representatives of the Castro regime or of the Cuban Communist Party.

TITLE III. ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Section 301. Education Allowances.

This section makes the following changes to the education allowance in 5 U.S.C. 5924(4): (1) allows for travel to the United States for children in kindergarten through 12th grade, when schools at post are not adequate; (2) allows for educational travel to a school outside the United States for children at the secondary and college level; and (3) allows the option of storing children’s personal effects near the school during their trip home, rather than transporting them back and forth.

Section 302. Official Residence Expenses.

This section permits the Department of State to provide in advance funds available for official residence expenses under 5 U.S.C. 5913(b) to those persons now eligible to receive reimbursement for such expenses.

Currently, principal officers at posts abroad are required to pay all household expenses personally and then submit vouchers for reimbursement. Some principal officers at posts where official residence expenses are high cannot afford to pay such expenses personally before receiving reimbursement. This proposal, which would not require any additional funds to implement, would enable such officers to receive funds in advance to defray the unusual expenses incidental to the operation and maintenance of official residences.

Section 303. 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 percent of salary to 35 percent. As a result of increased danger in many locations, many posts with high but disparate levels of danger and hardship are clustered at the ceiling rate of 25 percent. This has resulted in an inability to maintain appropriate distinctions between the various levels of danger and hardship. This section would not result in an automatic increase of rates for all danger pay and hardship pay locations, but would provide the Department discretionary authority to make appropriate adjustments. Subsection (d) provides that the Secretary of State inform the appropriate Committees of Congress of the criteria for increasing these differentials and expects the Department to brief the Committees prior to such an increase.

Section 304. Home Leave.

This section provides that Foreign Service Officers may take authorized rest and recuperation travel under 22 U.S.C. 4081(6) even if they take accrued, unused home leave authorized by this section. This would ensure that eligibility for R&R would not be affected if someone used accrued home leave while on other travel to the United States. In addition, this section reduces the time period for eligibility for home leave from 18 months to 12 months.

Section 305. Overseas Equalization and Comparability Pay Adjustment.

This section would amend Chapter 4 of the Foreign Service Act of 1980 (22 U.S.C. 3961) to stipulate that Foreign Service Officers in class one or below, stationed outside the continental United States, receive locality-based comparability payments under section 5304 of title 5, United States Code, that would be paid to a member if his or her official duty station were in Washington, DC. The provision has a 3-year phase-in period.

For the past several years, government employees have received locality pay adjustments intended to raise Federal salaries to the level of salaries paid in the private sector for comparable work. Foreign Service Officers working in Washington, DC, receive the locality pay, but those stationed outside the United States do not. This has resulted in an average of 15.98 percent difference between the base pay of personnel stationed overseas and those stationed in Washington, creating a greater financial incentive to serve in Washington, DC.

Section 306. Fellowship of Hope Program.

This section amends the Foreign Service Act of 1980 by adding a new section that clarifies the authority underlying a current exchange program between the foreign affairs agencies of the United States, the European Union, and its member states created to promote collaboration among its young leaders. Under this program, Foreign Service Officers are identified on an annual basis to serve 1-year details at the European Union in Brussels and designated European foreign ministries. After the Foreign Service Officers complete the details at the EU or in the foreign ministries, they are assigned to a position in the U.S. Embassy in the relevant Euro-

pean capital. Conversely, the State Department also will receive members of the diplomatic corps from the European Union and designated foreign ministries. While the present program is conducted with EU member states, the new section would envision its expansion to cover NATO countries that are not members of the EU (e.g., Canada, Norway).

Subsection (d) confirms the principle that officers or employees of the United States owe their allegiance to the United States and be bound by oath to support and defend the U.S. Constitution, and that this section does not authorize a member of the U.S. Foreign Service to be assigned to a position with a foreign government or entity that requires the U.S. Foreign Service member to give allegiance or loyalty to that foreign government or entity rather than the United States.

Section 307. Regulations Regarding Retirement Credit for Government Service Performed Abroad.

This section sets a 60-day deadline for issuance of regulations to implement Section 321 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107-228). This section provides for retirement credit for part-time, or temporary, employees who worked for the Department of State overseas in the 1990s.

Section 308. Promoting Assignments to International Organizations.

This section amends the Foreign Service Act of 1980 to include, as consideration for promotion, whether the officer has served in a multilateral institution or international organization. The purpose of this change is to encourage members of the Foreign Service to take assignments with international or multi-national responsibilities.

Section 309. Suspension of Foreign Service Members Without Pay.

This section would amend Section 610 of the Foreign Service Act to allow 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 the employee may be imprisoned and there is a connection to the efficiency of the Service. Currently, a Foreign Service employee indicted for a crime, e.g., murder or child molestation, is allowed to use accrued leave or leave without pay (approved absence) while incarcerated. No administrative action can be taken against the employee until a conviction. However, a Civil Service employee (under Title 5) indicted for the same crime is placed on "indefinite suspension."

Section 310. Death Gratuity.

This section amends Section 413(a) of the Foreign Service Act of 1980, to provide a death gratuity payment of \$100,000, or 1 year's salary, whichever is greater upon the death of a Foreign Service officer who dies as a result of injuries sustained in the performance of duty abroad.

Section 311. Clarification of Foreign Service Grievance Board Procedures.

This section amends the Foreign Service Act to allow the Foreign Service Grievance Board to retain an employee on the payroll while

a grievance is being reviewed until a final decision is rendered on the merits of the case before the Board. Section 314(b) of the Foreign Relations Authorization Act, FY 2003 (P.L. 107–228) regarding separation for cause, struck similar language from Section 1106(8) of the Foreign Service Act that this provision reinstates.

Section 312. Repeal of Recertification Requirement for Members of the Senior Foreign Service.

This section repeals the provision in the Foreign Service Act that requires the Secretary to establish a recertification requirement for members of the Senior Foreign Service (SFS) that is equivalent to the recertification process for the Senior Executive Service (SES).

In Section 1321 of the Homeland Security Act of 2002 (P.L. 107–296), the Congress repealed the recertification requirements for SES employees contained in title 5 of the United States Code. The rationale was that these periodic recertification requirements for the SES did not serve a useful purpose. The same rationale applies to the SFS.

Section 313. Technical Amendments to Title 5, United States Code, Provisions on Recruitment, Relocation, and Retention Bonuses.

Section 101 of the Federal Workforce Flexibility Act of 2004 amended sections 5753 and 5754 of Title 5 regarding recruitment, retention, and relocation benefits, which state that such bonuses may not be paid to a person who holds a position to which an individual is appointed by the President, by and with the consent of the Senate. Although such language was seemingly aimed at precluding application to traditional appointees, it has the effect of excluding all Foreign Service Officers as defined by Section 103(4) of the Foreign Service Act of 1980, as amended, who are by definition appointed by the President under section 302(a)(1) of the FSA. This proposal seeks to clarify the amended statutory provisions so as not to preclude the Department from offering these benefits even with the approval of the Office of Personnel Management (OPM). The section clarifies that ambassador-level appointees will remain subject to the existing restrictions of sections 5753 and 5754 of Title 5.

Section 314. Limited Appointments in the Foreign Service.

This section codifies the Department practice of requiring specialist-limited, non-career appointees to have a 1-year break in service after completion of a 5-year limited appointment before assuming a new limited appointment. In addition, it authorizes the Department to extend limited appointments, now capped at 5 years, of career Foreign Service candidates in certain circumstances. Such an extension would be based on needs of the Service. An example of such a circumstance is a case where an officer is called to active military duty. This authority is not intended to be used to extend the career candidacy of junior officers except as expressly provided for in the amendment.

Section 315. Statement of Congress Regarding Career Development Program for Senior Foreign Service.

The Committee applauds the recent changes to the career development program for entry into the Senior Foreign Service, and reit-

erates its support for a career development program which ensures that members of the Senior Foreign Service demonstrate operational effectiveness and experience in functional areas of expertise as well as geographic expertise. The Committee emphasizes the importance of human rights work and expresses its hope that the revised career development program will result in a stronger Bureau of Democracy, Human Rights and Labor as well as Foreign Service Officers better equipped to promote human rights around the world consistent with the objectives of Title VI of this act.

Section 316. Sense of Congress Regarding Additional United States Consular Posts.

This section recommends that the Secretary of State establish consulates or other United States diplomatic presences in Pusan, South Korea, Hat Yai, Thailand, and in an additional location in an under served region in India.

Section 317. Office of the Culture of Lawfulness.

This section creates an Office of the Culture of Lawfulness within the Bureau for International Narcotics and Law Enforcement Affairs. The section requires the office to be headed by a Director with at least two professional staff. The purpose of the office is to promote, coordinate, manage, and report on our worldwide culture of lawfulness efforts. The existing global rule of law program needs greater attention within the Bureau of International Narcotics and Law Enforcement Affairs, and this office with dedicated staff will provide the necessary focus.

Section 318. Review of Human Resources Policies of the Department of State.

This section requires the Secretary of State to conduct a review of the human resources capabilities within the Department and evaluate whether the Department is organized effectively and whether individuals with the appropriate skills are being hired to meet the new security challenges. This provision also requires that the review include an emphasis on improving the ethnic, racial, cultural and gender diversity of personnel of the Department and a biennial report on the review.

TITLE IV. INTERNATIONAL ORGANIZATIONS

Section 401. REDI Center.

This section explicitly authorizes U.S. participation in the Regional Emerging Disease Intervention (“REDI”) Center in Singapore. Singapore is expected to fund the operations of the facility and there is no requirement for an authorization of appropriations.

Section 402. Extension of Authorization of Appropriation for the United States Commission on International Religious Freedom.

This section authorizes appropriations of \$3,300,000 for the operations of the U.S. Commission on International Religious Freedom for each fiscal year, 2006–2011. This is an increase of \$300,000 per year from the fiscal year 2005 funding level. The Commission established in P.L. 105–292 is an independent agency charged with reviewing and reporting on violations of international religious

freedom. The Commission recommends options for U.S. policies with respect to foreign countries which engage in or tolerate violations of religious freedom.

Section 403. Reform of the International Atomic Energy Agency.

Subsection (a) states that efforts to prevent the further spread of nuclear weapons would be enhanced by universal membership in the IAEA and that the enhanced authorities provided by the IAEA Additional Protocol to the Safeguards Agreements between the IAEA and IAEA Member States are indispensable to the IAEA's ability to conduct inspections of nuclear facilities with a high degree of confidence.

The subsection further states that the national security interests of the U.S. would be enhanced by the rapid ratification and implementation of the Additional Protocol by all Member States of the United Nations of U.N. Security Council Resolution 1540. This resolution requires all Member States to adopt and enforce the necessary laws and regulations criminalizing the provision of any form of support given to non-state actors that attempt to manufacture, acquire, possess, develop, transport, transfer, or use nuclear, chemical, or biological weapons and their means of delivery.

The subsection also states that U.S. national security interests require that the IAEA be adequately equipped with the authorities and resources needed to comprehensively and efficiently carry out its responsibilities for inspections and safeguards of nuclear facilities. The Committee believes that the IAEA's ability to carry out these tasks is undermined by recurring shortages of funds that arise from the U.S. paying its assessed contribution at the end of the calendar year instead of the beginning.

The Committee also believes that any savings accruing from this delayed payment are far outweighed by the negative impact on fundamental U.S. national security interests. The Committee strongly recommends that the Department of State expeditiously adopt a payment schedule that provides the IAEA with the annual U.S. contribution at the beginning of the calendar year in line with the general practice of other Member States.

Subsection (b) states that the Nuclear Nonproliferation Treaty (NPT) is the foundation for international cooperation to prevent the further spread of nuclear weapons capabilities and that the overriding purpose of the NPT has always been to prevent the spread of these capabilities.

The subsection states that the language of Article IV of the NPT regarding the ". . . right to develop research, production, and use of nuclear energy for peaceful purposes without discrimination . . ." is specifically conditioned by, and must be interpreted within the context of, Article II of the NPT which obligates signatories not to undertake activities relating to the development of nuclear weapons. The subsection states that because the processes used for the enrichment of uranium and the reprocessing of plutonium for peaceful purposes are virtually identical to those needed for military applications and thereby inherently pose a risk of proliferation, Article IV cannot be interpreted to recognize an inalienable right by every country to enrich uranium or reprocess plutonium.

This subsection also states that, given the NPT's overriding purpose of preventing the proliferation of nuclear weapons capabilities, the withdrawal provision in Article X of the Treaty cannot be interpreted in a manner consistent with the NPT's purpose as permitting a signatory country to surreptitiously develop a nuclear weapons capability based on materials, facilities, and the equipment it has acquired for ostensibly peaceful purposes under Article IV and then withdraw from the Treaty with that capacity intact. Therefore, the relevant materials, facilities, and equipment must be destroyed or surrendered before that country will be recognized as having legally exercised its right of withdrawal from the NPT.

Subsection (c) declares that Congress holds that all provisions of the NPT must be interpreted within the context of preventing the proliferation of nuclear weapons and that Article IV of the NPT does not guarantee to every country that is a State Party to the NPT an inalienable right to enrich uranium or reprocess plutonium. It further declares that if an NPT State Party gives notice of its intention to withdraw from the NPT under Article X, it must surrender all of the materials, facilities, and equipment acquired for ostensibly peaceful purposes under Article IV and that no state will be recognized as having legally exercised its right of withdrawal until it destroys or surrenders all such materials, facilities, and equipment.

The Committee believes that the provisions in Article IV of the NPT regarding the rights of countries to develop peaceful nuclear energy are commonly and fundamentally misinterpreted by their being considered in isolation instead of within the Treaty's governing context of nonproliferation. Article IV can be interpreted consistent with the purpose of the Treaty only as recognizing a general right to pursue those activities that can clearly be demonstrated to be for peaceful purposes and not as an unconditional right to acquire the most sensitive technologies relating to nuclear fuel making or acquiring or expanding capacities that could be useful for military applications.

As the U.S. noted at the NPT Review Conference May 18, 2005: "While compliant State Parties should be able to avail themselves of the benefits that peaceful use of nuclear energy has brought to mankind, the Treaty establishes no right to receive any particular nuclear technology from other States Parties—and most especially, no right to receive technologies that pose as significant proliferation risk."

The absence of an unlimited right, however, does not rule out the possibility for legally acquiring any particular capacity or engaging in any particular activity. Instead, for a country seeking to acquire a particular capacity or engage in a particular activity that could bring it closer to acquiring a nuclear weapons capability, a burden of proof must be placed on it to demonstrate that the intended effect is clearly peaceful, that there is a compelling economic need or benefit that will result, and that any proliferation risk that could result has been reduced to a maximum extent. Given that a capacity to enrich uranium or reprocess plutonium would allow its possessor to amass large quantities of nuclear weapons-usable materials, the diversion of which to make nuclear weapons cannot yet be detected in a timely fashion, Article IV cannot be interpreted consistent with the purpose of the Treaty as recognizing a right to

a develop a self-sufficient capacity to enrich uranium or reprocess plutonium unless the attendant risks of proliferation have been demonstrated to have been reduced to a maximum extent.

The Committee strongly believes that this burden of proof extends far beyond mere statements of intent by the government of a State Party or limited inspections by the IAEA and includes consideration of the totality of measures and actions that appear to be inconsistent with purely peaceful purposes, such as the existence of undeclared nuclear facilities, procurement patterns inconsistent with a civil nuclear program, extensive security measures beyond those normally deemed sufficient for civil nuclear installations, a pattern of Article III safeguards violations suggestive of willful deception, efforts to conceal nuclear activities from the IAEA, or a nuclear program that appears to have little coherence for peaceful purposes but great coherence for weapons purposes.

Iran and other countries suspected of developing a clandestine nuclear weapons capability have claimed that their acquisition of the necessary elements is permitted by an expansive interpretation of Article IV that, if widely accepted, would eliminate virtually all limits on the nuclear program of any State Party as long as its government maintains the fiction that that program is intended solely for peaceful applications. If this interpretation were conceded, the limitations imposed by the NPT would be effectively eviscerated, and any country could legally acquire virtually all of the components needed for a nuclear weapons program by doing so under the guise of developing a peaceful nuclear energy program. This expansive interpretation is clearly contrary to the clearly stated purpose and governing context of the Treaty, namely preventing the proliferation of nuclear weapons capabilities, and therefore cannot be accepted as credible.

The Committee strongly believes that, given that Iran's nuclear program unambiguously fails to meet the burden of proof of peaceful intent, Iran does not possess a legal right under the NPT to enrich uranium or reprocess plutonium.

The Committee further believes that the provisions of Article V governing the exchange of technology for peaceful purposes are similarly contingent upon the recipient state's demonstration that the risks of proliferation from its acquisition of any material, facility, or equipment from a supplier state have been reduced to a maximum extent. As such, it is the responsibility of each supplier state to ensure that this burden of proof has been fully met by the recipient state prior to the execution of the relevant transaction.

The Committee believes that the purpose of the NPT would be rendered hollow if a State Party were allowed to legally acquire the components needed for a nuclear weapons program under the guise of developing a peaceful nuclear program and then, by withdrawing from the Treaty, free itself from the nonproliferation restrictions imposed by the NPT. To permit a retention of these capabilities after withdrawal would be to acknowledge beforehand an enduring right of each State Party to legally circumvent the Treaty's restrictions, a right that would be contrary to the Treaty's clearly stated and overriding purpose of preventing the proliferation of nuclear weapons capabilities, a purpose that has been freely agreed to by every State Party. For this reason, due to the inherent proliferation risks, the Committee believes that Article X cannot be interpreted

consistent with the NPT's purpose as permitting a State Party to retain after its withdrawal the materials, facilities, and equipment acquired for ostensibly peaceful uses under Article IV and that therefore the surrender or destruction of these capabilities must occur prior to a recognition of that withdrawal.

Subsection (d) expresses a sense of Congress that the IAEA Director General should strengthen his efforts to secure adherence to an IAEA Additional Protocol by all IAEA Member States. The subsection also states Congress's belief that the IAEA's Statute authorizes it to provide nuclear security assistance to its Member States.

The purpose of subsection (d)(2) is to clarify any ambiguity concerning the IAEA's legal ability to provide nuclear security assistance.

Subsection (e) encourages the President to encourage rapid universal ratification of an IAEA Additional Protocol and the implementation of the provisions of U.N. Security Council Resolution 1540. The subsection authorizes the President to suspend U.S. non-humanitarian foreign assistance to any country which fails to ratify an Additional Protocol and implement the provisions of U.N. Security Council Resolution 1540. The subsection also requires the Secretary of State to submit a report on U.S. efforts to promote the universal implementation of U.N. Security Council Resolution 1540 and gives the President the discretion to submit such a report within the State Department's "Patterns of Global Terrorism" report.

The Committee believes that U.S. national security interests regarding nuclear proliferation and nuclear terrorism would benefit greatly from the rapid and universal ratification and implementation of the IAEA Additional Protocol and U.N. Security Council Resolution 1540. Given that the legislative burden on any country for doing so is slight, and reasons for substantive opposition lacking evidence or argument, action by the United States and other countries would be useful to ensure that all countries understand the importance of these measures to the interests of the United States and to those of the world as a whole. This subsection provides the President with a substantive means of persuasion for those countries unresponsive to requests for action.

Subsection (f) instructs the Secretary of State to ensure that the U.S. pays its assessed contribution to the IAEA at the beginning of the calendar year.

Subsection (g) authorizes to be appropriated additional funds as may be necessary to permit the Secretary of State to ensure that the U.S. can pay its regularly assessed contribution to the IAEA at the beginning of the calendar year to compensate for the current late payment.

Section 404. Property Disposition.

This section would allow the Secretary of State to use discretion as to whether to retain ownership of the Palazzo Corpi building located in Istanbul, Turkey. Despite the known security risks, current law mandates that the Secretary of State retain ownership of the building for the purpose of maintaining the International Center for Middle Eastern-Western Dialogue at such location due to the building's historic nature. Recognizing that the Palazzo Corpi

does not meet security standards, has been a terrorist target numerous times in the past, and the Department has indicated it cannot ensure the safety and security of the staff and visitors to this location, the Committee believes the Secretary should properly dispose of this property .

TITLE V. INTERNATIONAL BROADCASTING

Section 501. Short Title.

This title may be cited as the “International Broadcasting Authorization Act, Fiscal Years 2006 and 2007.”

Section 502. Middle East Broadcasting Networks.

This section amends the U.S. International Broadcasting Act of 1994 to establish the Middle East Broadcasting Network as a non-Federal grantee organization. It would authorize the Broadcasting Board of Governors (BBG) to make annual grants for the purpose of carrying out radio and television broadcasting to the Middle East in Arabic, consistent with the broadcast standards and principles set for in the International Broadcasting Act of 1994. It provides for the establishment of the Middle East Broadcasting Networks (MBN) under a corporate structure, similar to that of RFE/RL, Inc. and Radio Free Asia. MBN incorporates Radio Sawa and Alhurra, the 24-hour-a-day television service to the Arab-speaking world.

Section 109A(c)(i)(A) of the International Broadcasting Act of 1994 provides that the Board of Directors of MBN will consist of the members of the Broadcasting Board of Governors, and that the Board of Directors will make all major policy determinations with respect to MBN. The section also provides that MBN is not a Federal agency, but is subject to audit by the Government Accountability Office (GAO) and inspection by the Inspector General of the Department of State and the Broadcasting Board of Governors.

This section also makes a number of technical amendments to the U.S. International Broadcasting Act of 1994 to clarify the relationship of the corporate broadcast entity to the Board and the Board’s authority to allocate funds to MBN. In addition, it adds the Middle East Broadcasting Networks to the broadcasting entities that are to be represented in a coordinating committee to be chaired by the Director of the International Broadcasting Bureau.

The section would ensure that limitations on civil liability that apply to members of the BBG also apply to such members when serving as members of the Board of MBN.

Section 503. Improving Signal Delivery to Cuba.

This provision would update existing law with respect to the BBG’s flexibility to enhance the transmission of Radio Marti broadcasts to Cuba. Under existing law, Radio Marti is required to utilize the broadcasting facilities at Marathon, Florida, and the 1180 AM frequency that was used by the Voice of America prior to the enactment of the Radio Broadcasting to Cuba Act, except in the instance where the broadcasts are jammed. In the instance of jamming, which has been in evidence since the station began broadcasting in May 1985, the station is authorized to utilize other transmission mechanisms. This section: Recognizes the fact that jamming is a constant in Radio Marti’s broadcast environment;

clarifies the authority of the Office of Cuba Broadcasting to use additional AM frequencies, as well as FM and SW frequencies; and provides Radio Marti with the same transmission options that are available to other BBG broadcast entities.

Section 504. Establishing Permanent Authority for Radio Free Asia.

In 1994, Congress placed a sunset of September 30, 2009, in Radio Free Asia's (RFA) enabling legislation. This section would repeal the sunset clause in Radio Free Asia's enacting legislation (P.L. 103-236).

RFA's mission is to provide in-country news and information to countries that do not permit free media. Almost all of RFA's target countries—China, North Korea, Burma, Laos, Vietnam, and Cambodia—are Communist, military, or authoritarian regimes that give no indication of allowing a free indigenous press any time in the near future, and certainly not before 2009.

The Committee underscores the importance of Radio Free Asia as a tool for the promotion of democracy, freedom of expression, and the free media in Asia and recommends the establishment of permanent authority to carry out its activities.

Section 505. Personal Services Contracting Program.

This section would amend Section 503 of the Foreign Relations Authorization Act for 2003 (P.L. 107-228) to permit the Broadcasting Board of Governors to employ up to 100 personal services contractors in the United States at any given time.

In P.L. 107-228, the Congress granted the BBG authority to administer a pilot program to employ up to 60 U.S. citizens or aliens as personal services contractors at any one time. This authority was further limited by the requirement that the need for such employment "is not of permanent duration." The pilot program terminates on December 31, 2005.

According to the BBG, this pilot program has been helpful in responding to the need to fill positions when a rapid increase in broadcasting is required. Therefore, the Committee makes this program permanent, with a cap of 100 contractors.

Section 506. Commonwealth of the Northern Mariana Islands Education Benefits.

This section authorizes expenditures of funds for the purpose of providing education allowances for dependents of Broadcasting Board of Governors personnel employed in the Northern Mariana Islands.

TITLE VI—ADVANCE DEMOCRACY ACT OF 2005

The ADVANCE Democracy Act of 2005, which was originally introduced as H.R. 1133 by Representatives Frank Wolf and Tom Lantos, establishes in law a framework to strengthen and institutionalize the promotion of democracy within the State Department. The Committee believes that, while there are a number of talented and dedicated career State Department officials who focus their talents and energy on democracy promotion, these efforts could be strengthened. The Committee applauds Secretary Rice for her forthright and compelling statements regarding the need for our friends and adversaries alike to increase their efforts at democracy,

and this section is intended to create incentives and training necessary to more deeply ingrain these policies into the fabric of the Department of State.

Section 601. Short Title.

This section states that the act may be referred to as the, “Advance Democratic Values, Address Non-democratic Countries and Enhance Democracy Act of 2005,” or the “ADVANCE Democracy Act of 2005.”

Section 602. Findings.

This section contains congressional findings describing the need to promote democracy throughout the world. The Committee notes that democracy is increasingly seen as a key part of the international system as reflected by the unanimous vote at the United Nations Commission on Human Rights affirming the right to democracy as a human right. Beginning in 2002, Congress began trying to focus the Department of State increasingly on being more active in furthering this trend in the Freedom Investment Act of 2002.

Over the past three decades, the number of fully democratic countries has more than doubled, from 41 to 89, while the number of countries governed by a dictator or a totalitarian government has decreased by 37 percent, often as a result of nonviolent resistance by the peoples of such countries, aided by support from democratic countries. According to the annual *Freedom in the World* report published by Freedom House (an annual comparative assessment of the state of political rights and civil liberties in 192 countries and 18 related and disputed territories), 75 percent of the population of the world currently lives in countries categorized as “entirely free” or “partly free,” as opposed to only 57 percent in 1973. These changes have been achieved in part through sustained and comprehensive efforts by democratic countries, including the United States and the democratic countries of Europe, to support dissidents and democracy activists in non-democratic countries. The findings note that the promotion of universal democracy constitutes a long-term challenge that does not always lead to an immediate transition to full democracy but, through a dedicated and integrated approach, it can achieve universal democracy.

Section 603. Statement of Policy.

This section declares that it is United States policy: To promote freedom and democracy and to affirm fundamental freedoms and human rights throughout the world as fundamental components of United States foreign policy; to provide support to nongovernmental organizations, individuals and movements living in non-democratic countries that aspire to live in freedom; to provide political, economic, and other support to foreign countries that are undertaking a transition to democracy; and to strengthen alliances with other democratic countries in order to better promote and defend shared values and ideals.

Section 604. Definitions.

This section provides definitions for use in the act.

SUBTITLE A—DEPARTMENT OF STATE ACTIVITIES

Subtitle A ensures that Department of State activities and officers promote freedom and democracy throughout the world as a fundamental objective of United States foreign policy by seeking to end dictatorial and other nondemocratic forms of governance in foreign countries through peaceful methods.

Section 611. Promotion of Democracy in Foreign Countries.

Subsection (a) amends the State Department Basic Authorities Act by codifying the position of Under Secretary of State for Global Affairs, who shall have the primary responsibility of formulating and implementing United States policies and activities relating to the transition to and development of democracy in nondemocratic countries, as well as continuing to coordinate United States policy on global issues. Subsection (b) enhances the duties of the Assistant Secretary of State for Democracy, Human Rights, and Labor in democracy promotion. Subsection (c) requires that there be an office responsible for working with democratic movements and facilitating the transition of countries to democracy, which should be supervised by a new deputy assistant secretary, with the role of assisting individuals and movements committed to promoting democracy. The office would provide political support and facilitate the funding of nongovernmental organizations that promote democratic principles, practices and values; foster relationships between such organizations, individuals and movements with the government of the country and other governments interested in promoting democracy; communicate with leaders and other senior government officials regarding the respect for liberty democracy and freedom; and communicate with opposition political parties in nondemocratic countries.

This subsection also creates a pilot program to create two Regional Democracy Hubs and to increase the number of Foreign Service Officers assigned to the Bureau of Democracy, Human Rights, and Labor so that such individuals represent 50 percent of the employees assigned to the Bureau. With respect to the Regional Hubs, the Committee intends that each Hub would be a separate section within the Embassy, with the Director serving as a member of the Country Team in the country in which the Hub is located and reporting to the Ambassador in that country. The Hubs should have separate budgetary resources from other sections, sufficient to advance the democracy promotion mandate. However, Hub employees would also work in cooperation with the Ambassadors and Embassy staff from nondemocratic countries in the region to assist those missions in their efforts at the promotion of democracy. The Committee does not intend that the Hub and its employees have the primary responsibility for democracy promotion. Rather, that responsibility must be vested in the Ambassador and staff in each country. The Hubs can be a focal point for innovation, assist in stimulating the thinking and action of the individual missions and, in other countries in the region, serve as a visiting country team member to help devise and implement regional approaches to promoting democracy in individual countries.

Section 612. Reports.

Subsection (a) directs the Secretary of State to prepare an *Annual Report on Democracy* that will designate foreign countries as “nondemocratic” or as “democratic transition countries (because such a country is in an early stage of transition to democracy), as determined by reference to principles and rights delineated in the Universal Declaration of Human Rights, the United Nations Charter, and other respected documents. The report will include a short narrative for each foreign country designated, and for those nations designated “nondemocratic,” the *Annual Report on Democracy* will include a strategy to promote and achieve a transition to democracy and any actions to promote such a transition. The provision also contains criteria that, if not met, will require a designation as “nondemocratic.”

The report required by subsection (a) is one of the central elements of the ADVANCE Democracy Act. The Committee intends that the Department provide a forward-looking strategy on how the U.S. Government intends to promote democracy in countries designated as nondemocratic in the report. The Committee believes that, particularly with respect to countries with which the United States has other strong national security interests, the promotion of democracy sometimes is suppressed at key moments where opportunities for a democratic deepening exist. By taking elements of democracy promotion from the Department’s mission program plan, as enhanced by section 917 of the act, and placing it in context, Congress will be able to exercise better oversight as to how the U.S. Government intends to develop both short-term and long-term actions to promote democracies. As provided in section 914, this information can be combined with the *Support for Human Rights and Democracies (SHRD) Report*, originally required by the Freedom Investment Act of 2002.

The Committee believes that the Department should have two key human rights reports relating to democracy and universal human rights. The first, the annual *Country Reports on Human Rights Practices*, will be an official description of the conditions in a country, developed in a nonpolitical and factual manner; the second, the *Annual Report on Democracy*, combined with the SHRD Report, should briefly describe the current status or situation of human rights and democracy movements, the strategy to address the situation, programs supported by the U.S. Government to address the situation, and the effectiveness of those programs. The description should include what the U.S. Government has done, as well as future goals. It is also essential for the report to specify how the U.S. Government-supported programs are intended to effect the specific situation(s) described in the initial country narrative. The flaw in the current SHRD Report is that it represents a catalogue of the activities that the Department has done and does not set forth the Department’s strategy and implementation plans, nor in some instances does it link how specific U.S. Government-supported programs address certain serious human rights violations. Understanding that this information may be sensitive, this provision allows the Secretary to put as much of this information as necessary in a classified annex to the report.

Subsection (b) provides for a one-time report on the training program designed by the State Department regarding democracy promotion.

Section 613. Strategies to Enhance the Promotion of Democracy in Foreign Countries.

Subsection (a) provides that the Under Secretary for Democracy and Global Affairs should convene annual working groups on each country designated as nondemocratic to review progress on the U.S. action plan for facilitating a transition to democracy in that country. Subsection (b) also provides that the Undersecretary should convene working groups on the transition of “partly” democratic countries to “fully” democratic countries that were designated as nondemocratic countries in previous reports. Subsection (c) identifies that these working groups should have interagency representation. Subsection (d) directs the chief of mission for each country designated as nondemocratic to meet with the Under Secretary of Democracy and Global Affairs at least once each year to discuss the transition to democracy in such country.

Section 614. Activities by the United States to Promote Democracy and Human Rights in Foreign Countries.

Subsection (a) amends the Freedom Investment Act of 2002 to include a provision directing chiefs of mission in countries designated as nondemocratic in the most recent *Annual Report on Democracy* to have at least one political officer whose primary responsibility is monitoring human rights developments and promoting democracy in such country. It also enables the Secretary of State to include in the *Annual Report on Democracy* information required under the Freedom Investment Act of 2002 (relating to reports on actions taken by the United States to encourage respect for human rights) so as to create one strategy report relating to both the promotion of democracy and the elimination of severe human rights abuses. Subsection (b) changes the requirements of the report on eliminating severe human rights abuses to include a list of priorities and an action plan to eliminate these abuses. As indicated above, it also allows the combination of the SHRD Report and the *Annual Report on Democracy*.

Section 615. Democracy Promotion and Human Rights Advisory Board.

This section creates a bipartisan Democracy Promotion Advisory Board whose purpose is to advise and provide recommendations on United States policies regarding the promotion of democracy and the establishment of universal democracy. It requires the Board to conduct a study of U.S. democracy assistance within 18 months of the enactment of the report and sunsets the Board 6 months thereafter, although the Secretary can extend the life of the Board for an additional 5 years.

The Committee recognizes that some nongovernmental entities and some officials within the Administration would like to see reform of the manner in which the United States delivers assistance overseas to promote democracy and good governance. The study is intended to provide information to the Administration and the Congress on how to make this assistance more effective and to focus

U.S. assistance efforts on nondemocratic countries and countries in the early phases of a transition to democracy. The study is also intended to review whether U.S. international broadcasting services can be better used to reach out to populations in foreign countries.

Section 616. Establishment and Maintenance of Internet Site for Global Democracy and Human Rights.

This section directs the Secretary of State to establish and maintain an Internet site for global democracy to facilitate access by individuals and nongovernmental organizations in foreign countries to documents and other media regarding democratic principles, practices, and values, the promotion and strengthening of democracy, and the injustices of living in a nondemocratic country. This Web site is intended to be an address where democracy activists from around the world can obtain information on conditions in their country in their own language, materials on successful democracy movements and tactics for peaceful democratic change, and links to groups around the world that engage in similar struggles for freedom. The Web site should also include parts of other relevant human rights reports, including translations where appropriate, such as the annual *Country Reports on Human Rights Practices*, the annual *Religious Freedom Report*, and the annual *Report on Trafficking in Persons*.

Section 617. Programs by United States Missions in Foreign Countries and Activities of Chiefs of Mission.

Subsection (a) directs the chief of mission in each country designated as nondemocratic to develop a strategy to promote democracy in the country and to provide material and visible support to nongovernmental organizations, individuals and movements in that country that are committed to democratic principles, practices, and values. Subsection (b) encourages chiefs of missions and principal officers to spend substantial amount of time at universities and other institutions of higher learning for the purpose of communicating, promoting, and defending U.S. values, purposes and policies related to promotion of democracy. Subsection (c) authorizes and encourages access by foreign nationals to the premises of United States diplomatic missions in countries categorized by the most recent *Annual Report on Democracy* as either a “democratic transition country” or as “nondemocratic.”

Section 618. Training for Foreign Service Officers.

Subsection (a) mandates enhanced training in how to strengthen and promote democracy for members of the Foreign Service having responsibility for internal political developments and human rights in foreign countries. The Committee believes that in order to effectively implement the strategies developed in accordance with this title, the Department must have increased emphasis on training for the Foreign Service. Training should include: (1) ways to promote democracy in a nondemocratic country including building relationships and consulting with individuals and nongovernmental organizations in such country that support democratic principles, practices, and values; (2) providing technical, financial, and other support to individuals (including expatriated citizens) and nongovernmental organizations in such country that support democratic prin-

ciples, practices, and values; (3) instruction on the importance of visiting local landmarks and other local sites associated with non-violent protest to demonstrate U.S. support of democracy and freedom from oppression; (4) conducting discussions with the leaders of such country regarding a transition to full democracy, political, social, and economic freedoms, United States policy to promote democracy in foreign countries, and the possibility that such leaders might voluntarily cede power; (5) conducting discussions with the students and young people of such country regarding a transition to full democracy, and political, social, and economic freedoms, and United States policy to promote democracy in foreign countries; (6) the methods of nonviolent action and the most effective manner to share such information with individuals and nongovernmental organizations in such country that support democratic principles, practices, and values; and (7) the investigation and documentation of violations of internationally-recognized human rights in coordination with nongovernmental human rights organizations, violations of religious freedom, including particularly severe violations of religious freedom (as such terms are defined in paragraphs (11) and (13) of section 3 of the International Religious Freedom Act of 1998 (22 U.S.C. 6402)), political repression, and government-tolerated or condoned trafficking in persons that occur in such country.

Subsection (b) authorizes this training for members of the Civil Service having similar responsibilities. Subsection (c) authorizes appropriations as may be necessary to develop appropriate programs and materials necessary to accomplish the mandatory training. Subsection (d) makes clerical amendments to the Foreign Service Act of 1980.

Section 619. Performance Pay; Promotions; Foreign Service Awards.

Subsection (a) enables meritorious or distinguished service in the promotion of democracy in foreign countries to be a basis for awarding performance pay to Foreign Service Officers. Subsection (b) makes evaluation of an officer's promotion of democracy in foreign countries a basis for promotion in the Foreign Service. Subsection (c) requires the Secretary shall prescribe regulations regarding the implementation of subsections (a) and (b). Subsection (d) authorizes Foreign Service awards in the instance of distinguished or meritorious service in the promotion of democracy, including contact with and support of individuals and nongovernmental organizations that promote democracy in countries designated as nondemocratic in the most recent *Annual Report on Democracy*.

Section 620. Appointments.

Subsection (a) requires the President, in the event of appointing a representative of the United States in a country designated "nondemocratic," to report to the Senate Foreign Relations Committee what actions that individual took during the period of prior service as Chief of Mission to promote democracy in that country. Subsection (b) requires that Chiefs of Mission assigned to countries designated nondemocratic should possess clearly demonstrated competence in and commitment to the promotion of democracy in that country, including competence in promoting democracy to students and young people.

SUBTITLE B—ALLIANCES WITH OTHER DEMOCRATIC COUNTRIES

Subtitle B recognizes that the United States' efforts to strengthen and promote democracy in nondemocratic countries are best conducted in cooperation with other democratic countries.

Section 631. Alliances with Other Democratic Countries.

Subsection (a) expresses congressional findings that it is in the national security interest of the United States to forge alliances with democratic countries to promote democracy and protect fundamental freedoms around the world. Subsection (b) establishes the purposes of Title II as encouraging cooperation between democratic countries through new ways of forging alliances with democratic countries that promote and protect democratic principles, practices, and values. Subsection (c) authorizes the President to take such actions as necessary to establish alliances with other countries to achieve the purposes described in subsection (b). Subsection (d) expresses the sense of Congress that any foreign country designated as nondemocratic in the most recent *Annual Report on Democracy* should not participate in any alliance of democratic countries.

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

Subsection (a) expresses that it is the sense of Congress to endorse the findings in the Intelligence Reform and Terrorism Prevention Act of 2004, of the importance of promoting democracy caucuses in international organizations and the purposes of such caucuses. Subsection (b) expresses that it is the sense of Congress that the creation of a Democracy Caucus will not only improve internal governance but will also strengthen the implementation of commitments regarding democracy and human rights at such organizations.

Section 633. Annual Diplomatic Missions on Multilateral Issues.

This section declares that the Secretary of State should send a high-level delegation from the United States on an annual basis to consult with key foreign governments in every region to promote United States policies, particularly issues relating to human rights, at key international institutions such as the United Nations.

Section 634. Strengthening the Community of Democracies.

Subsection (a) expresses the sense of Congress that the Community of Democracies should establish a more formal mechanism for carrying out work between ministerial meetings, including hiring appropriate staff and establishing a headquarters. Subsection (b) authorizes the Secretary to detail personnel to any country that is a member of the Convening Group of the Community of Democracies. This provision is intended to allow the United States Government to increase the capacity of any member of the Convening Group that is involved in organizing or participating in the ministerial. The Committee encourages the Department to detail personnel to the Government of Mali to help facilitate the next ministerial scheduled for Bamako, Mali in 2007. Subsection (c) expresses the sense of Congress that regional groups within the Community of Democracies should be strengthened. Subsection (d)

urges the President to assist Hungary and other European countries to establish a Democracy Transition Center, including providing grants or voluntary contributions to develop, adopt, and pursue programs and campaigns to promote the peaceful transition to democracy in non-democratic countries. It also authorizes \$3,000,000 over 3 fiscal years toward the assessment of the United States for the establishment of the Democracy Transition Center.

SUBTITLE C—FUNDING FOR PROMOTION OF DEMOCRACY

Subtitle C authorizes appropriations to nongovernmental organizations and individuals working to transition nondemocratic countries to democracy.

Section 641. Policy.

This section makes it the policy of the United States to provide financial assistance to qualified nongovernmental organizations and individuals for the purpose of promoting democracy in countries categorized as nondemocratic in the most recent *Annual Report on Democracy*.

Section 642. Human Rights and Democracy Fund.

This section states the purpose of the Human Rights and Democracy Fund (HRDF), established pursuant to the Freedom Investment Act of 2002, and provides critical support for unique projects that promote democracy and human rights in foreign countries of strategic significance to the United States. Subsection (a) expands and enhances the purposes for which funds appropriated to the HRDF can be used. In the Committee's view, the HRDF can be a wide-ranging and influential tool for promoting democracy that can provide innovative approaches that can be picked up by mainstream assistance programs. The Committee believes that the purposes enumerated in the Freedom Investment Act of 2002 and this act are illustrative, and other uses could include: 1) publication and distribution of books, creation and distribution of media (including unbiased news programming), and educational programming about successful democratic movements; 2) translation of relevant programming into the languages spoken in nondemocratic countries; 3) promotion of pluralism within nondemocratic countries, including education programs for leaders and members of democratic movements; 4) the promotion of the rule-of-law and the protection of minorities; 5) the creation of educational programs on non-violent change for leaders and members of democratic movements; 6) creation of programs for student groups to work with citizens of nondemocratic countries to promote a transition to democracy; 7) production and distribution of materials promoting and celebrating democracy, and the equipment needed to produce such materials; 8) cultural exchanges between citizens of nondemocratic countries and the United States; 9) creation of projects to strengthen the parliaments and parliamentary staff in partly democratic countries; 10) creation of programs to ensure transparency and accountability for government revenues and expenditures; 11) creation of training programs for citizens of such countries concerning international legal obligations to support democracy and human rights; and 12) other activities relevant to promoting democracy.

Subsection (b) provides amendments to the Freedom Investment Act of 2002 creating the Human Rights and Democracy Fund to add as a purpose of that fund the support of the study of democracy, including support for debates and discussions at academic institutions regarding the values and benefits of democracy. Subsection (c) authorizes funds from the Human Rights and Democracy Fund to be made to qualified nongovernmental organizations and individuals in foreign countries notwithstanding any other provision of law. Subsection (d) requires the Assistant Secretary of State for Democracy, Human Rights, and Labor to submit at the end of each fiscal year to the appropriate Congressional Committees an annual report on the status of the Human Rights and Democracy Fund, which includes: An identification of each organization or individual receiving assistance; a summary of the activities of each recipient; an account of projects funded and outside contributions received; and a balance sheet of income and outlays. Subsection (e) authorizes appropriations to the Human Rights and Democracy Fund of \$50,000,000 for fiscal year 2006 and \$60,000,000 for fiscal year 2007.

SUBTITLE D—PRESIDENTIAL ACTIONS

This part of Title VI authorizes the President to take significant actions against countries designated as nondemocratic in the most recent *Annual Report on Democracy*.

Section 651. Investigation of Violations of International Humanitarian Law.

This section requires the President to collect information regarding incidents that may constitute crimes against humanity and report annually to the appropriate Congressional Committees any information collected. It requires that the President consider what actions he can take to hold such individuals accountable.

Section 652. Presidential Communications.

Subsection (a) contains congressional findings that direct communications from the President to citizens in nondemocratic countries are extremely beneficial in demonstrating that the United States supports such citizens. Subsection (b) expresses the sense of Congress that, from time to time, the President should broadcast a message to the citizens of countries categorized as nondemocratic in the most recent *Annual Report on Democracy*, to express the support of the United States for citizens promoting democracy and to encourage leaders from other democratic countries to do the same.

TITLE VII. STRATEGIC EXPORT CONTROL AND SECURITY ASSISTANCE ACT OF 2005

SUBTITLE A—GENERAL PROVISIONS

Section 701. Short Title.

This section provides that Title VII may be cited as the “Strategic Export Control and Security Assistance Act of 2005.”

Section 702. Definitions.

This section sets forth certain definitions of terms commonly used throughout Title VII, terms which are generally well-established in the Arms Export Control Act, the Export Administration Act or the regulations implementing these respective statutes (i.e., the Department of State's International Traffic in Arms Regulations or the Department of Commerce's Export Administration Regulations).

Section 703. Declaration of Policy.

This section sets forth several policy goals with respect to United States strategic export controls: The need for a comprehensive review of the United States strategic export controls (i.e., arms and dual-use) to ensure they are properly updated and oriented toward the global war on terrorism and other threats to United States security; the need for reliable and efficient service to the United States business community in support of its legitimate exports to United States friends and allies; and the need to resolve overlapping and duplicative functions among the responsible agencies, such that they are properly integrated with one another or consolidated, where appropriate.

SUBTITLE B—REVISING AND STRENGTHENING STRATEGIC EXPORT
CONTROL POLICIES

Section 711. Amendments to the State Department Basic Authorities Act of 1956.

This section amends Section 1(b)(2) of the State Department Basic Authorities Act of 1956 in three ways. The first is to specify certain responsibilities of the Under Secretary for Arms Control and International Security related to coordinating United States strategic export control policy and chairing the inter-agency Strategic Export Control Board which would be established under section 712 of this subtitle. Second, a position of Deputy Under Secretary for Strategic Export Control would be established in order to assist the Under Secretary (a position which is already heavily burdened with substantial national security responsibilities) in the more vigorous policy development and execution of strategic export control policy envisaged in this subtitle. A Deputy Under Secretary position will also help ensure that arms and dual-use export control policies and procedures are properly integrated with United States nonproliferation and counterterrorism policy, and that the Department of State has the necessary senior positions on a par with the Department of Defense (which already has a Deputy Under Secretary position essentially dedicated to export control matters) and the Department of Commerce (which has long had Under Secretary and Deputy Under Secretary positions dedicated to export control). Third, the use of defense trade registration fees would be authorized to offset costs associated with the work of the Strategic Export Control Board.

Section 712. Strategic Export Control Board.

This section establishes a Strategic Export Control Board under the chairmanship of the Department of State's Under Secretary for Arms Control and International Security. The Board would be com-

prised of representatives of other Departments having export control policy or licensing responsibilities (such as Defense and Commerce) or related duties and jurisdiction for enforcement matters (such as the intelligence community, and the Departments of Justice and Homeland Security). Other agencies would also participate, as deemed appropriate.

Following considerable review of various export control issues in the 108th Congress, and in the wake of two highly critical reports by the Government Accountability Office, the Committee is concerned that the United States Government system for strategic export controls is, in fact, no longer a “system” in the sense of various components integrated and interacting with one another harmoniously for a common purpose. The Committee is persuaded that the policy declarations set forth in section 703, along with a senior level re-examination, rationalization and, where appropriate, reordering of the programs and priorities which comprise this system—several of which are noted in section 712(b)—now need to move front and center in the Executive Branch’s approach to strategic export control policy development and execution. The Committee is seeking to establish, at an early date, a high degree of confidence that important United States interests with respect to sensitive exports are being safeguarded in the global war on terrorism and that this area of national security policy is being thoughtfully and fully integrated into United States counterterrorism and non-proliferation policy.

Comprehensive Review of Threats. The Committee believes there needs to be a top-to-bottom review of current and future threats to the security of U.S. weapons and related technology that are sold or transferred to foreign persons. The Chairman and Ranking Member of the Committee have repeatedly raised doubts about the wisdom of policies and initiatives to relax controls over these items. These policies were put in place before 9/11. Many of these concerns were detailed in the Committee’s May 1, 2004, report, “U.S. Weapons Technology at Risk: The State Department’s Proposal to Relax Arms Export Controls to Other Countries.” The Committee remains extremely dubious of State Department proposals to exempt many terrorist weapons of choice, such as shoulder-fired missiles and military explosives, from U.S. Government export license requirements. The Committee is similarly concerned with State Department proposals to decontrol certain military aircraft and the supply of parts for those aircraft, particularly in light of strong objections from United States law enforcement agencies, as documented in GAO’s report, “Arms Export Control System in the Post-9/11 Environment” (February 16, 2005, GAO-05-234). The Committee believes such proposals will only impair the U.S. Government’s ability to respond to current and future threats to United States national security. In this respect, the Committee has also noted the report of the National Intelligence Council’s 2020 Project, “Mapping the Global Future,” December 2004, which foresees, in part, the possibility that the terrorist threat will become increasingly decentralized whereby training materials, targeting guidance, and weapons knowledge will increasingly become virtual or online; most terrorist attacks will continue to primarily employ conventional weapons; terrorists will likely move up the technology ladder to employ advanced explosives and unmanned aerial vehicles; ter-

rorist use of biological agents is likely, and the range of options will grow; and terrorists will try to acquire and develop the capabilities to conduct cyber attacks for the purpose of causing physical damage to computer systems that control critical industrial processes. The Committee has noted additionally that, in contrast to virtually every other area of the Executive Branch concerned with national security policy—intelligence reform, nonproliferation policy, consolidation of homeland security functions, transformation of the armed forces, etc.—there has not been any significant change to United States strategic export control policies and programs since 9/11. At the request of the Chairman of the Committee, the Government Accountability Office (GAO) conducted an extensive analysis of the status of the State-administered arms export control system since 9/11. GAO concluded that: (1) the Department of State has not made significant changes to the arms export control system since the terrorist attacks of September 2001, based on a view—unsubstantiated by any prior examination by the State Department—that such changes are not needed; and (2) the Department of State’s view is not based on any systematic assessment of the effectiveness of controls. (“Arms Export Control Vulnerabilities and Inefficiencies in the Post-9/11 Security Environment,” April 7, 2005, GAO-05-468R).

Resolving Vulnerabilities. While the Department of State has not conducted any systematic assessment of its controls, GAO has, documenting numerous vulnerabilities, risks and inefficiencies. GAO’s findings on this matter are summarized in a second report to the Chairman of the Committee, dated April 7, 2005, “Arms Export Control Vulnerabilities and Inefficiencies in the Post-9/11 Security Environment” (GAO-05-468R). The Committee is concerned that the scale of vulnerabilities identified by GAO appears to implicate numerous critical areas of United States strategic export controls, including: (a) a lack of clear jurisdiction, transparency and improper decisions regarding jurisdiction in sensitive areas, such as missile and night vision technology, creating risks that weapons technology may be exported without United States Government review and control; (b) weaknesses in the Executive Branch’s ability to confirm receipt and proper use of weapons exported through the Foreign Military Sales program (“Actions Needed to Provide Better Control over Exported Defense Articles” GAO 03-599), a June 2003 report to the Chairman of the Committee which has not been made publicly available due to Executive Branch concerns that its disclosure could adversely affect U.S. national security interests; (c) continued emphasis on license exemptions and other streamlining measures, although unlicensed exports are more easily diverted to unlawful use, complicate investigations, hamper prosecutions and, for these reasons, are generally opposed by United States law enforcement officials; and (d) failure of the pre-9/11 streamlining initiatives on their own terms to result in any process improvements, as reflected in (1) substantial rises in processing times for legitimate exports since 2003; and (2) unacceptable delays in processing urgent exports in support of United States-led coalition operations in Iraq and Afghanistan.

U.S. Military Technological Superiority. The Committee notes that the first duty of the United States system for strategic export controls is to ensure the current and future military superiority of

United States Armed Forces. The Committee is concerned with the potential implications of various findings of GAO indicating that consistent standards and safeguards are not comprehensively applied with respect to technology critical to United States military superiority, such as night vision, missiles, low observable/counter low observable and other technologies. The Committee believes the Board must establish a high level of confidence in the procedures and safeguards related to export of such technology, as identified by the Secretary of Defense. The Committee also believes the United States should develop an aggressive strategy for the use of new and emerging technologies, such as tamper-resistant security software, anti-tamper technologies for hardware, and new “tagging” and monitoring technologies that can help provide increased confidence relative to advanced weapons technologies.

Information Assurance Standards. The Committee is concerned that the responsible agencies have not provided the necessary guidance to United States defense firms or to United States friends and allies concerning an adequate level of protection for Internet-based networks, such as virtual private networks, which are increasingly utilized as the medium for a wide range of technical interactions between U.S. defense firms and their foreign partners, including for the transfer of design information about future U.S. weapons systems still in development. The Committee notes GAO’s findings of numerous violations associated with at least one major U.S. R&D program, including violations related to potentially very sensitive areas, such as Low Observable/Counter Low Observable technology (GAO-05-234).

Delivery Verification and Confirmation. The Committee is concerned that the maintenance by the Departments of State, Defense and Commerce of separate, uncoordinated end-use monitoring programs, which only cover a small fraction of all weapons and related technology exported from the United States each year, are not taking full advantage of technological advances which many private carriers and the United States Postal Service have established to provide worldwide delivery confirmation of their shipments, in most instances, within 48 hours. The Committee believes the Board should explore a partnership with private industry and with United States friends and allies to establish a global Internet-based system for sensitive trade that could enhance confidence for the majority of shipments and help deter and detect attempts to divert sensitive shipments to unauthorized persons and countries.

Standards of Service for United States Business. The Committee agrees with the view expressed by the Committee on Appropriations in House Report 109-118 concerning the Science, State, Justice, Commerce and Related Agencies Appropriations Bill, Fiscal Year 2006, that American industry is being hampered in the international marketplace by the lack of a clear-cut, well-understood and responsive export control policy. Moreover, the Committee is concerned that the United States cannot sustain the necessary commitments and support from United States business organizations for a stringent system of export controls over weapons and related technology if their interests in helping to meet the defense needs of United States friends and allies are harmed through protracted delays in approving licenses for legitimate exports. In this respect, the Committee is particularly troubled by the steady and

inexplicable rise in license processing times for the majority of cases at the Department of State since 2003, as documented extensively by GAO (GAO-05-234). The Committee is also concerned that this development can only undermine the United States' interest in persuading other countries to strengthen their controls over weapons and related technology and in enhancing the international system of multilateral export controls more generally.

The Committee commends the Department of Defense for the significant improvements it has made in reducing license review times in recent years, as documented by GAO, and notes that the overall 30-day goal established in section 712(b)(6) would already be within the Executive Branch's grasp had the State Department's overall processing times not deteriorated since 2003.

Organizational & Mission Responsibilities. The Committee notes that the basic organization for strategic export controls has not changed materially since the 1930s (in the case of arms export controls) and the 1950s (in the case of dual-use controls) when the United States faced different threats. The Committee takes no position at this time on whether this structure may also be the right one for the future. But, the Committee has noted numerous worrisome trends identified by GAO that raise serious questions about whether the Executive Branch system for strategic export controls is, in fact, a "system" in the commonly understood sense of various components integrated and interacting with one another harmoniously for a common purpose, and whether the current system is the one most capable of assuring United States security interests in the global war on terrorism.

Budget and Staffing Anomalies. The Committee notes GAO's findings that the Department of Commerce's FY 2003 export control budget at \$66 million is nearly two and one-half times the size of that of the Department of Defense (\$27 million) and nearly five times that of the Department of State (\$14 million), while the licensing workloads for the three agencies are arrayed in exactly the opposite order: State (54,700), Defense (29,700), Commerce (12,500). The President's budget seeks an additional \$10 million for the export control budget at the Department of Commerce in FY 2006. Similarly, the number of full-time export control employees for the three agencies appears equally disproportionate: Commerce (367); Defense (163); State (65).

Enforcement Anomalies. The Committee also notes that the Department of Commerce maintains a separate enforcement bureau comprised of approximately 100 special agents, though the Department of Homeland Security (formerly U.S. Customs Service) also has jurisdiction for dual-use violations. The Department of State has no cadre of criminal investigators for export control violations, but relies on the Department of Homeland Security for criminal investigations. There are currently no criminal or civil enforcement mechanisms for violations involving various forms of security assistance administered by the Department of Defense (other than for violations regarding classified information), which historically centered on activities carried out by officers and employees of governments, but which in recent years are increasingly carried out by private companies.

Integrated Computer Networks. Real-time access and sharing of information by the three main agencies with each other and with

United States law enforcement and intelligence agencies via secure computer networks is poor in some areas and non-existent in others. The Committee is concerned that even the minimal standards established in section 1403 of Public Law 107-228 (Foreign Relations Authorization Act, Fiscal Year 2003) for secure electronic inter-agency communications remain unmet and is troubled by the Department of State's disregard of the \$4,000,000 funding authorization in the same act for database automation, as documented by GAO (See GAO-05-234), even while the Department's computer modernization plans for defense trade have struggled to meet private industry expectations.

Section 712(c) would require the Comptroller General to monitor the functions of the Board in the preceding areas and others within its mandate, and to provide independent assessments to Congress on the progress the Board is making in these matters. The Committee would also expect to stay closely involved directly with the Under Secretary, the Deputy Under Secretary and other members of the Board through periodic hearings and briefings over the next several years.

Section 713. Authorization for Additional License and Compliance Officers.

This section provides that up to \$13 million shall be available for each of the fiscal years 2006 and 2007 for salaries and expenses related to the assignment of additional full-time license and compliance officers in the Department of State's Directorate of Defense Trade Controls, provided that none of the funds authorized may be made available until 15 days after the submission of a written report to the Committee under section 634A(a) of the Foreign Assistance Act detailing the Department's plans and timetable for measurable improvements in the quality and timeliness of the service it provides in support of United States Armed Forces abroad and routine exports by the U.S. business community, as well as enhanced compliance measures governing arms exports that are appropriate to the global war on terrorism. The Committee is requiring submission of a report under section 634A(a) in light of the findings of the Government Accountability Office (GAO-05-234) that additional resources authorized by section 1401 of Public Law 107-228 were not dedicated to licensing officer functions as intended by that authorization. The Committee has noted that the Department of State recently increased its schedule of fees for registration, which it is permitted to retain under the State Department Basic Authorities Act to offset the costs related to certain authorized activities, such as computer modernization and other automation needs and contract support. This section, however, concerns the critical mission functions of the Directorate of Defense Trade Controls carried out by munitions license and compliance officers which should continue to be supported from appropriated funds.

SUBTITLE C—PROCEDURES RELATING TO EXPORT LICENSES

Section 721. Transparency of Jurisdictional Determinations.

This section requires the Departments of State and Commerce to publish the results of their determinations concerning export jurisdiction in the Federal Register and on their Internet Web sites.

The information to be published would include a description of the item and whether it is included within the coverage of the United States Munitions List administered by the Department of State (and, if so, under which category) or, alternatively, whether the item is on the Commerce Control List (and, if so, under which export control classification number) or is otherwise subject to the Export Administration Regulations. Other information that may be appropriately protected from public disclosure on business confidentiality grounds (e.g., the name of the person making the request, customers, prices, contract values and the like) is not required to be disclosed. The Committee is concerned with the complete lack of transparency to the Congress and to the United States business community surrounding several hundred jurisdictional determinations made each year by the Department of State and several thousand such determinations made by the Department of Commerce each year. The Committee believes that the effectiveness of U.S. export controls is dependent, in the first instance, on knowledge by the exporting community of which items are controlled on which lists, and which are not controlled on either list.

Section 722. Certifications Relating to Export of Certain Defense Articles and Defense Services.

This section amends section 36(c) of the Arms Export Control Act to establish a procedure for the notification to Congress of so-called comprehensive export licenses, a relatively new licensing vehicle established by the previous administration in May 2000. Section 36 does not currently provide a basis for congressional oversight of this new form of license, which will provide the legal basis for exports involving very sensitive weapons technology, such as the Joint Strike Fighter (JSF) program. Recognizing the necessity of assuring that Congress' oversight role in this area is firmly established in law, the Department of State has also proposed an amendment to section 36, but recommends making the provision applicable to subsection (d) of that section. However, the Committee notes that section 36(d) concerns the manufacture abroad of significant military equipment, a matter that the Department previously informed Congress would not be within the scope of a comprehensive license for the JSF program. Similarly, section 27(g) of the act relating to notification of cooperative research and development agreements with other countries by the Department of Defense, such as the JSF program, provides "notwithstanding" authority with respect to the notification of associated export licenses under section 36(c), and not under section 36(d). For these reasons, the Committee believes the amendatory language is more appropriately directed to section 36(c).

Section 723. Priority for United States Military Operations.

This section directs the Department of State not to give preferential treatment in the processing of export licenses to licenses involving any defense trade "reform" initiatives over (e.g., ahead of) licenses needed for United States Armed Forces and allied forces participating in United States-led coalition operations. The extensive data analysis performed by the Government Accountability Office during its review of the Department of State's arms export control system documented: (1) protracted processing times for licenses

urgently needed in support of Operation Iraqi Freedom and Operation Enduring Freedom; and (2) equivalent or, in some instances, faster processing times for relatively routine cases, such as certain “reform” initiatives related to the Defense Trade Security Initiative (DTSI) of May 2000 concerning transatlantic defense industrial cooperation. For example, in a letter to the Chairman of the Committee dated June 8, 2005, GAO has reported median processing times during fiscal year 2003 of 6 days and 7 days for exports to France and Germany, respectively, of 21 licenses involving the so-called defense capabilities initiatives (one of the DTSI initiatives), while 15 licenses for exports to Canada in support of Operation Enduring Freedom in same time period had a median processing time of 17 days, or more than twice as long. Similarly, in a June 13, 2005 letter to the Chairman of the Committee, GAO identified export licenses for various shipments involving direct support to U.S. and allied armed forces in Iraq and Afghanistan, and other allied government recipients, such as the Coalition Provisional Authority, which generally required several weeks to process and, in some cases, even longer.

Section 724. License Officer Staffing and Workload.

This section requires the Department of State to include, in the quarterly report prepared for Congress under section 36(a), information on the number of officers assigned to munitions export licensing and their workloads, permitting the Committee to monitor more closely implementation of relevant provisions in the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107-228). The Committee is concerned that the Department of State’s processing times for munitions exports have deteriorated steadily over the past 2 years, while relevant provisions of that act intended to prevent such a development remain unimplemented nearly 3 years after enactment.

Section 725. Database of United States Military Assistance.

This section amends section 655 of the Foreign Assistance Act to require that the information on the quantities, types and value of United States Munitions List items transferred or licensed for export abroad by the United States for each foreign country, which are already available through the Internet from the Web sites of the Departments of State and Defense, should henceforth also be maintained in a database format that can be searched and queried by the general public.

Section 726. Training and Liaison for Small Businesses.

This section requires the Department of State office responsible for processing munitions export licenses to designate a coordinator for small business affairs in order to assist those small United States defense firms, which typically lack the legal and representational capabilities in Washington, DC of larger firms, in the intricacies of the State Department’s export license and registration procedures.

Section 727. Commercial Communications Satellite Technical Data.

This section requires the Secretary of State to establish an exemption from export licensing in the International Traffic in Arms

Regulations for certain technical data related to foreign sales marketing by United States persons of commercial communications satellites under certain conditions and on the basis of technical parameters for the exempted data to be established by the Secretary of Defense. The Committee has noted the State Department's proposal to establish such an exemption on the basis of requirements that would generally be determined by the foreign purchaser. The Committee favors flexibility in the licensing process in order to help ensure the competitiveness of United States satellite manufacturers, but believes that the responsibility for establishing technical requirements appropriately lies with the Secretary of Defense. The Committee would expect the Department of Defense to consult closely with interested United States firms in fashioning the technical parameters for such an exemption.

Section 728. Reporting Requirement for Unlicensed Exports.

This section amends section 655 of the Foreign Assistance Act to require the inclusion of information and greater transparency to Congress concerning the volume and types of defense articles being exported without a license. The Committee has noted the growing emphasis by the Department of State in recent years in the context of its export control reform agenda on the use of exemptions from export license requirements and is concerned that data about such unlicensed exports of weapons technology be reported to Congress, along with data for licensed exports already reported under section 655.

SUBTITLE D—TERRORIST-RELATED PROVISIONS AND ENFORCEMENT
MATTERS

Section 731. Sensitive Technology Transfers to Foreign Persons Located Within the United States.

This section requires the Secretary of State to provide an annual report to Congress, in consultation with the Attorney General and the Secretary of Homeland Security, on certain sensitive items warranting scrutiny through the license procedure before a transfer to a foreign person may take place in the United States in order to deter illegal acquisition efforts by foreign persons for terrorist or other unlawful purposes. Henceforth, the President would require a license for any United States Munitions List items specified in that report under longstanding authority provided in section 38(g)(6) of the Arms Export Control Act. The State Department's current list of such items requiring a license under section 38(g)(6) covers only naval vessels, aircraft, satellites and technical data, and has not been revised since 9/11 to include consideration of whether this requirement should be expanded to include defense articles presenting particular threats in the war on terrorism, such as shoulder-fired missiles, military explosives, biological weapons and other dangerous items. Similarly, the President would be authorized (but not required) to impose a license requirement in the case of any sensitive dual-use items so specified. During the 108th Congress, the House agreed to a nearly identical provision applicable to the Department of State in section 1102 of H.R. 1950 (Foreign Relations Authorization Act, Fiscal Years 2004 and 2005),

which was passed by a recorded vote (382–42) on July 16, 2003, but not enacted.

Section 732. Certification Concerning Exempt Weapons Transfers Along the Northern Border of the United States.

This section requires the Secretary of State to submit a written report, in consultation with the Secretary of Homeland Security, within 6 months of enactment of this act, and annually thereafter, in which two certifications are required: (1) that there is no national security risk arising from an exemption in the International Traffic in Arms Regulations (ITAR) permitting any foreign person to bring any unclassified weapons temporarily into the United States from Canada without prior United States Government review and approval through a State Department temporary import license; and (2) that the Department of State is providing the guidance necessary for Department of Homeland Security Customs and Border Protection personnel to detect and enforce unlawful use of a license exemption permitting unlicensed weapons exports to Canada.

Temporary Imports of Weapons Technology. The Department of State has responsibility for controlling the temporary import of any item on the United States Munitions List. The Committee is concerned that the Department of State's regulations (i.e., the ITAR at section 126.5(a) (22 CFR § 126.5(a)) provide an unqualified exemption for *any* foreign person to import temporarily into the United States from Canada *any* unclassified weapons system, munitions or other military system or equipment. It is estimated that upward of 99 percent of all weapons controlled under ITAR are unclassified. The Committee has noted that, following the arrest of Ahmed Ressam (the so-called "millennium bomber") who entered the United States from Canada with a carload of explosives destined for targets in Los Angeles, the Department of State published an amendment to the ITAR effective May 30, 2001, (66 FR 10575) affecting permanent and temporary exports to Canada, but left unchanged those provisions in the regulations permitting unlicensed temporary weapons imports from Canada and they continue unchanged to the present day. The Chairman of the Committee drew attention to this matter on April 7, 2005, in a statement accompanying public release of GAO's report detailing weaknesses in United States weapons control policy since 9/11. The Committee expects the Secretary of State to consult with the Secretary of Homeland Security expeditiously in order to restrict use of the unlicensed temporary import exemption to those agencies of the Canadian Government, their authorized representatives and other persons having *bona fide* requirements in this area, and to restrict additionally the categories of weapons eligible for such license-free temporary import by excluding those presenting a particular threat to the national security interests of the United States, such as shoulder-fired missile systems and weapons of mass destruction.

Permanent and Temporary Exports of Weapons Technology. The House Committee on International Relations noted in the Committee's report of May 1, 2004, "U.S. Weapons Technology at Risk: The State Department's Proposal to Relax Arms Export Controls to Other Countries" that the exemption from license requirements for weapons transfers to Canada had spawned the establishment in

that country during the 1990s of illegal arms acquisition networks by a “who’s who” of rogue governments. In response to this development, the Department of State implemented a revised exemption procedure with Canadian authorities, effective May 30, 2001 (66 FR 10575). GAO conducted an assessment shortly thereafter (“Lessons to be Learned from the Country Export Exemption,” March 29, 2002, GAO-02-63) and found that the State Department had provided inconsistent answers to exporters and U.S. Customs Service officials when questions were raised about the revised exemption’s use. GAO recommended that State provide guidance to U.S. Customs to ensure proper enforcement of the exemption along the northern border and to work with the Justice Department and U.S. Customs to assess lessons learned from past diversions of U.S. weapons technology through unlawful use of the exemption. However, GAO recently informed the Chairman of the Committee that, more than 3 years later, the State Department has not implemented these recommendations. GAO also pointed out in a related report (GAO-05-234), that there are currently fewer Customs and Border Patrol Personnel available for inspection of “outbound” shipments of weapons technology than there are ports of exit in the United States, due in part to the increased emphasis since 9/11 that the Department of Homeland Security has properly accorded to preventing illegal shipments into the United States. Therefore, the long awaited guidance from State on the Canadian exemption procedures has become even more urgent. The Committee expects the Secretary of State to provide the necessary guidance to the Secretary of Homeland Security on an urgent basis, and to ensure that this guidance is kept up-to-date.

Section 733. Comprehensive Nature of United States Arms Embargoes.

This section amends Section 38 of the Arms Export Control Act to require that United States Munitions List items under the State Department’s jurisdiction and dual-use goods and technology subject to the Commerce Department’s jurisdiction under the Export Administration Regulations may only be transferred to the military, intelligence or other security forces of a country to which the United States prohibits arms sales through issuance of an export license in which the Secretaries of Defense and State concur. A report to Congress on implementing actions would also be required within 120 days of enactment. Section 1105 of H.R. 1950 (agreed to by the House during the 108th Congress) contained a nearly identical provision. Currently, the United States prohibits arms sales to Afghanistan (except for governmental authorities), Belarus, Burma (Myanmar), China, Cote d’Ivoire, Cuba, Cyprus (except for U.N. forces and civilian end use), Democratic Republic of Congo (except for certain governmental authorities), Haiti (except for certain governmental authorities), Indonesia (except for “non-lethal” items), Iran, Iraq (except for certain governmental authorities and private security), Liberia, Libya, North Korea, Rwanda (except for governmental authorities), Somalia, Sudan, Syria, Vietnam, Yemen (except for “non-lethal” items) and Zimbabwe.

Section 734. Control of Items on Missile Technology Control Regime Annex.

This section requires an annual certification by the Secretary of State to ensure that United States missile technology export controls are clearly established and kept up-to-date. A GAO report of October 9, 2001 (GAO-02-120) documented ambiguous export control jurisdiction affecting a large portion (25 percent) of all missile-related items controlled on the Missile Technology Control Regime (“MTCR”) and the continued absence of license requirements for many MTCR dual-use items when exported to Canada. The Department of Commerce subsequently published a regulation to clarify its jurisdiction over certain MTCR items, while a longer term solution for all missile technology was to emerge in the context of an ongoing review of the United States Munitions List. More than 4 years later, no such solution has emerged and it appears that the primary focus of the Department of State’s Munitions List review during this period has not been missile technology, but on pruning the Munitions List in other areas. Similarly, Commerce has yet to impose a license requirement on MTCR exports to Canada and, instead, has recently published a second notice in the past 4 years of its intention to do so. During the 108th Congress the House agreed to a nearly identical version of this provision in section 1201 of H.R. 1950 *supra*.

Section 735. Unlawful Use of United States Defense Articles.

This section amends section 3 of the Arms Export Control Act in two ways: (1) any unauthorized use of a United States defense article by a foreign person to conduct a transaction with a country designated as a state sponsor of international terrorism would necessitate a report to Congress; and (2) the requirement for a report to Congress on unauthorized re-transfers by foreign persons of United States defense articles would be expanded to include articles licensed under section 38 of the act (in addition to those sold by the U.S. Government under chapter 2 of the act). Section 1101 of H.R. 1950 agreed to by the House during the 108th Congress, contained a nearly identical provision.

SUBTITLE E—STRENGTHENING UNITED STATES MISSILE
NONPROLIFERATION LAW

Section 741. Probationary Period for Foreign Persons.

This section requires that any foreign person, entity or government that has been sanctioned under U.S. law for missile transfer violations, after the period of formal sanctions expire, will be subject to a probationary period of special monitoring for granting dual-use licenses to that foreign person, entity or government for a period of 3 years, unless the President informs Congress that the person, entity or government has verifiably ceased all such activity and instituted a program of transparency to verify that fact. This is necessary to increase the costs of engaging in missile trade. When the existing 2-year sanctions expire, the foreign person is again eligible for U.S. contracts without any need to demonstrate changed behavior. Placing such formerly-sanctioned persons on a “Watch List” (the Entity List of the EAR), as well as increasing the duration of formal sanctions, places foreign persons and govern-

ments on notice that there is a continuing cost to missile trade through increased scrutiny of U.S. exports, as well as the continuing stigma of having trafficked in ballistic missiles.

Section 742. Strengthening United States Missile Proliferation Sanctions on Foreign Persons.

This section increases the period of U.S. missile sanctions from 2 to 4 years.

Section 743. Comprehensive United States Missile Proliferation Sanctions on All Responsible Foreign Persons.

This section expands the applicability of U.S. missile sanctions to all responsible foreign persons, including responsible governmental entities. This comprehensiveness is necessary to deter governments from using shell or “cut-out” companies to engage in the actual trade and transfer of missiles while avoid becoming vulnerable to U.S. sanctions.

SUBTITLE F—SECURITY ASSISTANCE AND RELATED PROVISIONS

Section 751. Authority to Transfer Naval Vessels to Certain Foreign Countries.

This section authorizes the transfer of eight decommissioned United States naval vessels to other countries: Five by grant (Greece, Egypt (two), Pakistan, and Turkey); and three by sale (India, Greece, and Turkey). The Congress previously authorized the transfer of two of these vessels, the O'BANNON (DD 987) and the FLETCHER (DD 992), to Chile under section 1014 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375). However, the arrangements concerning those transfers to Chile did not come to fruition.

Section 752. Transfer of Obsolete and Surplus Items from Korean War Reserves Stockpiles and Removal or Disposal of Remaining Items.

This section provides a 5-year authorization for the Secretary of Defense to transfer to the Republic of Korea certain obsolete or surplus items in the inventory of the Department of Defense on the basis of negotiated concessions and advance notification to the Committee describing the items to be transferred and the concessions that have been negotiated.

Section 753. Extension of Pakistan Waivers.

This section extends through fiscal year 2007 the President's authority to exercise waivers of foreign assistance restrictions regarding Pakistan. An act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan was approved October 27, 2001 (Public Law 107–57) and covered the period through September 30, 2003. Section 2213 of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106) amended Public Law 107–57 to authorize such waivers through fiscal year 2004. Section 7103 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) further

amended Public Law 107–57 to extend the President’s waiver authority to fiscal years 2005 and 2006.

Section 754. Reporting Requirement for Foreign Military Training.

This section changes the date for submission of the annual military training report to Congress required by section 656 of the Foreign Assistance Act of 1961 from January 31 to March 1 in order to conform the deadline for this reporting requirement to a related report on foreign military training required under section 564 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Appropriations Act, 2002 (Public Law 107–115).

Section 755. Certain Services Provided by the United States in Connection with Foreign Military Sales.

This section amends section 21 of the Arms Export Control Act to add Australia, New Zealand, Japan and Israel to the countries eligible to receive quality assurance and cataloging services on a reciprocal basis, without charge. Under existing law such services are limited to the member states of the North Atlantic Treaty Organization.

Section 756. Maritime Interdiction Patrol Boats for Mozambique.

This section authorizes \$1 million from amounts appropriated in fiscal year 2006 to provide the Government of Mozambique with four excess coastal patrol boats. These boats are to be used for patrol and interdiction purposes and to help prevent the transshipment of drugs into Mozambique. The authorized funds may also be used for the refurbishment, training and related costs associated with the boats.

Section 757. Reimbursement for International Military Education and Training.

This section amends section 541 of the Foreign Assistance Act of 1961 to provide, in the case of countries such as Israel using United States Foreign Military Financing to purchase United States military education and training at rates which are comparable to the rates assessed countries receiving International Military Education Training grant assistance.

TITLE VIII—NUCLEAR BLACK MARKET ELIMINATION ACT

The revelation in 2004 of a widespread nuclear black market network exposed a major breach in the global nuclear nonproliferation regime. Over the past decade, members of this network sold equipment used in the production of nuclear material to Libya, Iran, and North Korea, and nuclear weapon designs to Libya and perhaps others. The extent of this network’s activities are not yet fully known, but it is clear that it, or a similar operation, could provide equipment, materials and weapon designs not only to anti-Western regimes, but also to nongovernmental actors, such as terrorist groups.

The emergence of private nuclear supplier networks poses a grave threat to U.S. and international security and could severely undermine the entire edifice of the global nuclear nonproliferation regime. Global nonproliferation policies, treaties, and agreements have historically been based on the assumption that nuclear weap-

ons-relevant technology, equipment and materials could be developed and spread only by those governments which possess the technological, scientific, material and economic resources needed to develop or acquire a nuclear capability. It has now been demonstrated that private suppliers in other countries, with or without the approval or acquiescence of their governments, can provide countries such as Iran with the means to accelerate their nuclear weapons development capability.

This threat will not vanish with the dismantlement of the existing nuclear black-market network. It has already demonstrated that nongovernmental actors can supply a wide range of nuclear equipment and technology at enormous profit to themselves. Unless the United States and the international community erect effective barriers and raise the costs of engaging in such proliferation activity, others will undoubtedly seek to profit from similar activities.

The U.S. is attempting to dismantle this network, but it lacks many of the tools needed to discover, eliminate and deter future nuclear black market activities. Title VII, "The Nuclear Black Market Elimination Act," provides the President with these tools, while also increasing congressional oversight.

SUBTITLE A—SANCTIONS FOR TRANSFERS OF NUCLEAR ENRICHMENT, REPROCESSING, AND WEAPONS TECHNOLOGY, EQUIPMENT AND MATERIALS INVOLVING FOREIGN PERSONS AND TERRORISTS.

Section 811. Authority to Impose Sanctions on Foreign Persons.

This section authorizes the President to prohibit certain U.S. transactions with any foreign person, company or group that provides nuclear material enrichment or reprocessing equipment, materials, or technology to a non-nuclear weapon state that does not already possess functioning enrichment or reprocessing facilities and does not have in force an Additional Protocol; or is developing, manufacturing or seeking to acquire a nuclear explosive device. Section 811's authority also applies to prohibitions regarding foreign entities that transfer weapons-related equipment or materials to a non-nuclear state or foreign person.

This section helps to institute the President's proposals put forth in a speech in February 2004, in which he proposed halting trade in equipment, materials and technology for facilities to enrich uranium and for the production of plutonium (known as reprocessing) to countries that do not already possess such facilities. The global nuclear black market network, revealed just a month earlier, had provided such technology and even equipment. The President also called for countries to adhere to the Additional Protocol to the Safeguards Agreement between the IAEA and its member states (Additional Protocol) for enhanced safeguard inspections with the IAEA, which gives the Agency greatly enhanced authority to inspect and investigate a country's compliance with its commitments under the Treaty on the Nonproliferation of Nuclear Weapons (NPT).

Section 812. Presidential Notification on Activities of Foreign Persons.

This section directs the President to report annually to Congress on the activities of any foreign person described in Section 811. Even if the President decides not to implement a sanction based on

the foreign person's activity, Congress will be kept informed regarding those activities. This provision will assist Congress in its oversight role concerning an Administration's conduct of non-proliferation policy with regard to illicit nuclear proliferation networks. This report will also provide a means for Congress to assess whether the countries in which those foreign persons are located are taking effective action to prevent such activity.

SUBTITLE B—FURTHER ACTIONS AGAINST CORPORATIONS ASSOCIATED
WITH SANCTIONED FOREIGN PERSONS

Section 821. Findings.

This section declares that since many foreign persons and corporations are motivated by profit to engage in proliferation activities, the U.S. must seek to punish them financially for their actions, including those undertaken by subsidiaries.

Section 822. Campaign by United States Government Officials.

This section directs the President to instruct all agencies to make every effort in their interactions with foreign government and business officials to persuade them not to engage in any business transaction with a foreign person sanctioned under Section 811 above, including any parent or subsidiary of the sanctioned entity, for the duration of the sanctions period.

Section 822 does not authorize the imposition of actual sanctions against the parent of subsidiary entities of the sanctioned foreign person. It does direct the U.S. to use the full persuasive powers of the United States Government to convince other governments to commercially punish any parent or subsidiary of a sanctioned foreign entity engaging in proliferation activity as a means of achieving greater oversight and control of the actions of such entities.

Section 823. Coordination.

This section requires the Secretary of State to coordinate U.S. actions outlined in Section 822.

Section 824. Report.

This section requires an annual report by the Secretary of State to Congress on the actions taken under Section 822.

SUBTITLE C—INCENTIVES FOR PROLIFERATION INTERDICTION
COOPERATION

Section 831. Authority to Provide Assistance to Cooperative Countries.

This section authorizes the President to provide, on such terms as the President considers appropriate, assistance under section 832 to any country that cooperates with the United States and other allied countries to prevent the transport and transshipment of items of proliferation concern in its national territory or airspace or in vessels under its control or registry.

Section 832. Types of Assistance.

This section authorizes assistance Section 831 to include Foreign Military Financing, Economic Support Funds, and draw down au-

thority under the Arms Export Control and Foreign Assistance Acts.

Section 833. Congressional Notification.

This section requires a 30-day notification in advance of provision of such assistance, in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act.

Section 834. Limitation.

This section states that assistance to a country under section 831 is limited to 3 fiscal years.

Section 835. Use of Assistance.

This section states that assistance provided under this Subtitle shall be used to enhance the capability of the recipient country to interdict items of proliferation concern in its national territory or airspace.

Section 836. Limitation on Ship or Aircraft Transfers to Uncooperative Countries.

This section limits the transfer of excess military ships or aircraft to a country that has not agreed that it will support and assist efforts by the United States to interdict items of proliferation concern until 30 days after the date on which the President has provided notice to Congress in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance.

This section also provides an incentive to countries that are eligible to receive excess U.S. military vessels and aircraft to support U.S. efforts to interdict items of proliferation concern, such as through the Proliferation Security Initiative (PSI). To ensure the President sufficient flexibility in seeking support from other countries for the PSI and related activities, this section does not require the conclusion of a formal bilateral instrument, nor does it set requirements for the form that a country's assent to support and assist U.S. efforts must take.

SUBTITLE D—ROLLBACK OF NUCLEAR PROLIFERATION NETWORKS

Section 841. Nonproliferation as a Condition of United States Assistance.

This section declares U.S. policy to provide foreign assistance only to countries that: (1) are not cooperating with any state, group or individual involved in efforts promoting nuclear terrorism; and (2) are fully and completely cooperating with the United States in its efforts to eliminate nuclear black market networks or activities.

Section 842. Report on Identification of Nuclear Proliferation Network Host Countries.

This section requires an annual report that identifies any country in which manufacturing, brokering, shipment, transshipment, or other activity occurred in connection with the transactions of existing nuclear proliferation networks and illicit activities. It also requires the report to describe the extent to which such country is,

in the opinion of the President, fully cooperating with the United States in its efforts to eliminate this network and any other nuclear proliferation networks or activities.

Section 843. Suspension of Arms Sales Licenses and Deliveries to Nuclear Proliferation Network Host Countries.

This section temporarily suspends arms sales, and makes available a waiver for such suspension, for countries that the President has identified in the annual report where nuclear black market activities have occurred. Its purpose is to ensure that these countries have an incentive to cooperate with the U.S. to eliminate such activities. Given the grave threat posed to U.S. and global security by these activities, suspending U.S. arms sales until such cooperation is forthcoming is a reasonable and measured incentive for encouraging such cooperation. This provision does not focus on any one country or any existing network, but envisions application globally and to future nuclear black market networks and activities. Given the Administration's testimony to Congress regarding the cooperation it is receiving from countries in which activities related to an existing nuclear black market network have taken place, it is assumed that the President will expeditiously make the certifications required under this section.

This section requires the temporary suspension of licenses for U.S. arms sales to any country identified in the report under Section 842 until the President certifies to Congress that the country has fully investigated or is fully investigating the activities of any person or entity involved in nuclear proliferation activities within its territory; has taken or is taking effective steps to permanently halt similar illicit nuclear proliferation or acquisition activities; has been, or is fully cooperating with the United States and other appropriate international organizations in investigating and eliminating nuclear proliferation networks and activities; and has enacted, or is enacting, new laws, regulations or practices to prevent future such activities.

This section also allows the President to waive this suspension of licenses if the President certifies that the waiver is important to the national security of the United States.

SUBTITLE E—GENERAL PROVISIONS

Section 851. Definitions.

This section defines various terms used in this title.

TITLE IX—FOREIGN ASSISTANCE PROVISIONS

SUBTITLE A—FOREIGN ASSISTANCE ACT OF 1961 AND RELATED PROVISIONS

CHAPTER I—PART I OF THE FOREIGN ASSISTANCE ACT OF 1961

Section 901. Assistance to Establish Centers for the Treatment of Obstetric Fistula in Developing Countries.

This section authorizes appropriations of \$5 million for each of fiscal years 2006 and FY 2007 in order to provide for treatment of obstetric fistula in developing countries.

Rape, other physical abuse or untreated, obstructed labor can lead to a fistula, or hole, between a woman's birth passage and one

or more of her internal organs. An estimated two million women globally suffer from this condition, which is responsible for about 8% of the half million worldwide maternal deaths annually. Approximately 50,000 to 100,000 new cases of fistula are added each year.

USAID has concentrated on prevention of fistula through a variety of initiatives that include increased availability to emergency care for fistula victims and increased attendance of skilled medical personnel at delivery.

The provision authorizes the President to establish not less than twelve centers for the treatment of obstetric fistula in developing countries. Each center shall provide, to the maximum extent possible, surgery to repair obstetric fistula in women who do not have the resources to pay for such surgery and after care, transportation to and from the center for women in need, provide food and shelter as needed to those women, engage in activities to reduce the incidence of obstetric fistula, including seminars and dissemination of brochures, pamphlets, posters, and other educational material.

Section 902. Support for Small and Medium Enterprises in Sub-Saharan Africa.

This section authorizes the Overseas Private Investment Corporation (OPIC) to provide insurance and guarantees to financial institutions to expand investment and lending opportunities to small and medium enterprises owned substantially by Africans. It further provides for technical support programs for African financial institutions to improve the quality of their management, create effective credit risk management systems and effective credit risk management.

Section 903. Assistance to Support Democracy in Zimbabwe.

This section authorizes \$12 million for each of fiscal years 2006 and 2007 in Development Assistance and Economic Support Funds for promoting democracy in Zimbabwe, in accordance with the provisions of the Zimbabwe Democracy and Economic Recovery Act of 2001.

Since 2001, the situation in Zimbabwe has deteriorated. A recent government crackdown has resulted in the destruction of scores of small businesses, more than 22,000 arrests, and the displacement of tens of thousands of Zimbabweans during their winter.

The funds will support the fostering of free and fair electoral processes in Zimbabwe, capacity building for civil society organizations to provide information on the political process to citizens, training for political parties, poll watcher training, and the reestablishment of independent media through overseas broadcasts and Internet sites in Zimbabwe, and provides for the support and promotion of human rights groups.

Section 904. Restrictions on United States Voluntary Contributions to the United Nations Development Program.

This section provides that of the amounts made available for each of the fiscal years 2006 and 2007 for the U.S. voluntary contribution to the United Nations Development Program (UNDP), an amount equal to the amount UNDP will spend in Burma during each fiscal year shall be withheld unless during such fiscal year the

Secretary of State submits to the appropriate Congressional Committees a certification that UNDP programs in Burma: (1) are focused on eliminating human suffering and addressing the needs of the poor; (2) are undertaken only through international or private voluntary organizations; (3) provide no benefit, directly or indirectly, to the ruling military junta; and (4) are carried out only after consultation with the leadership of Burma's democratic opposition. In determining whether UNDP assistance provides financial, political or military benefit to the SPDC or any agency or entity of, or affiliated with the SPDC, the Secretary shall ensure that no goods, services, or per diems are provided. In addition, not later than 180 days after the enactment of this act and every 180 days thereafter during fiscal years 2006 and 2007, the Secretary of State shall submit to the appropriate Congressional Committees a report on UNDP programs and activities in Burma.

Section 905. Assistance for the Office of the Police Ombudsman for Northern Ireland.

This section authorizes \$100,000 for each of fiscal years 2006 and 2007 appropriated under the "International Narcotics Control and Law Enforcement" account for specialized investigative training and advisory support for the Office of the Police Ombudsman for Northern Ireland for the development and strengthening of its institutional capacity and investigations of human rights abuses by the police. The Office of the Police Ombudsman was created by the Good Friday Agreement as an independent impartial police complaints system for the people of all communities in Northern Ireland. The Ombudsman's Offices are not part of the Police Service of Northern Ireland, and under the leadership of its independent Ombudsman, Nuala O'Loane, the office has been a catalyst for police reform. The Police Ombudsman's office has been recognized as an effective mechanism for holding the police in Northern Ireland accountable and helping people develop some confidence in a policing service that has faced credible charges of collusion. In 1999, Congress adopted legislation (P.L. 106-113, Division B) that required the U.S. to vet, for human rights abuses, any members of the police force of Northern Ireland who were selected to participate in exchange and training programs in the U.S.

This provision builds on that program and seeks to specifically enhance training of those in Northern Ireland who are charged with holding the police accountable and ensuring that policing is carried out in accordance with human rights standards.

Section 906. Report on Foreign Law Enforcement Training and Assistance.

This section requires that the annual International Narcotics Control Strategy Report of the Department of State include a new section on law enforcement training and assistance around the world which is being conducted by major U.S. agencies, including the Department of State, the Department of Defense, the Department of Justice, and the United States Agency for International Development. The new section is to be divided into three parts—training, other forms of assistance, and country-specific information. Each part will report, at least, on numbers of foreign law en-

forcement personnel receiving assistance, types of assistance, and particulars of funding sources for the assistance.

Section 907. Assistance for Disaster Mitigation Efforts.

This section expresses a sense of Congress that the Secretary of State, in consultation with heads of other agencies and departments of the United States Government, should develop an initiative to encourage the use of disaster mitigation techniques, including building in safer locations, constructing sturdier dwellings, enforcing sound building codes and practices, and protecting natural ecosystems, by foreign governments in regions that are considered especially vulnerable to natural disasters. It also amends the Foreign Assistance Act of 1961 to allow U.S. disaster assistance to be used for disaster mitigation.

Section 908. Assistance to Promote Democracy in Belarus.

This section authorizes \$12 million for each of fiscal years 2006 and 2007 from Freedom Support Act funds for the promotion of democracy in Belarus. These democratic reforms include a free and fair electoral process, the development of political parties and nongovernmental organizations promoting democracy and respect for human rights and the rule of law, independent media, and international exchanges and training programs for leaders and members of the democratic forces that foster civil society.

Belarus receives less Freedom Support Act (FSA) assistance than any other country besides Turkmenistan. U.S. support for the struggling forces of democracy has diminished over the course of the last few years, from \$9.04 million in FSA funding in fiscal year 2003, to \$8 million in fiscal year 2004, to an estimated \$6.5 million in fiscal year 2005 and \$7 million in the President's Budget Request for fiscal year 2006. Alexander Lukashenka's dictatorial regime maintains a repressive form of governance, and it is vital for the United States to offer more funding to strengthen democratic forces within Belarus prior to the upcoming planned presidential elections in 2006. Lukashenka continues to exercise a monopoly over the information space, and repression against members of democratic opposition parties, independent media and nongovernmental organizations is growing. Secretary of State Rice designated Belarus one of six "outposts of tyranny" as a principal focal point for the promotion of democracy.

Section 909. Assistance for Maternal and Prenatal Care for Certain Individuals of Belarus and Ukraine Involved in the Cleanup of the Chornobyl Disaster.

This section authorizes such sums as may be necessary from Freedom Support Act funds for each of fiscal years 2006 and 2007 to improve maternal and prenatal care for the victims in Belarus and Ukraine involved in the cleanup of the region affected by the Chornobyl nuclear disaster.

Nearly 20 years after the Chornobyl disaster, there is a large increase in chromosome damage and birth defects now affecting the new generation in Belarus and Ukraine. A number of health studies have indicated spikes in chromosome damage as high as sevenfold. This is particularly the case among the more than 600,000 emergency workers, firefighters, miners and construction workers

who were exposed to exceedingly high levels of radiation during the 1986 cleanup effort. Parents in the affected region are still being exposed to radioactive fallout as well.

With respect to certain types of birth defects (e.g. respiratory distress, anemia, severe cleft palates and facial deformities, missing digits or limbs, damaged, missing or malformed critical organs and certain types of telltale cardiac defects linked to radiation exposure), pregnant mothers can be monitored and prenatal care can bolster the mother's ability to carry the child to term, and the child's ability to increase in weight. Training of medical personnel helps improve prenatal care, and for congenital heart defects, the condition can be detected in utero, monitored and preparations made for surgical intervention after birth.

In this fragile transition period, it is important for the United States to foster goodwill towards the people of Belarus and Ukraine. Furthermore, it is important to demonstrate support for the new democratic government in Ukraine not only with economic and political support, but also by meeting tangible social and health needs.

Section 910. Assistance to Address Non-infectious Diseases in Foreign Countries.

This section makes a statement of policy that medical evidence indicates that non-infectious diseases such as heart disease and obesity are on the rise worldwide, and U.S. AID funding does not address this situation. The section authorizes assistance to address non-infectious diseases in foreign countries.

CHAPTER 2—PART II OF THE FOREIGN ASSISTANCE ACT OF 1961

Section 921. Economic Support Fund Assistance for Egypt.

Subsection (a) consists of congressional "findings." Congress finds, that since 1979 the United States has provided more than \$32 billion in military assistance to Egypt and more than \$28 billion in economic assistance, and that applying the concept similar to a "Millennium Challenge" compact to the Egyptian aid program would reinvigorate the program and give more Egyptians a stake in the proper planning and execution of assistance programs.

Subsection (b) consists of a "statement of policy" that includes an acknowledgement that threats to Egyptian stability derive far more from domestic problems than from external dangers, and that external threats to Egyptian stability are, in fact, minimal. The subsection also affirms as policy the provision of non-military assistance to Egypt that results in actual, sustainable, and, to the extent possible, measurable outcomes regarding economic growth, poverty reduction, humanitarian conditions, health, education, and political reform.

Subsection (c) provides for significant reform in Egypt's economic assistance program by combining, beginning in FY 2007, all non-military aid under the Economic Support Fund into a program similar in procedure to the "Millennium Challenge Account." Egypt will have the opportunity to design a program, with measurable goals, to help achieve lasting economic growth and poverty reduction and substantially strengthened democratic institutions and individual freedoms, and to present that program to the President of

the U.S. for his approval. After the President approves the program, it is anticipated that Egypt will have far greater say in the implementation of the program than is currently the case.

The recent agreement under which the United States agreed to provide a significant amount of cash assistance to Egypt and Egypt agreed to undertake policy reforms in the financial sector is exempted from the provision described above for the life of the agreement (through 2008), although, beginning with fiscal year 2007. Such cash may not be provided until Egypt has concluded an assistance agreement pursuant to this subsection.

Subsection (d) reduces Egypt's Foreign Military Financing (FMF) assistance over the next 3 fiscal years by \$40 million annually, by providing that funds over the following amounts that may be appropriated to the FMF program be transferred to the ESF program: \$1.26 billion in FY06, \$1.22 billion in FY07, and \$1.18 billion in FY08. The Committee expects that ESF allocations for Egypt may continue to be reduced, but that funds actually available for economic assistance, because of the transfer provided for here, will continue to total \$530 million annually.

This approach reverses the pattern of aid to Egypt for the past 6 years in which military assistance has been held steady at roughly \$1.3 billion per year, while ESF has been diminished by roughly \$40 million per year. In effect, overall aid for Egypt presumably would continue to be diminished by only \$40 million per year for the next 3 years, but the deduction would be taken from military, rather than economic, assistance.

This provision is inspired by the perception that the primary threat to Egyptian stability derives from domestic deficiencies—particularly in education, health, commerce, human rights, and governance—rather than external dangers. Egypt is at peace with all its neighbors. Internally, however, it faces many challenges. For example, per capita GDP is under \$1,300. A majority of women over the age of 15 are illiterate. The only recent democratic reform of significance is one that, although allowing for first-ever multi-party Presidential elections, is being implemented in a manner that virtually guarantees President Mubarak's re-election. This provision is intended to begin the process of re-directing United States assistance toward the area where Egypt most needs it—that is, Egypt's domestic situation.

Americans value military cooperation with Egypt, and for this reason assistance has been, is, and will continue to be provided at very generous levels. However, issues related to Egypt's internal stability—such as the Egyptian economy's continued relative stagnation and the concomitant need for reform—vastly outweighs in importance the current needs of the military. Currently about two-thirds of United States military assistance to Egypt is used to sustain and modernize Egypt's existing weapons systems. Only with economic growth can Egypt hope to be able to support a modern military and diminish its dependence on United States assistance.

Subsection (e) directs the President to alter the current "cash-flow financing" system to accommodate this reduction in military aid, while ensuring that maintenance and spare parts for existing Egyptian military equipment are not jeopardized and that U.S. commitments are met for all outstanding agreements.

Egypt presently enjoys the benefit of a provision under which certain military assistance funds are placed in an interest-bearing account, and Egypt retains the interest. Subsection (f) requires that the interest be transferred to the Middle East Partnership Initiative (MEPI) and allocated for democracy and governance programs for Egypt, including direct support for nongovernmental organizations. Under the U.S. Administration's plans, assistance for democratization and governance programs are a very small proportion of our overall assistance; this is one area where congressional interest in progress requires a relatively reliable source of additional support.

Section 922. Inter-Arab Democratic Charter.

This section encourages support for the creation of an Inter-Arab Democratic Charter. At the recently concluded Community of Democracies Ministerial in Santiago, Chile, the final document articulated the commitment of the countries of the Middle East to work toward the creation of an Inter-Arab Democratic Charter. U.S. policy supports such efforts to promote democratic institutions and reform, and integrate civil society into this process. This section calls for the Bureau of Democracy, Human Rights, and Labor, in consultation with the Bureau for Near Eastern Affairs and the Bureau for Western Hemisphere Affairs, to develop an inter-regional strategy to support, including through the provision of technical assistance, efforts to create an Inter-Arab Democratic Charter and strengthen the role of human rights organizations, pro-democracy advocates, and civil society members from both regions in helping to craft such a Charter. This section also authorizes such sums as may be necessary to provide technical assistance to support such efforts, derived from the Human Rights and Democracy Fund and Middle East Partnership Initiative funding.

Section 923. Middle East Partnership Initiative.

This section authorizes the Middle East Partnership Initiative programs for fiscal years 2006 and 2007 with a requirement that, in reforming countries, no less than half of the funds be dedicated to activities such as: Democracy and civil society promotion, particularly nongovernmental organizations; to the expansion of women and other minority participation in the political, economic, and educational sectors; and to developing and implementing free and fair election standards. MEPI funds are also to be focused on promoting democracy in countries under authoritarian rule.

Section 924. West Bank and Gaza Program.

This section concerns oversight of U.S. assistance to the USAID West Bank/Gaza program for FY06 and FY07. It maintains a certification by the Secretary of State to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of U.S. assistance to the West Bank/Gaza program. It further states that prior to the obligation of any funds, the Secretary shall take all appropriate steps to ensure that such assistance is not provided to or through any individual entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity, and includes a prohibition of assistance

for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism. This provision states that \$1,000,000 for each fiscal year may be used by the Office of the Inspector General of USAID for audits and inspections necessary to implement this section.

Section 925. Economic Support Fund Assistance for Venezuela.

This section authorizes \$9 million for each of fiscal years 2006 and 2007 in Economic Support Funds to fund activities which support political parties, the rule of law, civil society, an independent media, and otherwise promote democratic, accountable governance in Venezuela.

Annual Foreign Operations Appropriations Acts extend the prohibitions of the American Service Members Protection Act (Title II of P.L. 107–206) to Economic Support Funds and their use with governments that have not ratified an Article 98 agreement with the United States. As such, nongovernmental organizations, but not the Government of Venezuela (which does not have an Article 98 agreement with the United States) would be eligible to receive the assistance which is authorized by this section.

Asian University for Women in Bangladesh.

The Committee is aware of the strong support that the University has garnered in Bangladesh and elsewhere in South Asia and from the Bangladeshi-American and South Asian-American communities. United States Government support has been important to getting the University started. The Committee encourages the Agency for International Development and other government agencies to consider sympathetically such applications the University may make for additional assistance.

CHAPTER 3—PART III OF THE FOREIGN ASSISTANCE ACT OF 1961

Section 931. Support for Pro-Democracy and Human Rights Organizations in Certain Countries.

This section authorizes U.S. foreign assistance in certain circumstances to countries designated as state sponsors of terrorism. U.S. law prohibits U.S. assistance to countries designated as state sponsors of terrorism. As such, specific statutory authorization is necessary for the U.S. to provide support for the efforts of human rights and pro-democracy advocates in these rogue nations. This section provides such authorization if, at least 30 days before obligating funds for such assistance, the Secretary of State notifies the appropriate Congressional Committees (in classified or unclassified form) that the recipient organizations oppose terrorism, support democracy and respect for human rights, including equality of women and other minorities, and support other fundamental liberties.

Section 932. Limitation on Assistance to the Palestinian Authority.

Subsection 932(a) amends the Foreign Assistance Act of 1961 by inserting a new section, proposed Section 620K, which is intended to govern all assistance to the Palestinian Authority.

Section 620K(a) provides that assistance to the Palestinian Authority under the Foreign Assistance Act or any other act may only

be provided when a certification by the President under section 620K(b) is in effect.

The President's certification must contain the President's determination that:

(1) providing direct assistance to the Palestinian Authority is important to the national security interests of the United States; and

(2) that the Palestinian Authority:

(A) is committed to and has initiated the process of purging from its security services individuals with ties to terrorism;

(B) has made demonstrable progress toward dismantling the terrorist infrastructure, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and is fully cooperating with Israel's security services;

(C) has made demonstrable progress toward halting all anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and is replacing these materials, including textbooks, with materials that promote tolerance, peace, and coexistence with Israel;

(D) has taken effective steps to ensure democracy, the rule of law, and an independent judiciary, and has adopted other reforms such as ensuring transparent and accountable governance;

(E) is committed to ensuring that all elections within areas it administers to be free, fair, and transparent; and

(F) is undertaking verifiable efforts to ensure the financial transparency and accountability of all government ministries and operations.

Under subsection (c) of the new Section 620K, the President must recertify 90 days after initial his certification and every 6 months thereafter that the requirements contained in subsection (b) of that new section are continuing to be met. If the President is unable to make a recertification the President is to report to Congress indicating the reasons he cannot make a recertification.

Under subsection (d) of the new Section 620K, assistance made available under this act or any other provision of law to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate under the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act.

Subsection (b) of section 932 of this act provides for a report by the Comptroller General of the United States to the appropriate Congressional Committees reviewing the extent to which United States assistance to the Palestinian Authority under the Foreign Assistance Act of 1961 or any other provision of law is properly audited by the Department of State, the United States Agency for International Development, and all other relevant departments and agencies of the United States Government.

Section 933. Assistance for Law Enforcement Forces.

This section amends the Foreign Assistance Act of 1961 to create new exceptions to the general prohibition against foreign assistance

to foreign law enforcement and intelligence personnel and agencies. The exceptions which this section authorizes are for assistance to combat corruption; improve public safety training, particularly with regard to human rights, the rule of law, conflict prevention, and the promotion of civilian police roles that support democratic governance; combat trafficking in persons; and develop capabilities for and deployment to impending or ongoing peace operations of the United Nations or comparable regional organizations. The section also permits assistance to be given to national, regional, district, municipal, or other sub-national governmental entity of a foreign government.

The provision reasserts the Committee's intent to authorize activities and assistance for foreign law enforcement which have been conducted pursuant to the Foreign Operations Appropriations Act. The provision also responds to a GAO study that found that current section 660 restrictions were constraining the ability of the United States Government, working through nongovernmental organizations, to consolidate democracy in Central America, the Andean region, and outside the Western Hemisphere.

The Committee notes that the Center for Strategic and International Studies held a policy seminar in March 2005, "Policing and Security in Latin America, the Need for Reform." A conclusion of the panelists was that the existing legal framework is riddled with exceptions which have, for the most part, substantially weakened the general prohibition against the provision of assistance to foreign law enforcement. The seminar presenters also recommended that the current legal framework governing the provision of such assistance be reformed after a comprehensive survey of current assistance to foreign law enforcement is conducted.

The Committee believes that assistance under this section should be provided to countries with democratically-elected governments which are under civilian control and have demonstrated a commitment to preventing human rights abuses by their police forces. Assistance should also be provided as part of a broader development strategy to enhance democratic governance, maximize the involvement of civil society in decision-making at the national, regional, and local levels, strengthen human rights, and increase the accountability and transparency of government agencies, including law enforcement entities, to the communities which they serve. Assistance provided under this section should be fully transparent and include mechanisms to encourage continued, cooperative contact with and between recipients of training or assistance.

SUBTITLE B—OTHER PROVISIONS OF LAW

Section 941. Amendments to the Afghanistan Freedom Support Act of 2002.

This section amends the Afghanistan Freedom Support Act of 2002, as amended (22 U.S.C. 7501 et seq.), to authorize appropriations of \$50 million for each of fiscal years 2006 and 2007 in order to support the United Nations Assistance Mission in Afghanistan (UNAMA) and other programs related to holding free, fair, and transparent parliamentary elections that are scheduled to take place this September.

This section states that it shall be the policy of the U.S. to urge donor governments and institutions to provide significant financial support to UNAMA, assist legitimate and recognized parliamentary candidates and future elected parliamentary officials in carrying out the responsibilities and duties of their elected offices, and assist Afghanistan in the preparation for future presidential and parliamentary elections.

The purposes of assistance are to support programs in the areas of: Voter education and voter registration; the disarmament, demobilization, and reintegration (DDR) of militias; transparency and accountability training; and exchange of parliamentary officials.

Section 942. Amendments to the Tibetan Policy Act of 2002.

This section amends the Tibetan Policy Act of 2002 (P.L. 107–228). Section 942(a) amends section 616 of the Tibetan Policy Act by adding a new subsection (d) “United States Assistance.” Under this provision, the President is required to provide grants to non-governmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetans inside Tibet; the U.S. Special Coordinator for Tibetan Issues is required to review and approve all such projects; and there are authorized to be appropriated to the President to carry out this subsection \$6 million for fiscal year 2006 and \$8 million for fiscal year 2007. Section 942(b) amends section 619 of the Tibetan Policy Act such that the Secretary of State shall ensure that at least one Foreign Service Officer assigned to a U.S. post in the People’s Republic of China responsible for monitoring developments in Tibet has at least 6 months of Tibetan language training or equivalent fluency prior to taking up such assignment. Subsection 942(c) amends section 621 of the Tibetan Policy Act by adding a new subsection (e) which requires that the Secretary of State assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues.

With regard to grants for cultural and historic preservation, the intent of the Committee is that such grants be used to not only preserve current Tibetan culture, but to also record Tibetan culture prior to the Chinese invasion in 1949. Grants for historic preservation should consider developing an historical accounting of Tibetan assets to include personal possessions, items of religious significance, and artwork that were seized by the Chinese Government. In addition, such grants should also seek to identify those entities of the Chinese Government responsible for such seizure and disposition of Tibetan property.

Section 943. Amendments to the Anglo-Irish Agreement Support Act of 1986.

This section amends the Anglo-Irish Agreement Support Act of 1986 which provided the authority for the United States to make contributions to the International Fund for Ireland (IFI). The Fund was established by the Governments of the United Kingdom and the Republic of Ireland to enable other countries to make contributions for economic development and reconciliation in the six counties of Northern Ireland and the border counties in the Republic of Ireland. As of fiscal year 2005, the U.S. has contributed approximately \$430 million to IFI which also receives support from other

countries, including the EU, Canada, Australia, and New Zealand. The goal has been to bring different communities together, foster economic growth, and thereby help reduce unemployment and strife that can lead to restlessness and interest in paramilitary violence. In addition to fostering economic activity, the U.S. contributions to the IFI are designed to enhance cross community contact, greater understanding between the peoples of Northern Ireland and reconciliation.

This provision seeks to further the reconciliation and cross community programs of the IFI by encouraging more support for programs that enhance relations between communities, promote human rights training, and enhance peaceful mediation in neighborhoods of continued conflict. The provision also reauthorizes the Fund at \$20 million and stipulates that not less than 35 percent be used for the implementation of the cross-community, reconciliation programs rather than economic-only programs.

Section 944. Assistance for Demobilization and Disarmament of Former Irregular Combatants in Colombia.

This section authorizes U.S. assistance for the Republic of Colombia for fiscal year 2006 and each subsequent fiscal year for the demobilization and disarmament of former members of foreign terrorist organizations, specifically the United Self-Defense Forces of Colombia (AUC), the Revolutionary Armed Forces of Colombia (FARC), and the National Liberation Army (ELN), if the Secretary of State certifies to the Congress that: (1) Such assistance will be provided only to individuals who have “verifiably” (i.e., *signed the Government of Colombia form on the renunciation of terror, remain in the demobilization program and meet the requirements of the program*) renounced and terminated any affiliation or involvement with foreign terrorist organizations; (2) the Government of Colombia is continuing to provide full cooperation with U.S. requests for extradition of leaders and members of these terrorist organizations; and (3) the Government of Colombia has established a concrete and workable framework for dismantling the organizational structure of these foreign terrorist organizations that adequately balances the need for both reconciliation and justice with concerns for fundamental human rights.

The provision clearly signals the Committee’s intent to unambiguously authorize U.S. aid to assist the demobilization of former terrorists in Colombia. This provision signals the Committee’s intent that such assistance be used to support the involvement of ex-combatants in the eradication of illicit drugs that finance terrorism in Colombia. Such U.S. aid under these circumstances is not material support for terrorism. To the contrary, such assistance should be interpreted as counterterrorism assistance as it removes terrorist combatants as a threat to the elected Government of Colombia and engages the former combatants in efforts to eliminate the illegal drugs that finance terrorism in Colombia. The verification of individual renunciation of ties to terrorism by the Secretary of State shall consist of certification that the individuals have signed the pledge on the renunciation of terrorism required by the Government of Colombia and that said individuals remain in the assistance program.

Section 945. Support for Famine Relief in Ethiopia.

This section authorizes the Secretary of State to make a voluntary contribution of \$4 million to the World Food Programme to establish and carry out a demonstration insurance project in Ethiopia using weather derivatives to transfer risk of catastrophic drought from vulnerable subsistence farmers to international capital markets to protect against asset and income loss during food crises.

Section 946. Assistance to Promote Democracy and Human Rights in Vietnam.

This section authorizes \$2 million for necessary expenses to fund NGOs and organizations that promote democracy in Vietnam. The development of democracy in Vietnam, including respect for human rights and religious freedom, has not kept pace with economic reforms and the growth of trade with the United States. The human rights situation in Vietnam has in fact worsened over the past 10 years. The State Department designated Vietnam as a “Country of Particular Concern” in September 2004 for its severe violations of religious freedom, and despite concluding an agreement on religious freedom with the State Department in May 2005, the Government of Vietnam has continued to severely restrict the ability of non-sanctioned religious groups, including ethnic minority Protestant congregations in the Northwest and Central Highlands, Catholics, Buddhists, Cao Dai, Baha’I, and Hoa Hao, to exercise their faiths.

The Socialist Republic of Vietnam is a one-party Communist-ruled State, which continues to deny its citizens basic political liberties such as independent political thought, and the existence of labor and social organizations. The Government also continues to commit serious human rights violations.

The provision states that it is the policy of the United States to limit non-humanitarian assistance provided to the Government of Vietnam to not more than the amount so provided for fiscal year 2005, unless the President certifies that Vietnam has made substantial progress toward: Releasing political and religious prisoners; allowing access to the U.S. for its refugee program; respecting the rights of its minorities; and ensuring it is not acting in complicity with organizations engaged in human trafficking.

SUBTITLE C—MISCELLANEOUS PROVISIONS

Section 951. Report on United States Weapons Transfers, Sales, and Licensing to Haiti.

This section requires the Secretary of State to submit to the appropriate Congressional Committees, not later than 180 days after the date of the enactment of this act, a report on all United States weapons transfers, sales, and licensing to the Government of the Republic of Haiti for the period beginning October 4, 1991, and ending on the date of the enactment of this act. The report shall describe: The names of the persons to which weapons were transferred, sold, or licensed; the number of such weapons; and the safeguards, if any, that were required prior to such transactions.

Section 952. Sense of Congress Regarding Assistance for Regional Health Education and Training Programs.

This section expresses a sense of Congress that U.S. AID should use up to 5 percent of country-specific health program funds to address regional health education and training needs in instances where it would be more cost-effective to implement such programs on a regional basis.

Section 953. Sense of Congress Regarding Assistance for Regional Health Care Delivery.

This section expresses a sense of Congress that U.S. AID should use up to 5 percent of country-specific health program funds to support projects to create and improve indigenous capacity for health care delivery.

Section 954. Sense of Congress Regarding Elimination of Extreme Poverty in Developing Countries.

This section expresses a sense of Congress that the elimination of extreme poverty in developing countries should be a major priority of U.S. foreign policy and that the U.S. should demonstrate leadership in eliminating extreme poverty by working with the developing countries, donor countries, and multilateral institutions committed to the necessary reforms, policies, and practices that reduce extreme poverty. The section states that the President, acting through the Administrator of the United States Agency for International Development, should develop a comprehensive strategy to eliminate poverty in developing countries using foreign assistance, private investment, technical assistance, private-public partnerships, and debt relief. In developing this strategy, the Administrator of the United States Agency for International Development should consult with the heads of other appropriate departments and agencies of the United States Government, international organizations, international financial institutions, recipient governments, civil society organizations, and other appropriate entities.

Section 955. Sense of Congress Regarding United States Foreign Assistance.

This section expresses a sense of Congress that U.S. foreign assistance should be used to support local capacity-building in developing countries and should focus on improving the institutional capacities of developing countries in order to promote long-term development.

TITLE X—REPORTING REQUIREMENTS

Section 1001. Trans-Sahara Counter-Terrorism Initiative.

This section expresses the sense of Congress that efforts currently underway to expand the Pan Sahel Initiative (PSI) into a robust counterterrorism program in the Saharan region of Africa, known as the Trans-Sahara Counter-Terrorism Initiative (TSCTI), are strongly supported. TSCTI aims to utilize U.S. training and assistance to bolster the capacity of host nations to govern their territory so as not to become transnational terrorist havens.

The Committee finds that developments on the African continent will be increasingly consequential to the security of the United

States. The area of the Sahara, with its vast open space and weak governments, has the potential to become a terrorist sanctuary. Transnational terrorists, linked to al-Qaeda, have been found operating in Saharan countries. TSCTI is an important response to this region's growing importance to our nation's security.

With limited resources, the PSI has produced promising results. At a March 10, 2005, hearing of the Subcommittee on International Terrorism and Nonproliferation, "Eliminating Terrorist Sanctuaries: The Role of Security Assistance," testimony was heard on the role PSI played in the capture of Abderrazak al-Para, a key leader of the Salafist Group for Call and Combat (GSPC), which has pledged allegiance to al-Qaeda. The GSPC was responsible for the kidnapping of 32 European tourists in Algeria in 2003. More recently, the GSPC claimed responsibility for an attack on a Mauritanian Army outpost that left 15 Mauritanian troops dead.

Enhanced assistance to nations in the Sahara, under the Trans-Sahara Counter Terrorism Initiative, should further United States counterterrorism operations and strengthen regional security cooperation. Building partnerships with and among weak states to combat terrorism and other internal threats will be key toward denying terrorists sanctuaries. Significantly, the TSCTI is a broad-based approach, involving more than security assistance. Development assistance, increased U.S. public diplomacy efforts to counter radical *Islamist* elements and other aid is envisioned.

Respect for human rights and civilian authority should be paramount in this security assistance training. Short-term gains in counterterrorism operations may be eclipsed by long-term harm to the U.S. and participating African states if proper safeguards are not incorporated into TSCTI.

The section requires the Secretary of State to submit to Congress 120 days after the date of enactment of this act, a classified strategy regarding United States efforts to expand the PSI. The report shall include: Participant countries; a description of security assistance and training to be conducted; a description of training to ensure respect for human rights and civilian authority; and other activities of the Initiative. The section also requests that the head of each appropriate department and agency of the United States Government cooperate fully to ensure the success of the Trans-Sahara Counter Terrorism Initiative.

Section 1002. Annual Patterns of Global Terrorism Report.

The House Committee on International Relations, Subcommittee on International Terrorism and Nonproliferation, chaired by Representative Edward R. Royce, held a hearing on May 12, 2005 on the State Department's congressionally-mandated report on international terrorism *Patterns of Global Terrorism* (this year renamed *Country Reports on Terrorism*). This was in response to the Committee's concerns over the problems associated with the publication of the last two annual reports.

The 2003 report had to be reissued after significant errors were detected due to underreporting the number of terrorist attacks during the year. This year, without congressional consultation, the State Department issued the 2004 report without its traditional annex containing statistical data on the number of terrorist attacks worldwide. Additionally, the chronology of significant international

terrorist incidents is now left to the newly-created National Counterterrorism Center (NCTC) for production, although it has traditionally been published as part of the State Department-mandated report to Congress.

This section would modify and update the existing legislative requirements that the State Department annually report to Congress on *Patterns of Global Terrorism*. This report is considered an important document for educating the public about international terrorism, including trends and policy issues.

Since its inception, and through a series of amendments, the Department of State has been required to provide Congress with a full and complete annual report on terrorism for those countries and groups meeting the criteria of the act, including: Detailed assessments of foreign countries where terrorist acts occurred, or which were designated state sponsors of terrorism; and terrorist groups responsible for acts against Americans or financed by state sponsors. In addition, the law requires the Department to report on the extent to which foreign countries cooperate with the United States in counterterrorism efforts. At the time the original law was drafted, the primary threat from terrorism was state-sponsored. Since then, the terrorist threat has changed. Al-Qaeda and affiliated groups pose the largest threat today.

This section legislatively reflects the State Department's role in compiling the *Patterns* report, utilizing the intelligence data and analyses as prepared by the intelligence community, particularly the National Counterterrorism Center (NCTC). The Secretary of State is statutorily required to produce a statistical review and will presumably, as it has done in the past with predecessors of the NCTC, contract with the NCTC to produce these numbers, according to consistent criteria, in this one report. This mandate seeks to avoid the production of two separate reports.

It further updates and redefines the type of information that should be contained in the *Patterns* report to reflect the threat our nation faces today, including: The inclusion of specific data and statistics on terrorist incidents; an assessment of each country around the world on counterterrorism cooperation with the United States; an assessment of efforts of multilateral organizations to combat terrorism; an analysis of policy goals of the United States for counterterrorism efforts; and the requirement of the Secretary of State to testify before the Committee each year on international counterterrorism efforts, among other patterns and trends of terrorism.

Also, the Committee has required more specific assessments in the country-by-country section of each country's counterterrorism efforts and cooperation with the United States, to include negative reports which may be classified, if necessary. This report's objective is to fully inform Congress of the level of counterterrorism cooperation with every other nation—it is not intended to devolve into a press relations campaign for countries that the United States is trying to influence, nor to list impossible-to-discern relative differences in the levels of cooperation between different nations.

The Committee expects that the new legislation will provide the flexibility needed to paint an accurate picture of terrorism around the world. This should mean that incidents in which civilians or other noncombatants are deliberately targeted for political pur-

poses, or when groups launch reckless or indiscriminate attacks knowing that extensive civilian casualties will result, they should be discussed in this report. Whether or not an incident involves the citizens of more than one country is now irrelevant, since the State Department has so strictly construed the statute to exclude important terrorist incidents such as the Russian airliners downed by Chechen terrorists, a ferry in the Philippines bombed by the Abu Sayaf group, and attacks in Uzbekistan carried out by the Islamic Movement of Uzbekistan. The Committee expects that if incidents need to be included in the report for a complete understanding of the terrorist picture around the world, then they should be included in footnotes or appendices rather than to omit them due to a "strict construction" of difficult definitions under this statute. For example, if the State Department is able to ascertain the number of Americans killed around the world due to terrorist attacks, it may be relevant to include it in this report. The statute dictates measures that *at a minimum* should be included in the report. It is far better for the report to be over-inclusive with any necessary explanations than to be under-representative of the problem.

It is also expected that the Administration will consult with Congress on the administrative or regulatory guidelines that will be used when determining the criteria for inclusion in this report and again produce what was once considered the flagship United States publication on international terrorism.

Section 1003. Dual Gateway Policy of the Government of Ireland.

This section provides for an economic impact study by the Secretary of State, in consultation with other appropriate agencies, of the dual gateway policy of the Government of the Republic of Ireland. This policy requires air carriers serving Ireland's Dublin Airport from the United States to undertake an almost equal number of flights to Ireland's Shannon Airport. The study is to determine the effects a discontinuation of such a policy would have on the large number of U.S. businesses, as well as Irish businesses, operating in western Ireland.

Section 1004. Stabilization in Haiti.

This section requires that the Secretary of State, not later than 1 year after the date of enactment of the act, submit to the appropriate Congressional Committees a report on the efforts of the United States to assist in the disarmament of illegally armed forces in Haiti, the reform of the Haitian National Police, and the stabilization of the country generally.

Section 1005. Verification Reports to Congress.

Currently, section 4039(a) of the Arms Control and Disarmament Act (22 U.S.C. § 2593a) provides that the Secretary of State will prepare the annual report on verification, on behalf of the President, after "consultation with" certain other agencies; however, the Secretary of State must seek the "concurrence" of the Director of Central Intelligence in the preparation of the report. The President should be free to decide who in the executive branch will prepare the report and how it can best be prepared.

Inserting "as the President deems appropriate" recognizes that the conduct of diplomatic negotiations is a function committed to

the President by the Constitution, and he must have the authority to determine what information about such negotiations may, in the public interest, be made available to Congress and when such disclosure should occur.

Section 1006. Protection of Refugees from North Korea.

This section amends P.L. 108-333, the North Korean Human Rights Act of 2004 (“NKHRA”), to ensure that annual reports on immigration by North Korean refugees and defectors (required by section 305 of that act) include a description of U.S. efforts to facilitate the submission of U.S. refugee applications by North Koreans. As underscored at an April 28, 2005 oversight hearing, the United States has not yet begun sharing the burdens associated with resettling North Korean refugees, one of the key aims of the act. Persistence by U.S. officials will be required to secure from nations in the region the cooperation necessary to permit the United States to process and accept a credible but unspecified number of North Korean refugees for domestic resettlement, and this section is intended to assist the Congress in tracking that progress.

The NKHRA directs the Secretary of State to facilitate the submission of applications by North Koreans seeking protection as refugees, a task that will require creative U.S. diplomatic efforts with countries in the region, including China, South Korea, Russia, Mongolia, Vietnam, Laos, Thailand, Cambodia, and the Philippines. A State Department report to Congress, issued in March 2005, made clear that substantial, additional work remains to be done, but was unclear about what particular efforts have been made toward that end (speaking vaguely of a “survey of regional U.S. diplomatic posts” which gave “preliminary indications” that such assistance is not possible “at this time”). For those reasons, this new section makes this information part of the annual report required for 5 years by Section 305 of the NKHRA.

Section 1007. Acquisitions and Major Security Upgrades.

This section amends section 605(c) of the Foreign Relations Authorization Act, FY 2000-01 (P.L. 106-113), to change the semi-annual report on Embassy construction and security program to an annual report.

Section 1008. Services for Children with Autism at Overseas Missions.

This section requires the Secretary of State to conduct a study in countries where the U.S. has at least one mission to determine the availability of programs that address the needs of children with autism and provide a report of the study to Congress within 30 days of completion of the study. This report will include the estimated number of incidences of autism among dependents of Foreign Service Officers and Specialists, and an analysis of the possibility of establishing “Educational Centers of Excellence” for such dependents.

According to the Centers for Disease Control, autism is growing rapidly in the United States and worldwide. There is no known cure for autism, and little is known about its causes, although much promising research is being conducted. The Committee is concerned that while the State Department’s Office of Medical

Services does make an allowance available for Foreign Service Officers to cover certain costs associated with addressing autism in dependents, including speech therapy, occupational therapy, and special education services, these allowances will be effectively used only if speech therapists who are English-speaking and pediatric occupational therapists skilled in treating the sensory integration disorder which is common in autistic children are available to be hired privately. The net effect is that Foreign Service Officers with autistic children can serve in only an extremely small number of overseas posts when their children are young and intervention needs are high, for example, the UK, Australia, and Brussels. With the growing number of autistic children and the need for Foreign Service Officers to be available for worldwide service, the Committee believes the Department must look at alternatives. The difficulty of frequent moves and the social turmoil that goes with it are the same for those in the Foreign Service as in the military. The Committee urges the Department to coordinate closely with the Department of Defense to examine the provision of autism services at DoD overseas schools or other possible mechanisms.

Section 1009. Incidence and Prevalence of Autism Worldwide.

This section authorizes \$1.5 million for FY 2006 for a study of the incidence of autism worldwide. It asks the Secretary of State to work with the United Nations Children's Fund (UNICEF) to use the "voice and vote" of the United States to urge the conduct of a worldwide study on autism spectrum disorders generally referred to as "autism."

According to the CDC, studies done in Europe and Asia indicate as many as two out of every 1,000 children have some type of autism, but there have been no comprehensive studies of the worldwide incidence of autism.

UNICEF is the lead agency for monitoring the child-related Millennium Development Goals, and plays a leading role in strengthening methodologies for the measurement and assessment of key indicators related to the goals of "A World Fit for Children," and other global commitments. UNICEF already produces statistics globally and by country and provides a tool for generating customized statistical tables. The statistical tool includes economic and social data from 195 countries and territories, with particular reference to children's well-being. These statistics are derived from UNICEF's flagship publication, *The State of the World's Children 2005*.

The provision requires a report to be provided by the UNICEF Executive Board and forwarded to participating governments containing the findings of the study and any necessary recommendations.

Section 1010. Internet Jamming.

This section requires the BBG to submit to Congress a report on the status of state-sponsored and state-directed Internet jamming by repressive foreign governments. This report will include information concerning which countries, or quasi-government organizations are involved in such jamming.

Section 1011. Department of State Employment Composition.

This section amends section 324 of the Foreign Relations Act, Fiscal Year 2003 to extend a report on the employment and promotion of minority groups and women at the Department of State in both the Foreign Service and Civil Service. The provision also requires that the report include information regarding the numbers and percentages of contacts entered into by the Department of State with small, minority-owned and disadvantaged businesses.

Section 1012. Incitement to Acts of Discrimination.

This section amends the Foreign Assistance Act of 1961 to require the Secretary of State to expand reporting in the Department's annual Country Reports on Human Rights Practices to include reports, when applicable, for each country a description of the nature and extent of propaganda in foreign government and foreign government controlled media and other sources that attempt to justify or promote racial hatred or incite acts of violence against any race or people and a description of the actions, if any, taken by that government to eliminate such propaganda. To improve the capacity of State Department personnel in fulfilling the requirements of this section, the Committee recommends that instruction in identifying, combating, and repudiating anti-Semitic rhetoric and incitement be provided as part of the training for members of the Foreign Service.

Section 1013. Child Marriage.

This section requires the Secretary of State to provide to the appropriate Congressional Committees not later than 180 days after enactment, a one-time report regarding the practice of the custom of child marriage around the world. The report will include sections for each country in which child marriage is documented. Each country section must include a description of efforts by the government, if any, to revise laws and practices to eliminate child marriage, and actions taken by the State Department and other agencies to encourage the government to eliminate child marriage.

UNICEF reports that in some countries half of all girls are married by the age of 18 because of poverty, tradition and family pressure. Child marriages are most common in sub-Saharan Africa and South Asia, where poverty, traditional taboos about pre-marital sex, and fears of AIDS are widespread.

Section 1014. Magen David Adom Society.

This section amends the Foreign Relations Authorization Act of 2003 (P.L. 107-228) to reflect the U.S. efforts to obtain full membership and recognition of the Magen David Adom Society in the International Red Cross and Red Crescent Movement. It also requires the Secretary of State to report on U.S. efforts to obtain full membership for the Magen David Adom Society in the Movement; efforts by the International Committee of the Red Cross to obtain full membership for the Magen David Adom Society in the Movement; efforts of the High Contracting Parties to the Geneva Convention to adopt the October 12, 2000 draft additional protocol which would accord international recognition to an additional distinctive emblem, the absence of which has been a serious impediment to the Magen David Adom Society's bid for full membership

in the Movement; the extent to which the Magen David Adom Society is participating in the activities of the International Red Cross and Red Crescent Movement; the extent to which the Magen David Adom Society is participating in the activities of the Movement; and efforts by any state, member, or official of the Movement to prevent, obstruct or place conditions on the adoption of the additional protocol or the full participation of the Magen David Adom in the Movement.

Section 1015. Developments in and Policy Toward Indonesia.

This section recognizes the remarkable progress in democratization and decentralization in Indonesia, expresses concern about continuing human rights violations by Indonesian security forces, and takes note of the situation in Papua. In general, it reflects underlying sentiments that reform of Indonesian security forces is important to consolidating democratic gains and protecting human rights, and that robust implementation of special autonomy holds the best chance of promoting peace and stability in the conflict-torn provinces of Aceh and Papua. It requires an annual report by the State Department on the implementation of special autonomy for Aceh and Papua, and a report on the 1969 "Act of Free Choice," wherein selected Papuan elders elected to remain part of Indonesia.

Section 1016. Murders of United States Citizens John Branchizio, Mark Parson, and John Marin Linde.

This section expresses a sense of Congress regarding the October 2003 murders of U.S. citizens John Branchizio, Mark Parson, and John Marin Linde.

Subsection (a) presents findings regarding the October 2003 murders of three United States citizens, John Branchizio, Mark Parson, and John Marin Linde, in Gaza. Subsection (b) is a sense of Congress asserting, among other things, that the continued inability or unwillingness of the Palestinian Authority (PA) to pursue aggressively the murderers of the three U.S. citizens and bring them to justice calls into question the PA's viability as a U.S. partner in resolving the Palestinian-Israeli conflict. It also asserts that future U.S. assistance to the PA may be affected, and the continued operation of the PLO Representative Office in Washington may be jeopardized if the PA does not fully and effectively cooperate in bringing the murderers to justice.

Subsection (c) requires the Secretary of State to submit a report to the appropriate Congressional Committees within 30 days after the date of the enactment of this act, and every 120 day thereafter. The report shall include a description of efforts by the U.S. to bring the murderers to justice, a detailed assessment of efforts by the PA to bring the murderers to justice, an assessment as to whether the PA's efforts constitute "the best possible effort," and a description of any additional steps or initiatives requested or recommended by the U.S. that were not pursued by the PA. In accordance with subsection (d), this report will no longer be required if the Secretary of State certifies that the murderers have been identified, arrested, and brought to justice.

Section 1017. Diplomatic Relations with Israel.

Finding that 33 countries have no diplomatic relations with Israel, this section expresses a sense of Congress that the U.S. should assist Israel in its efforts to establish diplomatic relations. It also requires the Secretary of State to report 90 days after enactment and annually thereafter on actions taken by the U.S. to encourage other countries to establish full diplomatic relations with Israel, including specific responses solicited and received from countries that do not have diplomatic relations with Israel.

Section 1018. Tax Enforcement in Colombia.

This section requires that the Secretary of State, no later than 90 days after the date of enactment of this act, submit to the appropriate Congressional Committees a report which details the challenges that the Colombian Government faces in enforcing its tax code. The report should include specific information such as estimates of current tax revenue as a percentage of Colombia's gross domestic product, an estimate of potential revenue if tax laws were fully enforced, and a discussion of the potential uses for such revenue to achieve the objectives of Plan Colombia.

The Committee notes that the World Bank reportedly indicates that Colombia collected 10.1 percent of its Gross Domestic Product as taxes in 1998, which is significantly lower than the United States (20.4 percent) and most of the developing world; that a subsequent increase to 14 percent of Colombia's GDP was fueled largely by a one-time tax assessed to wealthy Colombians; that even 14 percent still ranks Colombia remarkably low for a country facing an internal armed conflict and poverty rates approaching 60 percent; that of Colombia's population of 44 million, only 800,000 pay any income taxes; and that few Colombian municipalities have proven capable of enforcing their constitutional authority to collect property taxes from large landholders. The Committee believes that this report will provide it with the information necessary to accurately discuss and address this matter.

Section 1019. Provision of Consular and Visa Services in Pristina, Kosova.

This section requires the Secretary of State to provide a report 90 days after enactment of this act describing the possibility of providing consular and visa services at the U.S. Office in Pristina, Kosovo (USOP) to residents of Kosovo.

Section 1020. Democracy in Pakistan.

This section supports the Administration's policy of promoting democracy by requiring an annual report for fiscal years 2006 and 2007 on the extent to which the Government of Pakistan has restored a fully functional democracy in which free, fair, and transparent elections are held. The Committee remains concerned that Pakistan's democratization process is moving too slowly and needs to accelerate considerably.

Section 1021. Status of the Sovereignty of Lebanon.

This provision consists of four subsections. Subsection (a) expresses a sense of Congress concerning matters discussed in the reporting requirement set out in subsection (b). It emphasizes the

need for all parties in the Middle East and internationally to support implementation of U.N. Security Council Resolution 1559 (2004), which calls for “strict respect” for Lebanon’s sovereignty, territorial integrity, unity, and political independence “under the sole and exclusive authority of the Government of Lebanon throughout Lebanon”; calls upon all remaining foreign forces to withdraw from Lebanon; calls for the “disbanding and disarmament of all Lebanese and non-Lebanese militias”; and supports the extension of the control of the Government of Lebanon over all Lebanese territory. These concerns reflect the Committee’s sense of urgency—especially to see Hezbollah disarmed, all remaining Syrian security and intelligence personnel removed from Lebanon, and Lebanese forces in full control of Lebanon’s borders so as to prevent anti-Israel provocations from the southern border and to stanch the flow of arms to Hezbollah, particularly from Lebanon’s eastern border with Syria.

This subsection states that the U.S. and its allies should consider providing training and other assistance to the Lebanese armed forces to enhance their ability to disarm Hezbollah and other militias and stanch the flow of arms to Hezbollah and other militias. It also warns that future U.S. assistance to Lebanon may be affected if Lebanon does not make every effort to disarm militias, including Hezbollah, and to deny them re-armament.

Subsection (b) requires the Secretary of State to submit a report no later than 120 days after enactment of this act, and every 180 days thereafter, describing and evaluating: 1) the extent to which armed militias continue to operate in Lebanon and the Government of Lebanon’s progress toward disbanding and disarming these militias; 2) the extent to which the Lebanese Government is committed to disbanding and disarming Hezbollah and other militias and stanching the flow of arms to Hezbollah and other militias; 3) the progress of the Lebanese armed forces in deploying and taking full control of all of Lebanon’s borders; 4) the extent to which countries in the region attempt to direct arms to Lebanon-based militias or allow their territory to be traversed for this purpose and the extent to which these armament efforts succeed; 5) the routes and means used by external sources attempting to supply arms to Lebanon-based militias and the countries that are involved in these efforts; 6) the efforts of the U.S. and its allies to facilitate the process of disbanding and disarming Lebanon-based militias and stanching the flow of weapons to them; and 7) any recommendations for legislation to support the disbanding and disarming of Lebanon-based militias.

Subsection (c) says that the report required by subsection (b) should be submitted in unclassified form and may contain a classified annex if necessary.

Subsection (d) provides that the requirement to submit the report specified in subsection (b) shall no longer apply if the Secretary certifies to the appropriate Congressional Committees that all Lebanon-based militias have been disbanded and disarmed and that the Lebanese armed forces are deployed to and in full control of Lebanon’s borders.

Section 1022. Activities of International Terrorist Organizations in Latin America and the Caribbean.

This section finds: That activities by international terrorist organizations in countries of the Western Hemisphere are a threat to the U.S.; that international terrorist organizations such as Hezbollah and Hamas have taken advantage of the weak rule-of-law in some Latin American and Caribbean countries; and, that the U.S. should work with countries in the region to expose and prevent activities by these terrorist organizations.

The provision requires a one-time report 180 days after enactment of this act on the activities of international terrorist organizations in Latin America and the Caribbean. The report is to be submitted in unclassified form but may contain a classified annex.

Section 1023. Analysis of Employing Weapons Scientists from the Former Soviet Union in Project Bioshield.

This section requires a report from the Secretary of State, consulting with the Secretary of Health and Human Services, by November 1, 2006, that will include:

(1) an analysis of the scientific and technological contributions that former bioweapons scientists could make to the research and development of biomedical countermeasures; the cost-effectiveness of those methods of employing the services of such scientists; and the desirability and national security implications of providing employment opportunities for such scientists biomedical countermeasures against biological weapons; and

(2) recommendations for appropriate legislation to address the issues analyzed in the report.

Section 1024. Extradition of Violent Criminals from Mexico to the United States.

This section details the impediments to extradition of violent criminals from Mexico to the United States resulting from a 2001 decision by Mexico's Supreme Court barring the extradition of Mexican nationals to countries where they may face life sentences without the possibility of parole. The provision acknowledges positive cooperation between the Government of the United States and the Government of Mexico. The provision establishes a sense of Congress that the Government of the United States should encourage the Government of Mexico to continue to work closely with the Mexican Supreme Court to urge the Court to re-visit its October 2001 ruling so that the possibility of life imprisonment without parole will not have an effect on the timely extradition of criminal suspects from Mexico to the United States.

The provision requires the Secretary of State to submit an annual report to Congress detailing the status of extraditions of Mexican nationals requested by the United States and the status of extraditions of U.S. nationals requested by Mexico. The report may contain a classified annex to protect sensitive information.

Section 1025. Actions of the 661 Committee.

This section requires a one-time report, no later than 4 months after the enactment of this act, from the Secretary of State on United States decisions, actions, communications, and deliberations in the 661 Committee of the United Nations concerning overpricing

of contracts, kickbacks from sales of humanitarian goods, efforts to correct and revalue the contracts in the post-Saddam era, oil smuggling, and trade protocols. The report will also examine how the U.S. made its decisions in the 661 Committee and will identify the officials involved in making those decisions. The report will also include information detailing positions on these issues held by other members of the 661 Committee. The report will be accompanied by all supporting documents regarding the aforementioned decisions, actions, communications, and deliberations. The Committee accepts that some of this material may need to be delivered in classified form; however, it expects that some of this report will also be unclassified.

United Nations Security Council Resolution 661 imposed comprehensive sanctions on Iraq after its 1990 invasion of Kuwait. The Security Council established a committee, comprised of the 15 members of the Security Council, to oversee these sanctions. This committee became known as the “661 Committee.” After the Oil-for-Food program was created in 1996, the 661 Committee also administered and oversaw the program’s operations, including the approval of contracts related to the program. As a permanent member of the Security Council, the U.S. was a member of the 661 Committee throughout its existence.

The Committee believes that by providing detailed insights into the operations and dynamics of the 661 Committee, this report will be an important contribution into its continuing investigation into the U.N., the Oil-for-Food program, the actions of the 661 Committee, and other issues surrounding the sanctions on Iraq.

Section 1026. Elimination of Report on Real Estate Transactions.

The Department requests that the requirement for this separate report be eliminated because sales information is already, and will continue to be, transmitted to Congress on an annual basis in Department of State budget presentation documents, specifically in the Overseas Building Office (OBO) Congressional Budget Justification (CBJ). The information in the OBO CBJ reflects the actual receipts collected from sales (not the sales or contract amount), which is more useful information.

TITLE XI—MISCELLANEOUS PROVISIONS

SUBTITLE A—GENERAL PROVISIONS

Section 1101. Statement of Policy Relating to Democracy in Iran.

This section recognizes that there is a continuing lack of freedom and democracy in Iran and that Iran remains a state sponsor of terrorism. The U.S. supports democracy in Iran, and condemns the imprisonment and abuse of Iranian civilians who express political dissent.

Section 1102. Iranian Nuclear Activities.

This section finds that Iran is the world’s leading state sponsor of terrorism, that Iran has called for the destruction of Israel, is developing an intermediate-range offensive missile capability, and continues to pursue a nuclear weapons program while deceiving and denying access to International Atomic Energy Agency inspectors. It also finds that Russia continues to assist Iran in the con-

struction of a nuclear facility and in the supply of nuclear fuel. The ensuing Statement of Congress calls upon G-8 Governments to insist that Russia cease all nuclear assistance to Iran and make continued Russian G-8 membership contingent upon the termination of such assistance.

Section 1103. Location of International Institutions in Africa.

This section calls for international organizations and institutions in Africa that have moved from their original locations for reasons of security to return once security has improved, and authorizes the Secretary of State to begin consultations with such parties to determine the feasibility of returning such organizations and institutions to the regions in which they were originally headquartered. It pertains to the temporary relocation of the African Development Bank from Abidjan to Tunisia due to the civil unrest in Cote d'Ivoire.

Section 1104. Benjamin Gilman International Scholarship Program.

This section provides for an increase in the Gilman International Scholarship Program from \$1,500,000 to \$4,000,000. The reason for increasing the authorization level is to keep pace with the increases in the appropriations made for this highly successful academic program.

The International Academic Opportunity Act of 2000 (Title III of P.L. 106-309) established awards for undergraduate study abroad. This scholarship program provides grants for U.S. undergraduate students who are receiving Federal Pell Grant funding at a 2-year or 4-year college or university to participate in study abroad programs worldwide.

Section 1105. Prohibition on Commemorations Relating to Leaders of Imperial Japan.

This section forbids the Department of State and its missions abroad from engaging in any activity, such as the celebration of Showa holiday, which may serve to commemorate the leaders of Imperial Japan connected to the attack on the U.S. Fleet at Pearl Harbor, Oahu, Hawaii, on December 7, 1941.

Section 1106. United States Policy Regarding World Bank Group Loans to Iran.

U.S. law requires the U.S. Executive Directors of international financial institutions of the World Bank Group to use voice and vote to oppose loans to the Iranian regime. However, without the cooperation of U.S. allies, such World Bank Group assistance continues to be afforded to Iran.

Subsection (a) therefore directs the Secretary of State, in consultation with the Secretary of the Treasury, to work to secure the support of the governments of the countries represented in the decision-making bodies of these international financial institutions (IFIs), to oppose any further IFI activity in Iran until this state-sponsor of terrorism abandons its nuclear program. Subsection (b) requires the Secretary of State to notify the appropriate Congressional Committees within 30 days of initiating these efforts.

Section 1107. Statement of Policy Regarding Support for SECI Regional Center for Combating Trans-Border Crime.

This section expresses that it is the policy of the United States to continue to support the activities of the Southeast European Cooperative Initiative (SECI) Regional Center for Combating Trans-border Crime, located in Bucharest, Romania.

The SECI Regional Center for Combating Trans-Border Crime facilitates the exchange of law enforcement data and fosters cooperation between police, customs officers and prosecutors in matters involving transnational crime. The twelve member states of SECI, Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Greece, Hungary, Macedonia, Moldova, Romania, Slovenia, Serbia and Montenegro, and Turkey, assign police and customs officers to the Regional Center where they undertake coordinated investigations and operations through six task forces. The task forces are concerned with combating trafficking in human beings, drug trafficking, financial and computer crimes, auto theft, smuggling and fraud, and terrorism. The Regional Center also provides training for police and customs officers and integrates its work with other international organizations including the World Customs Organization and Interpol. Fifteen permanent observer states, including the United States, France, Germany, the U.K., and Canada provide technical and financial support to the SECI Regional Center. It is critical that the U.S. continues to support this effective regional crime fighting organization which also serves as a bridge to support similar law enforcement activities throughout the Caucasus and Central Asia.

Section 1108. Statement of Policy Urging Turkey to Respect the Rights and Religious Freedoms of the Ecumenical Patriarch.

This section sets out certain findings and a statement of policy with respect to the rights and religious freedoms of the Ecumenical Patriarch.

The Turkish Government continues to limit religious freedom in certain important ways, including with respect to the Greek Orthodox Church. The Halki Island Seminary, the Ecumenical Patriarchate's institution of higher learning, has been closed since 1971, when the Turkish Government nationalized all private education institutions. As a result, for over 30 years, the Ecumenical Patriarchate has been denied a place, under its control, to train the next generation of Orthodox clergy. The Turkish Government continues to expropriate churches and other properties formerly in the possession of the Patriarchate, and has not paid compensation for those properties. Other limitations on religious freedom also exist. For example, all clergy in Turkey, including Muslim clergy, are prohibited from wearing "religious garb" in public. Thus, the Ecumenical Patriarch and all metropolitans and priests are prohibited from wearing hats, robes, medals, and other garments which indicate their religious office.

Turkey's policy is that all religious institutions on its territory should be run as Turkish institutions and be headed by Turkish nationals; accordingly, the Turkish Government denies the Ecumenical status of the Patriarch and requires that the Patriarch be a Turkish citizen. This severely limits the field of viable candidates. This policy, established in 1923 at the birth of the modern

Turkish state, in part reflected Turkish concerns about Greece's post-World War I bid to establish sovereignty in part of Western Anatolia. Today, it serves to limit foreign religious influences of all sorts, including jihadist Islam. Turkey probably would have difficulty relaxing some of its restrictions on non-Muslim religions while it maintains its controls on Islamic practice.

In contemporary times, however, the Greek Orthodox population of Turkey has shrunk to well under 10,000. Thanks to a 6-year-old Greek-Turkish rapprochement embraced as a strategic objective by both of Greece's major political parties, the prospect of Greek-Turkish hostilities is remote. Therefore, to the degree that Ankara's restrictive policy towards the Patriarchate still relates to a fear of irredentism, it is now anachronistic. For that and other reasons relating to the exercise of fundamental rights in accordance with European human rights standards, that policy should be discarded.

Section 1109. Statement of Policy Regarding the Murder of United States citizen John M. Alvis.

This section calls upon the Government of Azerbaijan to continue to investigate the murder of John M. Alvis, an employee of the International Republican Institute in Baku, Azerbaijan, when he was murdered on November 30, 2000, and to make this issue a priority item in relations between the Government of the United States and the Government of Azerbaijan. This section states that Congress appreciates the efforts of the Government of Azerbaijan to find the murderer or murderers of John M. Alvis and urges the Department of State to continue to make this issue a priority and raise it in bilateral communications.

Section 1110. Statement of Congress and Policy with Respect to the Disenfranchisement of Women.

Subsection (a) contains a finding that, following Kuwait's May 2005 parliamentary decision to enfranchise its female citizens, Saudi Arabia is now the only country in the world that restricts the franchise and the right to hold office to men only. Subsection (b) contains a statement of Congress condemning the disenfranchisement of women in Saudi Arabia and calls on the Government of that country to promulgate a law that grants women the right to vote and run for office. Subsection (c) is a policy statement encouraging the President of the United States to take appropriate action, including a downgrading of diplomatic relations, to encourage countries that disenfranchise women to grant women the right to vote and hold office.

SUBTITLE B—SENSE OF CONGRESS PROVISIONS

Section 1111. Korean Fulbright Programs.

This section calls for participation in the Fulbright Program by students from throughout South Korea, who represent a broad range of educational institutions, educational programs and courses of study.

Section 1112. United States Relations with Taiwan.

This section supports the issuance of visas to high-level Taiwanese officials to visit the United States on official business. In

1994, the Immigration and Nationality Technical Corrections Act of 1994 (P.L. 103–416) made visas available for officials of Taiwan for specified circumstances.

Although diplomats traveling to the United States are routinely issued A–1 visas, Taiwanese officials are typically granted “transit visas,” such as in the case of President Chen Shui-bian’s trip in May 2001. Likewise, Vice President Lu’s 3-day visit to New York City in June 2002 was officially designated as a “stopover.”

Section 1113. Nuclear Proliferation and A.Q. Khan.

This section recognizes Dr. Abdul Qadeer Khan’s role as a nuclear arms trafficker and China’s involvement in the trafficking network by providing Khan with nuclear weapons designs. The arms trafficking network established by Khan assisted Iran, North Korea, and Libya with their nuclear weapons programs with uranium-enrichment technology. The provision states the sense of the Congress that the United States should continue efforts to dismantle the illegal international nuclear proliferation network created by Khan; counter the proliferation of WMD from Pakistan to other countries; request and be given access to interview Khan and his associates; and take the necessary steps to ensure that Pakistan has verifiably halted nuclear technology cooperation with any country.

Section 1114. Palestinian Textbooks.

This section expresses a sense of Congress regarding Palestinian education. It consists of four findings and a sense of Congress regarding Palestinian education. Subsection (a) finds the Palestinian Authority’s (PA) ongoing textbook reform inadequate, since new textbooks include references to the Protocols of the Elders of Zion, fail to acknowledge Israel’s existence, and fail to discuss Jews in sections dealing with religious tolerance. Subsection (b) is a sense of Congress stating that the Secretary of State should express in the strongest possible terms U.S. opposition to the inclusion in Palestinian textbooks of materials that foster anti-Semitism and rejection of peace with Israel. It also calls on the Secretary to express U.S. unwillingness to support, directly or indirectly, PA educational programs if the PA continues to include material which does not foster tolerance and peace.

Section 1115. International Convention Affirming the Human Rights and Dignity of Person with Disabilities.

This section calls upon the United States to play a leading role in the drafting of an international convention affirming the human rights and dignity of persons with disabilities. In addition, the provision urges the President to authorize the Secretary of State to include leaders of the U.S. disability rights movement in the U.S. delegation to the Sixth Session, and subsequent sessions, of the United Nations Ad Hoc Committee on a Comprehensive and Integral Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

Section 1116. Fulbright Scholarships for East Asia and the Pacific.

This section consists of two findings and a sense of the Congress regarding the Fulbright Scholarships to Pacific Islands students.

The provision recognizes that of the 13,176 Fulbright Scholarships from 1949–2003 only 31 were awarded to Pacific Islands students and none of the 315 scholarships awarded in 2003–2004 went to those students. Furthermore, the provision requests the Department of State conduct a review and submit to Congress a report regarding the marginalization of Pacific Islands students in the awarding of Fulbright Scholarships.

Section 1117. Baku-Tbilisi-Ceyhan Energy Pipeline.

This section consists of six findings and a sense of Congress regarding the development of the east-west Baku-Tbilisi-Ceyhan (BTC) pipeline. The provision supports the development of oil and natural gas resources in the Caspian Sea region. Furthermore, the provision congratulates the people of the Caspian Sea region for the completion of the BTC pipeline, and expresses the support of the U.S. for the continuous development of the east-west corridor.

Section 1118. Legislation Requiring the Fair, Comprehensive, and Nondiscriminatory Restitution of Private Property Confiscated in Poland.

This section contains findings regarding the history of private property seizure by the Nazis in Poland and of the unsuccessful effort by the Polish Government to develop and enact legislation to compensate individuals whose property was seized. It also encourages the President and the Secretary of State to maintain a dialogue with the Government of Poland regarding this issue.

The United States has stressed that uniform, fair, non-discriminatory, and complete restitution is a prerequisite both to adequate establishment of the rule-of-law and to the safeguarding of religious and minority rights and freedoms. While there has been significant success in some instances in Central Europe, there are other areas where no progress has been registered. Poland has made significant progress on communal property returns. But, Poland has not enacted any legislation providing for the restitution of, or compensation for, wrongly confiscated private property, despite assurances from the highest levels of the government that it would do so. Although a draft law is currently pending before the Sejm, several other drafts have failed to pass the parliament or have been vetoed by the Polish President. It is therefore critical that the United States remain engaged on this issue until such time as an adequate private property law is adopted and fully implemented.

Section 1119. Child Labor Practices in the Cocoa Sectors of Cote D'Ivoire and Ghana.

This section expresses a sense of Congress that commends the Governments of Cote d'Ivoire and Ghana for taking tangible steps to address child labor in the cocoa industry, encourages them to consider as top priority child labor and forced labor issues, recognizes the voluntary protocol and ILO convention 182, encourages governments, NGOs, and the chocolate industry to continue developing a child labor monitoring system, and calls on the State Department to assist the two governments in preventing trafficking of persons into the cocoa fields and other industries in West Africa.

Section 1120. Contributions of Iraqi Kurds.

This section expresses a sense of Congress commending the Iraqi Kurds for their many contributions to, and sacrifices for, the cause of achieving a free, stable, and democratic Iraq. These contributions and sacrifices include their fighting alongside U.S. troops in the war against Saddam, where they suffered more casualties than any group other than the U.S. military. The Iraqi Kurdish leadership also has made constructive contributions toward establishing an effective Iraqi Government by participating fully in the central government and playing a central role in the drafting and passage of the Transitional Administrative Law. This provision also points out that the Iraqi Transitional Government and the Kurdistan Regional Government are expected to adhere to the highest standards of democratic governance, including through enforcement of full equality and rights for all religions and ethnic minorities, such as Assyrians and Turcomans, two groups who have at times complained of their treatment by the regional government in Iraqi Kurdistan.

Section 1121. Proliferation Security Initiative.

This section expresses a sense of Congress that: (1) the Secretary of State should strive to expand and strengthen the Proliferation Security Initiative announced on May 31, 2003, by President George W. Bush, placing particular emphasis on including countries outside of the North Atlantic Treaty Organization (NATO); and (2) the United States should seek an international instrument, in the form of a United Nations Security Council resolution, multilateral treaty, or other agreement, to enhance international co-operation with the Proliferation Security Initiative regarding the interdiction, seizure, and impoundment in international waters and airspace of illicit shipments of weapons of mass destruction and their delivery systems and of related materials, equipment, and technology.

Section 1122. Security of Nuclear Weapons and Materials.

This section expresses a sense of Congress that the President should seek to devise and implement standards to improve the security of nuclear weapons and materials by establishing with other willing nations a set of guidelines containing performance-based standards for the security of nuclear weapons and materials, as well as appropriate verification measures to assure ongoing compliance. The Committee also urges the President to work with those nations and the International Atomic Energy Agency (IAEA) to strongly encourage other nations to adopt and verifiably implement the standards and to complete the negotiation, adoption, and implementation of the IAEA's proposed series of documents related to the security of nuclear materials.

Section 1123. International Criminal Court and Genocide in Darfur, Sudan.

This section expresses a sense of Congress that, notwithstanding the American Servicemembers' Protection Act of 2002, the United States should render assistance to the International Criminal Court's (ICC) efforts to bring to justice foreign nationals accused of genocide, war crimes, or crimes against humanity in Darfur,

Sudan, provided that legally binding assurances have been received from the U.N. Security Council or the ICC that no current or former United States Government official, employee, member of the United States Armed Forces, or United States national will be subject to prosecution by the ICC in connection with those efforts.

Section 1124. Action Against Al-Manar Television.

This section consists of two subsections. Subsection (a) points out that al-Manar television is owned and controlled by Hezbollah, which the Secretary of State designated a Foreign Terrorist Organization in 1996. Programming on al-Manar openly promotes hatred of Americans, Israelis and Jews, and glorifies and incites violence, including suicide bombings, against them. As background, it should be pointed out that al-Manar promotes hatred in a singularly overt, crude, and graphic fashion. This subsection further points out that al-Manar continues to broadcast to all of the Arab world, much of non-Arab Asia, most of Central and South America, and parts of Europe, with the cooperation of companies headquartered in Europe and the Arab world.

Subsection (b) expresses a sense of Congress that all countries that host satellite companies that broadcast al-Manar, on whose territory al-Manar may be viewed over media subject to government regulation, or where advertising or other financial support for al-Manar originates, should take action to suppress al-Manar's programming. This subsection also calls on the Arab States Broadcasting Union, which is part of the Arab League, to revoke al-Manar's membership status based on al-Manar's promotion of hatred and incitement to violence.

Section 1125. Stability and Security in Iraq.

This section expresses a sense of Congress that the President should transmit, as soon as possible, the plan to provide for a stable and secure Government of Iraq and an Iraqi military force that will allow the United States military presence in Iraq to be diminished. The section was modified, by unanimous consent, from the text originally laid before the Committee so that it no longer necessarily implies either the current existence or non-existence of such a plan. The Committee accepts that the Administration believes it has already provided a plan; many members share that view. The Administration has emphasized its commitment to the training and equipping of Iraqi security forces and the development of a viable political and economic structure in Iraq. Certain members, however, believe that the Administration's presentation does not add up to an overall plan or that the plan is not adequately clear or specific.

Section 1126. Property Expropriated by the Government of Ethiopia.

This section expresses a sense of Congress that the Government of Ethiopia should account for, compensate, or return to U.S. citizens, property that has been nationalized or otherwise seized by the Government of Ethiopia in contravention of international law.

International Federation of Accountants

Established in 1977 at the 11th World Conference of Accountants in Munich Germany, the International Federation of Accountants

(IFAC) is comprised of 163 member organizations from 119 countries representing 2.5 million accountants from public practice, industry and commerce, government and academia. In 2004, IFAC and the United Nations Conference on Trade and Development (UNCTAD) entered into a Memorandum of Understanding whereby both organizations agreed to work on education, corporate governance, and other matters related to strengthening the worldwide accountancy profession and contributing to the development of strong international economies by establishing and promoting adherence to high-quality professional standards. IFAC accounting professionals visit the United States for conferences, study, and other issues related to IFAC's mission such as the recent MOU between IFAC and the United Nations. The Committee recommends that the Department conduct a review of the work performed by IFAC and submit a report to the Committee that: (a) describes whether and if so how IFAC's activities promote U.S. priorities relating to transparency and good governance and (b) provides a recommendation on whether IFAC should be designated as an international organization for purposes of applicable U.S. law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

CHAPTER 203 OF TITLE 18, UNITED STATES CODE

CHAPTER 203—ARREST AND COMMITMENT

Sec.	
3041.	Power of courts and magistrates.
	* * * * *
3064.	<i>Powers of special agents in the Department of State and the Foreign Service.</i>
	* * * * *

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

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

STATE DEPARTMENT BASIC AUTHORITIES ACT OF 1956

TITLE I—BASIC AUTHORITIES GENERALLY

ORGANIZATION OF THE DEPARTMENT OF STATE

SECTION 1. (a) * * *
 (b) UNDER SECRETARIES.—

(1) * * *

(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—**[There]**

(A) *IN GENERAL.*—*There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security, who shall assist the Secretary and the Deputy Secretary in matters related to international security policy, arms control, and nonproliferation. Subject to the direction of the President, the Under Secretary may attend and participate in meetings of the National Security Council in his role as Senior Advisor to the President and the Secretary of State on Arms Control and Nonproliferation Matters.*

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

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

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

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

(C) *DEPUTY UNDER SECRETARY FOR STRATEGIC EXPORT CONTROL.*—*There shall be in the Department of State a Deputy Under Secretary for Strategic Export Control who shall have primary responsibility to assist the Under Secretary for Arms Control and International Security in carrying out the responsibility of the Under Secretary described in subparagraph (B)(iii).*

* * * * *

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

(A) *Coordinating with the Under Secretary for Public Diplomacy and Public Affairs and officers and employees from the regional bureaus of the Department of State to*

promote the transition to democracy in nondemocratic countries and strengthen development of democracy in countries that are in transition to democracy.

(B) Advising the Secretary regarding any recommendation requested by any official of any other agency that relates to the human rights situation in a foreign country or the effects on human rights or democracy in a foreign country of an agency program of such official.

[(4)] (5) NOMINATION OF UNDER SECRETARIES.—Whenever the President submits to the Senate a nomination of an individual for appointment to a position in the Department of State that is described in paragraph (1), the President shall designate the particular Under Secretary position in the Department of State that the individual shall have.

(c) ASSISTANT SECRETARIES.—

(1) * * *

(2) ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR.—(A) There shall be in the Department of State an Assistant Secretary of State for Democracy, Human Rights, and Labor who shall be responsible to the Secretary of State for matters pertaining to human rights and humanitarian affairs (including matters relating to prisoners of war and members of the United States Armed Forces missing in action) in the conduct of foreign policy and such other related duties as the Secretary may from time to time designate. *The Assistant Secretary of State for Democracy, Human Rights, and Labor shall also be responsible for matters relating to the transition to and development of democracy in nondemocratic countries, including promoting and strengthening the development of democracy in foreign countries that are in the early stages of a transition to democracy and evaluating the effectiveness of United States programs that promote democracy.* The Secretary of State shall carry out the Secretary's responsibility under section 502B of the Foreign Assistance Act of 1961 through the Assistant Secretary.

* * * * *

SEC. 24. (a) * * *

(b)(1) * * *

* * * * *

(7)(A) * * *

* * * * *

[(D) The authorities contained in this section may only be exercised to such an extent and in such amounts as specifically provided for in advance in appropriations Acts.]

* * * * *

EXPENSES RELATING TO PARTICIPATION IN ARBITRATIONS OF CERTAIN DISPUTES

SEC. 38. (a) * * *

* * * * *

(d) INTERNATIONAL LITIGATION FUND.—

(1) * * *

* * * * *

(3) TRANSFERS OF FUNDS.—Funds received by the Department of State as a result of a decision of an international tribunal, from another agency of the United States Government, or pursuant to the Department of State Appropriations Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) to meet costs of preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity, shall be credited to the ILF.

* * * * *

DEFENSE TRADE CONTROLS REGISTRATION FEES

SEC. 45. For each fiscal year, 100 percent of the registration fees collected by the Office of Defense Trade Controls of the Department of State shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for payment of expenses incurred for—

(1) * * *

(2) the automation of defense trade control functions, including compliance and enforcement activities, and the processing of defense trade control license applications, including the development, procurement, and utilization of computer equipment and related software; [and]

(3) the enhancement of defense trade export compliance and enforcement activities, including compliance audits of United States and foreign parties, the conduct of administrative proceedings, monitoring of end-uses in cases of direct commercial arms sales or other transfers, and cooperation in proceedings for enforcement of criminal laws related to defense trade export controls[.]; and

(4) functions of the Strategic Export Control Board established under section 712 of the Strategic Export Control and Security Assistance Act of 2005.

* * * * *

FOREIGN SERVICE ACT OF 1980

SECTION 1. SHORT TITLE.—This Act may be cited as the “Foreign Service Act of 1980”.

SEC. 2. TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TABLE OF CONTENTS

Sec. 1. Short title.

* * * * *

CHAPTER 4—COMPENSATION

* * * * *

Sec. 415. Overseas comparability pay adjustment.

CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

Sec. 501. Classification of positions.

* * * * *

【Sec. 503. Assignments to agencies, international organizations, and other bodies.】

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

* * * * *

Sec. 506. Fellowship of Hope Program.

* * * * *

CHAPTER 6—PROMOTION AND RETENTION

Sec. 601. Promotions.

* * * * *

【Sec. 610. Separation for cause.】

Sec. 610. Separation for cause; suspension.

* * * * *

CHAPTER 3—APPOINTMENTS

* * * * *

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

* * * * *

(c) If an individual (with respect to subsection (a)) or a member of the Service (with respect to subsection (b)) is appointed by the President to be a chief of mission in a country at the time such country is categorized as nondemocratic in an Annual Report on Democracy (required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005), and if such individual or such member has previously served as chief of mission in a country that was so categorized, the President shall transmit to the Committee on Foreign Relations of the Senate a written report summarizing the actions that such individual or member took during the period of such prior service to promote democracy and human rights in such country, including actions in furtherance of the strategy contained in such report.

* * * * *

SEC. 304. APPOINTMENT OF CHIEFS OF MISSION.—(a)(1) An individual appointed or assigned to be a chief of mission should possess clearly demonstrated competence to perform the duties of a chief of mission, including, to the maximum extent practicable, a useful knowledge of the principal language or dialect of the country in which the individual is to serve, and knowledge and understanding of the history, the culture, the economic and political institutions, and the interests of that country and its people. *If the country in which the individual is to serve is categorized as non-democratic in the most recent Annual Report on Democracy (as required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005), the individual should possess clearly demonstrated competence in and commitment to the promotion of democracy in such country, including competence in promoting democratic principles, practices, and values through regular interaction with individuals, including students and young people within such country, who support and advocate such principles, practices, and values.*

* * * * *

SEC. 309. LIMITED APPOINTMENTS.—(a) A limited appointment in the Service, including an appointment of an individual who is an employee of an agency, may not exceed 5 years in duration and, except as provided in [subsection (b)] subsections (b) or (c), may not be extended or renewed. A limited appointment in the Service which is limited by its terms to a period of one year or less is a temporary appointment.

(b) A limited appointment may be extended for continued service—

(1) * * *

* * * * *

[(3) as a career candidate, if continued service is determined appropriate to remedy a matter that would be cognizable as a grievance under chapter 11;]

(3) as a career candidate, if—

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

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

(4) as a career employee in another Federal personnel system serving in a Foreign Service position on detail from another agency; [and]

(5) as a foreign national employee[.]; and

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

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

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

(c) Noncareer specialist employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment provided there is at least a one year break in service before such new appointment. This requirement may be waived by the Director General in cases of special need.

* * * * *

CHAPTER 4—COMPENSATION

* * * * *

SEC. 405. PERFORMANCE PAY.—(a) * * *

* * * * *

(d) The President may grant awards of performance pay under subsection (b)(3) on the basis of annual recommendations by the Secretary of State of members of the Senior Foreign Service who are nominated by their agencies as having performed especially meritorious or distinguished service. Such service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards

under this section. *Meritorious or distinguished service in the promotion of democracy in foreign countries, including contact with and support of individuals and nongovernmental organizations that promote democracy in a foreign country categorized as nondemocratic in the most recent Annual Report on Democracy (as required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005), shall also serve as a basis for granting awards under this section.* Recommendations by the Secretary of State under this subsection shall be made on the basis of recommendations by special inter-agency selection boards established by the Secretary of State for the purpose of reviewing and evaluating the nominations of agencies.

* * * * *

SEC. 413. DEATH GRATUITY.—(a) The Secretary may provide for payment of a gratuity to the surviving dependents of any Foreign Service employee who dies as a result of injuries sustained in the performance of duty abroad, in an amount equal to one year’s salary at the time of death or \$100,000, whichever is greater. Any death gratuity payment made under this section shall be held to have been a gift and shall be in addition to any other benefit payable from any source.

* * * * *

SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.

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

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

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

(c) *PHASE-IN.*—The comparability pay adjustment described under this section shall be paid to a member described in subsection (a) in three phases, as follows:

- (1) In fiscal year 2006, 33.33 percent of the amount of such adjustment to which such member is entitled.
- (2) In fiscal year 2007, 66.66 percent of the amount of such adjustment to which such member is entitled.
- (3) In fiscal year 2008 and subsequent fiscal years, 100.00 percent of the amount of such adjustment to which such member is entitled.

CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

* * * * *

SEC. 503. ASSIGNMENTS TO AGENCIES, INTERNATIONAL ORGANIZATIONS, [AND] FOREIGN GOVERNMENTS, OR OTHER BODIES.—(a)

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

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

(c) *DEFINITIONS.*—In this section:

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

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

(2) The term “designated entity” means—

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

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

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

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

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

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

CHAPTER 6—PROMOTION AND RETENTION

* * * * *

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

(b) Precepts for selection boards shall include a description of the needs of the Service for performance requirements, skills, and

qualities, which are to be considered in recommendations for promotion. The precepts for selection boards responsible for recommending promotions into and within the Senior Foreign Service shall emphasize performance which demonstrates the strong policy formulation capabilities, executive leadership qualities, and highly developed functional and area expertise, which are required for the Senior Foreign Service. The precepts for selection boards shall include, whether the member of the Service or the member of the Senior Foreign Service, as the case may be, has demonstrated—

(1) * * *

(2) other experience in public diplomacy[.], and shall consider whether the member of the Service has served in a position whose primary responsibility is to formulate policy toward or represent the United States at an international organization, a multilateral institution, or a broad-based multilateral negotiation of an international instrument. Precepts for selection boards shall also, where applicable, include an evaluation of whether members of the Service and members of the Senior Foreign Service have met the standards of performance established by the Secretary pursuant to section 619(c) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005, or have served in a position in which the primary responsibility is to monitor or promote democracy or human rights.

* * * * *
 SEC. 610. SEPARATION FOR CAUSE; *SUSPENSION*.—(a) * * *

* * * * *

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

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

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

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

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

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

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

(4) *In this subsection:*

(A) *The term “reasonable time” means—*

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

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

* * * * *

SEC. 614. FOREIGN SERVICE AWARDS.—The President shall establish a system of awards to confer appropriate recognition of outstanding contributions to the Nation by members of the Service. The awards system established under this section shall provide for presentation by the President and by the Secretary of medals or other suitable commendations for performance in the course of or beyond the call of duty which involves distinguished, meritorious service to the Nation, including extraordinary valor in the face of danger to life or health. Distinguished, meritorious service in the promotion of internationally recognized human rights, including the right to freedom of religion, shall serve as a basis for granting awards under this section. *Distinguished or meritorious service in the promotion of democracy in foreign countries, including contact with and support of individuals and nongovernmental organizations that promote democracy in a foreign country categorized as nondemocratic in the most recent Annual Report on Democracy (as required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005), shall also serve as a basis for granting awards under this section.*

CHAPTER 7—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

* * * * *

SEC. 708. TRAINING FOR FOREIGN SERVICE OFFICERS.

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

(1) * * *

* * * * *

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

(c) *TRAINING ON GLOBAL DEMOCRACY PROMOTION.*—

(1) *IN GENERAL.*—In addition to the training required under subsections (a) and (b), the Secretary of State, in cooperation with other relevant officials, including the Under Secretary of State for Democracy and Global Affairs, and the Director of

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

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

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

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

(C) *For any member, chief of mission, or deputy chief of mission who is to be assigned to a foreign country that is categorized as nondemocratic in the Annual Report on Democracy, instruction regarding ways to promote democracy in such country and providing technical, financial, and other support to individuals (including expatriated citizens) and nongovernmental organizations in such country that support democratic principles, practices, and values.*

(D) *The protection of internationally recognized human rights (including the protection of religious freedom) and standards related to such rights, provisions of United States law related to such rights, diplomatic tools to promote respect for such rights, the protection of individuals who have fled their countries due to violations of such rights (including the role of United States embassies in providing access to the United States Refugee Admissions Program) and the relationship between respect for such rights and democratic development and national security. The Director of the National Foreign Affairs Training Center of the Foreign Service Institute of the Department of State shall consult with nongovernmental organizations involved in the protection and promotion of such rights and the United States Commission on International Religious Freedom (established under section 201(a) of the International*

Religious Freedom Act of 1998 (22 U.S.C. 6431(a)) in developing the training required by this subparagraph.

CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY

SUBCHAPTER I—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

* * * * *

SEC. 805. CONTRIBUTIONS TO THE FUND.—(a)(1) Except as otherwise provided in this section, **[7.25 percent]** *7.00 percent* of the basic salary received by each participant shall be deducted from the salary and contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. **[The contribution by the employing agency shall be a percentage of basic salary equal to the percentage in effect under section 7001(d)(1) of the Balanced Budget Act of 1997 (Public Law 105–33; 22 U.S.C. 4045 note), and section 505(h) of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–346; 114 Stat. 1356A–54), plus .25 percent of basic salary, and shall be made]** *An equal amount shall be contributed by the employing agency* from the appropriations or fund used for payment of the salary of the participant. The employing agency shall deposit in the Fund the amounts deducted and withheld from basic salary and the amounts contributed by the employing agency.

(2) Notwithstanding the percentage limitation contained in paragraph (1) of this subsection—

(A) the employing agency shall deduct and withhold from the basic pay of a Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development, who is qualified to have his annuity computed in the same manner as that of a law enforcement officer pursuant to section 8339(d) of title 5, an amount equal to that to be withheld from a law enforcement officer pursuant to section 8334(a)(1) of title 5 **[, plus an amount equal to .25 percent of basic pay]**. The amounts so deducted shall be contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal amount shall be contributed by the employing agency from the appropriations or fund used for payment of the salary of the participant. The employing agency shall deposit in the Fund the amount deducted and withheld from basic salary and amounts contributed by the employing agency.

(B) The employing agency shall deduct and withhold from the basic pay of a Foreign Service criminal investigator/inspector of the Office of the Inspector General, Agency for International Development, who is qualified to have his annuity computed pursuant to section 8415(d) of title 5, an amount equal to that to be withheld from a law enforcement officer pursuant to section 8422(a)(2)(B) of title 5 **[, plus an amount equal to .25 percent of basic pay]**. The amounts so deducted shall be contributed to the Fund for the payment of annuities, cash benefits, refunds, and allowances. An equal amount shall be contributed by the employing agency from the appropriations or fund used for payment of the salary of the participant. The employing agency shall deposit in the Fund the amounts

deducted and withheld from basic salary and amounts contributed by the employing agency.

(3) For service as a special agent, paragraph (1) shall be applied by substituting for “7 percent” the percentage that applies to law enforcement officers under section 8334(a)(1) of title 5, United States Code, plus .25 percent.

* * * * *
 SEC. 806. COMPUTATION OF ANNUITIES.—(a)(1) * * *

* * * * *
 (9) For purposes of any annuity computation under this subsection, the basic salary or basic pay of any member of the Service whose official duty station [is outside] was outside the continental United States for any period of time from December 29, 2002, to the first day of the first full pay period beginning after the date of applicability of the overseas comparability pay adjustment under section 415 shall be considered to be the salary or pay that would have been paid to the member had the member’s official duty station been Washington, D.C., including locality-based comparability payments under section 5304 of title 5, United States Code, that would have been payable to the member if the member’s official duty station had been Washington, D.C.

* * * * *
 SUBCHAPTER II—FOREIGN SERVICE PENSION SYSTEM

* * * * *
 SEC. 855. ENTITLEMENT TO ANNUITY.—(a)(1) * * *

* * * * *
 (3) For purposes of any annuity computation under this subsection, the average pay (as used in section 8414 of title 5, United States Code) of any member of the Service whose official duty station [is outside] was outside the continental United States for any period of time from December 29, 2002, to the first day of the first full pay period beginning after the date of applicability of the overseas comparability pay adjustment under section 415 shall be considered to be the salary that would have been paid to the member had the member’s official duty station been Washington, D.C., including locality-based comparability payments under section 5304 of title 5, United States Code, that would have been payable to the member if the member’s official duty station had been Washington, D.C.

* * * * *
 SEC. 856. DEDUCTIONS AND WITHHOLDINGS FROM PAY.—(a)(1)

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

7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.9	January 1, 2000, to December 31, 2000.
7.55	After January 11, 2003.]

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

Percentage	Time Period
7.5	Before January 1, 1999.
7.75	January 1, 1999, to December 31, 1999.
7.9	January 1, 2000, to December 31, 2000.
7.55	January 11, 2003, to September 30, 2004.
7.5	After September 30, 2004.

* * * * *

CHAPTER 9—TRAVEL, LEAVE, AND OTHER BENEFITS

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

(1) * * *

* * * * *

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

(A) * * *

* * * * *

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

* * * * *

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

* * * * *

SEC. 904. HEALTH CARE.—(a) * * *

* * * * *

(g) Reimbursements paid to the Department of State for funding the costs of medical care abroad for employees and eligible family members shall be credited to the currently available applicable appropriation account. Notwithstanding any other provision of law, such reimbursements shall be available for obligation and expendi-

ture during the fiscal year in which they are received or for such longer period of time as may be provided in law.

* * * * *

CHAPTER 11—GRIEVANCES

* * * * *

SEC. 1106. BOARD PROCEDURES.—The Board may adopt regulations concerning its organization and procedures. Such regulations shall include provision for the following:

(1) * * *

* * * * *

(8) If the Board determines that the Department is considering the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a)), disciplinary action against [the grievant or] the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the Board and that such action should be suspended, the Department shall suspend such action until the date which is one year after such determination or until the Board has ruled upon the grievance, whichever comes first. The Board shall extend the one-year limitation under the preceding sentence and the Department shall continue to suspend such action, if the Board determines that the agency or the Board is responsible for the delay in the resolution of the grievance. The Board may also extend the 1-year limit if it determines that the delay is due to the complexity of the case, the unavailability of witnesses or to circumstances beyond the control of the agency, the Board or the grievant. Notwithstanding such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude the grievant from official premises or from the performance of specified functions when such exclusion is determined in writing to be essential to the functioning of the post or office to which the grievant is assigned.

* * * * *

SECTION 301 OF THE DIPLOMATIC SECURITY ACT

SEC. 301. ACCOUNTABILITY REVIEW BOARDS.

(a) IN GENERAL.—

(1) CONVENING A BOARD.—Except as provided in [paragraph (2)] paragraphs (2) and (3), in any case of serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad, which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (in this title referred to as the “Board”). The Secretary shall not convene a Board where the Secretary

determines that a case clearly involves only causes unrelated to security.

* * * * *

(3) *FACILITIES IN AFGHANISTAN AND IRAQ.—*

(A) *LIMITED EXEMPTIONS FROM REQUIREMENT TO CON- VENE BOARD.—The Secretary of State is not required to con- vene a Board in the case of an incident that—*

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

(ii) *occurs during the period beginning on July 1, 2004, and ending on September 30, 2009.*

(B) *REPORTING REQUIREMENTS.—In the case of an inci- dent described in subparagraph (A), the Secretary shall—*

(i) *promptly notify the Committee on International Relations of the House of Representatives and the Com- mittee on Foreign Relations of the Senate of the inci- dent;*

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

(iii) *upon completion of the inquiry required by clause (ii), submit to each such Committee a report on the findings and recommendations related to such in- quiry and the actions taken with respect to such rec- ommendations.*

* * * * *

SECTION 406 OF THE OMNIBUS DIPLOMATIC SECURITY AND ANTITERRORISM ACT OF 1986

SEC. 406. EFFICIENCY IN CONTRACTING.

(a) * * *

* * * * *

[(c) DISQUALIFICATION OF CONTRACTORS.—No person doing business with Libya may be eligible for any contract awarded pursuant to this Act.]

ACT OF JULY 3, 1926

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Sec- retary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplo- matic and consular officers of the United States, and by such other employees of the Department of State who are citizens of the United States as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports. For purposes of the issuance of a passport to a United States citizen born in the city

of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen's legal guardian, record the place of birth as Israel. Unless authorized by law, a passport may not be designated as restricted for travel to or for use in any country other than a country with which the United States is at war, where armed hostilities are in progress, or where there is imminent danger to the public health or the physical safety of United States travellers.

* * * * *

SECTION 103 OF THE HUMAN RIGHTS, REFUGEE, AND OTHER FOREIGN RELATIONS PROVISIONS ACT OF 1996

SEC. 103. EDUCATIONAL AND CULTURAL EXCHANGES AND SCHOLARSHIPS FOR TIBETANS AND BURMESE.

(a) * * *

(b) SCHOLARSHIPS FOR TIBETANS AND BURMESE.—

(1) Subject to the availability of appropriations, [for the fiscal year 2003] *for each of fiscal years 2006 and 2007* at least 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet (if practicable, including individuals active in the preservation of Tibet's unique culture, religion, and language), and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

* * * * *

SECTION 3 OF THE AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT ACT

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated [the sum of \$75,000,000] *such sums as may be necessary to AIT—*

(1) * * *

* * * * *

TITLE 5, UNITED STATES CODE

* * * * *

PART III—EMPLOYEES

* * * * *

SUBPART D—PAY AND ALLOWANCES

* * * * *

CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

* * * * *

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

* * * * *

§ 5753. Recruitment and relocation bonuses

(a)(1) * * *

* * * * *

(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate, but does not include members of the Foreign Service other than chiefs of mission and ambassadors-at-large;

* * * * *

§ 5754. Retention bonuses

(a)(1) * * *

* * * * *

(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

(A) a position to which an individual is appointed by the President, by and with the advice and consent of the Senate, but does not include members of the Foreign Service other than chiefs of mission and ambassadors-at-large;

* * * * *

CHAPTER 59—ALLOWANCES

* * * * *

SUBCHAPTER II—QUARTERS

* * * * *

§ 5913. Official residence expenses

(a) * * *

* * * * *

(c) Funds made available under subsection (b) may be provided in advance to persons eligible to receive reimbursements.

* * * * *

SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

* * * * *

§ 5924. Cost-of-living allowances

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

(1) * * *

* * * * *

(4) An education allowance or payment of travel costs to assist an employee with the extraordinary and necessary ex-

penses, 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 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 *United States* locality where an adequate school is available, without regard to section 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 or post-secondary educational institution, not to exceed one annual trip each way for each dependent, except that an allowance payment under subparagraph (A) may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph.

* * * * *

(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.

§ 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 of the rate of basic pay or, in the case of an employee of the United States Agency for International Development,】 35 percent of the rate of basic pay.

* * * * *

§ 5928. Danger pay allowance

An employee serving in a foreign area may be granted a danger pay allowance on the basis of civil insurrection, civil war, terrorism, or wartime conditions which threaten physical harm or imminent danger to the health or well-being of the employee. A danger pay allowance may not exceed 【25 percent of the basic pay of the employee or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development】 *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 of the basic pay of the employee or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development】 *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

* * * * *

§ 8332. Creditable service

(a) * * *

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

(1) * * *

* * * * *

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

* * * * *

SECTION 591 OF THE FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2004

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 591. (a) * * *

* * * * *

[(c) Except for employees of the United States Agency for International Development stationed in Iraq and Afghanistan, the amendments made by subsections (a) and (b) shall not take effect

until the same authority is enacted for employees of the Department of State.】

* * * * *

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2003

* * * * *

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

* * * * *

Subtitle B—Personnel Matters

* * * * *

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

(a) * * *

* * * * *

(f) IMPLEMENTATION.—The Office of Personnel Management, in consultation with the Secretary, shall prescribe such regulations, *not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2006 and 2007*, and take such action as may be necessary and appropriate to implement this section.

* * * * *

SEC. 324. REPORT CONCERNING MINORITY EMPLOYMENT.

On [April 1, 2003, and April 1, 2004,] *April 1, 2006, and April 1, 2007*, the Secretary shall submit a comprehensive report to Congress, with respect to the preceding calendar year, concerning the employment of members of minority groups at the Department, including the Civil Service and the Foreign Service. The report shall include the following data (reported in terms of real numbers and percentages and not as ratios):

(1) For the last preceding Foreign Service examination and promotion cycles for which such information is available—

(A) the numbers and percentages of members of all minority groups *and women* taking the written Foreign Service examination;

(B) the numbers and percentages of members of all minority groups *and women* successfully completing and passing the written Foreign Service examination;

(C) the numbers and percentages of members of all minority groups *and women* successfully completing and passing the oral Foreign Service examination;

(D) the numbers and percentages of members of all minority groups *and women* entering the junior officer class of the Foreign Service;

(E) the numbers and percentages of members of all minority groups *and women* who are Foreign Service officers at each grade; and

(F) the numbers and percentages of members of all minority groups *and women* promoted to each grade of the Foreign Service.

(2) For the last preceding year for Civil Service employment at the Department for which such information is available—

(A) numbers and percentages of members of all minority groups *and women* entering the Civil Service;

(B) the number and percentages of members of all minority groups *and women* who are Civil Service employees at each grade of the Civil Service; and

(C) the number of and percentages of members of all minority groups *and women* promoted at each grade of the Civil Service.

(3) *For the immediately preceding 12-month period for which such information is available—*

(A) the numbers and percentages of small, minority-owned businesses that provide goods and services to the Department as a result of contracts with the Department during such period;

(B) the total number of such contracts;

(C) the total dollar value of such contracts; and

(D) and the percentage value represented by such contract proportionate to the total value of all contracts held by the Department.

* * * * *

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

* * * * *

SEC. 504. PERSONAL SERVICES CONTRACTING [PILOT] PROGRAM.

(a) IN GENERAL.—The Director of the International Broadcasting Bureau (in this section referred to as the “Director”) may establish a [pilot] program [(in this section referred to as the “program”)] for the purpose of hiring United States citizens or aliens as personal services contractors, without regard to Civil Service and classification laws, for service in the United States as broadcasters, [producers, and writers] *and other broadcasting specialists* in the International Broadcasting Bureau to respond to new or emerging broadcast needs or to augment broadcast services.

(b) CONDITIONS.—The Director is authorized to use the authority of subsection (a) subject to the following conditions:

(1) * * *

* * * * *

(4) Not more than a total of **[60]** 100 United States citizens or aliens are employed at any one time as personal services contractors under the program.

[(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under the pilot program authorized by this section shall terminate on December 31, 2005. A contract entered into prior to the termination date under this subsection may remain in effect for a period not to exceed 6 months after such termination date.]

* * * * *

TITLE VI—MISCELLANEOUS PROVISIONS

* * * * *

Subtitle E—Freedom Investment Act of 2002

SEC. 661. SHORT TITLE.

This subtitle may be cited as the “Freedom Investment Act of 2002”.

* * * * *

SEC. 663. HUMAN RIGHTS ACTIVITIES AT THE DEPARTMENT OF STATE.

(a) INCREASING RESOURCES AND IMPORTANCE OF HUMAN RIGHTS.—It is the sense of Congress that—

(1) the budget for the Bureau of Democracy, Human Rights, and Labor for fiscal years 2003 and 2004 should be substantially increased so that beginning in fiscal year 2005, and each fiscal year thereafter, not less than 1 percent of the amounts made available to the Department under the heading “Diplomatic and Consular Programs”, other than amounts made available for worldwide security upgrades and information resource management, should be made available for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor; **[and]**

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

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

[(2)] (4) any assignment of an individual to a political officer position at a United States mission abroad that has the primary responsibility for **[monitoring human rights develop-**

ments in a foreign country should be made upon the recommendation] *monitoring and promoting democracy and human rights, including a political officer described in paragraphs (2) and (3), in a foreign country should be made after consultation with and upon the recommendation of the Assistant Secretary of State for Democracy, Human Rights, and Labor in conjunction with the head of the Department's regional bureau having primary responsibility for that country.*

* * * * *

SEC. 664. HUMAN RIGHTS AND DEMOCRACY FUND.

(a) * * *

(b) **PURPOSES OF FUND.**—The purposes of the Fund shall be—

(1) * * *

* * * * *

(4) to promote and encourage the growth of democracy, including the support for nongovernmental organizations in foreign countries; [and]

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

[(5)] (6) to carry out such other related activities as are consistent with paragraphs (1) through [(4)] (5).

* * * * *

SEC. 665. REPORTS ON ACTIONS TAKEN BY THE UNITED STATES TO ENCOURAGE RESPECT FOR HUMAN RIGHTS.

(a) * * *

* * * * *

(c) **SEPARATE REPORT.**—The information to be included in the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 pursuant to the amendments made by subsections (a) and (b) may be submitted by the Secretary as a separate report. [If the Secretary elects to submit such information as a separate report, such report shall be submitted not later than 30 days after the date of submission of the report required by section 116(d) and 502B(b) of the Foreign Assistance Act of 1961.] *As part of such separate report, the Secretary shall include information on efforts by the Department of State to develop and implement the strategy to support efforts to establish an Inter-Arab Democratic Charter pursuant to section 708(a) of the Foreign Relations Authorization Act, Fiscal Years 2006 and 2007. If the Secretary elects to submit such information as a separate report, such report may be submitted as part of the Annual Report on Democracy required under section 612(a) of the Advance Democratic Values, Address Nondemocratic Countries, and Enhance Democracy Act of 2005. If the Secretary makes such an election, such report shall be organized so as to contain a separate section for each country to which such information applies, together with a short narrative describing the extrajudicial killing, torture, or other serious violations of human rights that are indicated to have occurred in each such country.*

* * * * *

Subtitle G—Other Matters

* * * * *

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

(a) FINDINGS.—Congress finds the following:

(1) * * *

* * * * *

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

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

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

(1) * * *

* * * * *

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

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

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

(c) REPORT.—*Not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Years 2006 and 2007, and one year thereafter, the Secretary of State shall submit a report, on a classified basis if necessary, to the appropriate congressional committees describing—*

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

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

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

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

(5) *efforts by any state, member, or official of the International Red Cross and Red Crescent Movement to prevent, obstruct, or place conditions upon—*

(A) adoption by the High Contracting Parties to the Geneva Conventions of August 12, 1949, of the October 12, 2000, draft additional protocol to the Geneva Conventions; and

(B) full participation of the Magen David Adom Society in the activities of the International Red Cross and Red Crescent Movement.

* * * * *

FOREIGN ASSISTANCE ACT OF 1961

* * * * *

PART I

CHAPTER 1—POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

* * * * *

SEC. 104. POPULATION AND HEALTH.—(a) * * *

* * * * *

(c) ASSISTANCE FOR HEALTH AND DISEASE PREVENTION.—

(1) * * *

* * * * *

(4)(A) *In carrying out the purposes of this subsection, the President is authorized to furnish assistance, on such terms and conditions as the President may determine, for the establishment and operation of not less than twelve centers for the treatment and prevention of obstetric fistula at appropriate sites in developing countries.*

(B) *In selecting sites for the establishment of centers pursuant to subparagraph (A), the President should seek the consultation and advice of United States embassy officials, appropriate nongovernmental organizations, and local government officials in developing countries with high rates of obstetric fistula, with particular emphasis on countries in Africa.*

(C) *Each center established pursuant to subparagraph (A) shall, to the maximum extent practicable, carry out the following activities:*

(i) *The provision of surgery to repair obstetric fistula in women who do not otherwise have the resources to pay for such surgery and the provision of necessary post-surgery care and support for such women.*

(ii) *Assistance related to surgery and post-surgery care and support described in clause (i), including the provision of transportation to and from the center for women in need of such transportation and the provision of necessary temporary shelter and food assistance to women in need of such shelter and food assistance.*

(iii) *Activities to reduce the incidence of obstetric fistula, including the conduct of appropriate seminars and the dissemination of appropriate educational materials, such as brochures, pamphlets, and posters.*

(iv) *Activities to expand access to contraception services for the prevention of pregnancies among women whose age or*

health status place them at high risk of prolonged or obstructed childbirth.

(D) Each center established pursuant to subparagraph (A) shall, to the maximum extent practicable, ensure that women who suffer from obstetric fistula as a result of sexual abuse during conflicts or as a result of official abuse receive preference in receiving services described in clauses (i) and (ii) of subparagraph (C).

(E) Not later than January 31, 2008, the President shall prepare and transmit to Congress a report on the implementation of this paragraph for fiscal years 2006 and 2007.

(F) In this paragraph, the term “obstetric fistula” means a rupture or hole in tissues surrounding a woman’s vagina, bladder, or rectum that occurs when the woman is in obstructed childbirth for a prolonged period of time without adequate medical attention.

[(4)] (5) RELATIONSHIP TO OTHER LAWS.—Assistance made available under this subsection and sections 104A, 104B, and 104C, and assistance made available under chapter 4 of part II to carry out the purposes of this subsection and the provisions cited in this paragraph, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries, except for the provisions of this subsection, the provisions of law cited in this paragraph, subsection (f), section 634A of this Act, and provisions of law that limit assistance to organizations that support or participate in a program of coercive abortion or involuntary sterilization included under the Child Survival and Health Programs Fund heading in the Consolidated Appropriations Resolution, 2003 (Public Law 108–7).

* * * * *
 SEC. 116. HUMAN RIGHTS.—(a) * * *

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

(1) * * *

* * * * *
 [(10) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country; and]

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

(11)(A) * * *

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

(12) wherever applicable, a description of the nature and extent of—

(A) propaganda in foreign government and foreign government-controlled media and other sources, including foreign government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race or people;

(B) complicity or involvement by the foreign government in the creation of such propaganda or incitement of acts of violence against any race or people; and

(C) a description of the actions, if any, taken by the foreign government to eliminate such propaganda or incitement; and

(13)(A) wherever applicable, a description of the nature and extent of laws and traditions in each country that enable or encourage the practice of child marriage; and

(B) a description of the actions, if any, taken by the government of each such country to revise the laws of such country and institutionalize comprehensive procedures and practices to eliminate child marriage.

* * * * *

CHAPTER 2—OTHER PROGRAMS

* * * * *

TITLE II—AMERICAN SCHOOLS AND HOSPITALS ABROAD; PROTOTYPE DESALTING PLANT

* * * * *

SEC. 240. SMALL BUSINESS DEVELOPMENT.—(a) * * *

* * * * *

(c) SUPPORT FOR SMALL AND MEDIUM ENTERPRISES IN SUB-SAHARAN AFRICA.—

(1) SUPPORT.—*The Corporation is commended for its activities in support of the development of small and medium enterprises, and is encouraged to exercise its authorities to promote investments in financial institutions that are duly incorporated in sub-Saharan African countries, to the extent that the purpose of such investments is to expand investment and lending opportunities to small and medium enterprises that—*

(A) *are substantially owned by nationals of sub-Saharan African countries; and*

(B) *are engaged in domestic commerce or international trade in sectors such as housing, agriculture, fishing, textiles and apparel, tourism, electronics, technology, manufacturing, and services.*

(2) CONSIDERATION.—*In making a determination to provide insurance and financing to financial institutions referred to in paragraph (1), the Corporation should take into consideration the extent to which a project establishes and implements a non-discrimination in lending policy to prohibit discrimination based on ethnicity, sex, color, race, religion, physical disability, marital status, or age.*

(3) *TECHNICAL ASSISTANCE.*—*In supporting a project referred to in paragraph (1), the Corporation may provide technical assistance to—*

(A) *improve the quality of management of financial institutions referred to in paragraph (1) to ensure the safety and stability of such institutions;*

(B) *create in such financial institutions effective credit risk management systems to improve the quality of the assets of such institutions and the ability of such institutions to research and assess the overall credit risk of critical industries in the domestic economy; and*

(C) *support effective credit risk management by developing internal credit rating systems and credit assessment tools that improve the ability of such financial institutions to evaluate individual credit worthiness and measure the overall amount of risk posed by the total number of borrowers.*

* * * * *

CHAPTER 6—CENTRAL AMERICA DEMOCRACY, PEACE, AND DEVELOPMENT INITIATIVE

* * * * *

SEC. 489. REPORTING REQUIREMENTS.

(a) **INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.**—Not later than March 1 of each year, the President shall transmit to the Speaker of the House of Representatives, and to the Committee on Foreign Relations of the Senate, a report containing the following:

(1) * * *

* * * * *

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

(9)(A) *A separate section on all foreign law enforcement training and assistance that is provided to foreign law enforcement personnel and other related governmental authorities by the Department of State, the Department of Defense, the Department of Justice, and the United States Agency for International Development during the previous fiscal year and all such training proposed for the current fiscal year.*

(B) *The section on foreign law enforcement training and assistance shall include the following:*

(i) *For each law enforcement training activity—*

(I) *the purpose of the activity and the foreign policy justification for the activity;*

(II) *the number of foreign law enforcement personnel who are provided training, their units of operation, and countries of origin;*

(III) *the type of training activity;*

(IV) *the location of the training activity;*

(V) *the department or agency of the United States Government which is conducting the training, by unit or office; and*

(VI) the cost of the training activity and the specific budgetary account from which the cost is paid.

(ii) For other law enforcement assistance—

(I) the purpose of the assistance and the foreign policy justification for the assistance;

(II) the type of assistance;

(III) the department or agency of the United States Government which is providing the assistance, by unit or office, where applicable; and

(IV) the cost of the assistance and the specific budgetary account from which the cost is paid.

(iii) For each country—

(I) the aggregate number of students trained;

(II) the aggregate cost of the law enforcement training and other law enforcement assistance; and

(III) a plan describing the law enforcement assistance and rule of law programs of the relevant departments and agencies of the United States Government.

(C) FORM.—The report required by this paragraph shall be in unclassified form but may include a classified annex.

* * * * *

CHAPTER 9—INTERNATIONAL DISASTER ASSISTANCE

SEC. 491. POLICY AND GENERAL AUTHORITY.—(a) * * *

(b) Subject to the limitations in section 492, and notwithstanding any other provision of this or any other Act, the President is authorized to furnish assistance to any foreign country, international organization, or private voluntary organization, on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad. Assistance relating to disaster preparedness under the preceding sentence shall include assistance to encourage the use of disaster mitigation techniques, including to assist communities to build in safer locations, construct sturdier dwellings, enforce sound building codes and practices, and protect natural ecosystems.

* * * * *

PART II

CHAPTER 1—POLICY

* * * * *

SEC. 502B. HUMAN RIGHTS.—(a) * * *

(b) The Secretary of State shall transmit to the Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor and with the assistance of the Ambassador at Large for International Religious Freedom, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance. Wherever applicable, such report

shall include consolidated information regarding the commission of war crimes, crimes against humanity, and evidence of acts that may constitute genocide (as defined in article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide and modified by the United States instrument of ratification to that convention and section 2(a) of the Genocide Convention Implementation Act of 1987). Wherever applicable, such report shall include information on practices regarding coercion in population control, including coerced abortion and involuntary sterilization. Such report shall also include, wherever applicable, information on violations of religious freedom, including particularly severe violations of religious freedom (as defined in section 3 of the International Religious Freedom Act of 1998). Wherever applicable, a description of the nature and extent of acts of anti-Semitism and anti-Semitic incitement that occur, including the descriptions of such acts required under section 116(d)(8). [Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.] *Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, a strategy, including a specific list of priorities and an action plan, to end such practices in the country, and any actions taken in the previous year to end such practices in the country.* Each report under this section shall list the votes of each member of the United Nations Commission on Human Rights on all country-specific and thematic resolutions voted on at the Commission's annual session during the period covered during the preceding year. Each report under this section shall describe the extent to which each country has extended protection to refugees, including the provision of first asylum and resettlement. Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State. *Each report under this section shall also include, wherever applicable, a description of the nature and extent of propaganda in foreign government and foreign government-controlled media and other sources, including foreign government-produced educational materials and textbooks, that attempt to justify or promote racial hatred or incite acts of violence against any race or people, complicity or involvement by the foreign government in the creation of such propaganda or incitement of acts of violence against any race or people, and a description of the actions, if any, taken by the foreign government to eliminate such propaganda or incitement.* Each report under this section shall also include, wherever applicable, a description of the nature and extent

of laws and traditions in each country that enable or encourage the practice of child marriage and a description of the actions, if any, taken by the government of each such country to revise the laws of such country and institutionalize comprehensive procedures and practices to eliminate child marriage. In determining whether a government falls within the provisions of subsection (a)(3) and in the preparation of any report or statement required under this section, consideration shall be given to—

(1) * * *

* * * * *

SEC. 535. REQUIREMENTS RELATING TO ASSISTANCE FOR EGYPT.

(a) **REQUIREMENT FOR ASSISTANCE.**—Assistance may be provided for Egypt under this chapter for a fiscal year only if Egypt provides to the United States for the fiscal year a proposal described in subsection (b) that is evaluated and approved in accordance with subsection (c).

(b) **PROPOSAL.**—

(1) **IN GENERAL.**—A proposal described in this subsection is a proposal that reflects Egyptian priorities to use assistance provided under this chapter to meet the requirements of paragraph (2).

(2) **REQUIREMENTS.**—The requirements described in this paragraph are—

(A) promoting economic growth (including economic freedom);

(B) reducing poverty;

(C) improving humanitarian conditions among the poorest individuals in Egypt;

(D) improving education and health systems for the people of Egypt;

(E) reducing corruption in the public and private sectors; and

(F) strengthening democratic institutions and individual freedoms.

(c) **EVALUATION AND APPROVAL OF PROPOSAL.**—

(1) **EVALUATION.**—The President, acting through the Secretary of State, and in consultation with the Secretary of the Treasury, the United States Trade Representative, and the Administrator of the United States Agency for International Development, shall evaluate the proposal provided to the United States pursuant to subsection (a) to determine the extent to which the proposal meets the requirements of subparagraphs (A) through (F) of subsection (b)(2).

(2) **APPROVAL.**—The President shall approve the proposal only if the President determines that—

(A) the proposal sufficiently meets the requirements of subparagraphs (A) through (F) of subsection (b)(2) in a manner that achieves, in particular, lasting economic growth and poverty reduction and substantially strengthened democratic institutions and individual freedoms; and

(B) the Government of Egypt—

(i) has adopted and implemented reforms necessary to implement the proposal;

(ii) has implemented the proposal provided to the United States and approved for the prior fiscal year in accordance with the requirements of subparagraphs (A) through (F) of subsection (b)(2); and

(iii) has demonstrated high standards of fiduciary controls and accountability with respect to assistance provided for Egypt under this chapter.

(d) *SUSPENSION AND TERMINATION OF ASSISTANCE.*—The President, acting through the Secretary of State, may suspend or terminate assistance in whole or in part for Egypt under this chapter if the President determines that the Government of Egypt is not implementing the proposal in accordance with the requirements of subparagraphs (A) through (F) of subsection (b)(2).

(e) *CASH ASSISTANCE.*—

(1) *REQUIREMENT.*—Notwithstanding any other provision of this section, cash assistance may be provided to Egypt under this chapter for a fiscal year pursuant to the memorandum of understanding specified in paragraph (2) only if a proposal provided to the United States pursuant to subsection (a) for the fiscal year has been evaluated and approved in accordance with subsection (c).

(2) *MEMORANDUM OF UNDERSTANDING.*—The memorandum of understanding specified in this paragraph is the memorandum of understanding agreed to by the Government of the United States and the Government of Egypt in March 2005, including any modification to the memorandum of understanding, except—

(A) a modification to increase the amounts of assistance agreed to be provided under the memorandum of understanding; or

(B) a modification to reduce significantly the scope of, or to extend significantly the time for, the performance by Egypt of obligations that it has undertaken under the memorandum of understanding.

(f) *CONGRESSIONAL NOTIFICATION.*—Assistance may not be obligated for Egypt under this chapter until 30 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

(g) *REPORT.*—The President, acting through the Secretary of State, shall prepare and transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report for each fiscal year that contains—

(1) the proposal provided to the United States pursuant to subsection (a) for the fiscal year; and

(2) the evaluation of the proposal carried out pursuant to subsection (c)(1).

(h) *RULE OF CONSTRUCTION.*—The provisions of this section shall not be superseded except by a provision of law enacted after the date of the enactment of the Foreign Relations Authorization

Act, Fiscal Years 2006 and 2007, which specifically repeals, modifies, or supersedes the provisions of this section.

* * * * *

CHAPTER 5—INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 541. GENERAL AUTHORITY.—(a) The President is authorized to furnish, on such terms and conditions consistent with this Act as the President may determine (but whenever feasible on a reimbursable basis), military education and training to military and related civilian personnel of foreign countries. Such civilian personnel shall include foreign governmental personnel of ministries other than ministries of defense, and may also include legislators and individuals who are not members of the government, if the military education and training would (i) contribute to responsible defense resource management, (ii) foster greater respect for and understanding of the principle of civilian control of the military, (iii) contribute to cooperation between military and law enforcement personnel with respect to counternarcotics law enforcement efforts, or (iv) improve military justice systems and procedures in accordance with internationally recognized human rights. Such training and education may be provided through—

(1) * * *

* * * * *

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

* * * * *

PART III

CHAPTER 1—GENERAL PROVISIONS

* * * * *

SEC. 620A. PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM.

(a) PROHIBITION.—The United States shall not provide any assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, or the Export-Import Bank Act of 1945 to any country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism. *The prohibition contained in the preceding sentence shall not apply with respect to assistance under part I (including chapter 4 of part II) of this Act provided in support of programs of a pro-democracy or human rights organization located or operating in a country described in such sentence, if, at least 30 days before obligating funds for such assistance, the Secretary of State notifies (in classified or unclassified form) the congressional committees specified in section 634A(a) of this Act in accordance with the procedures applicable to reprogram-*

ming notifications under that section that the pro-democracy or human rights organization opposes the use of terrorism, supports democracy and respect for human rights, including the equality of women and ethnic and religious minorities, and supports freedoms of the press, speech, association, and religion.

* * * * *

SEC. [620G] 620J. DEPLETED URANIUM AMMUNITION.

(a) * * *

* * * * *

SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) *LIMITATION.*—Assistance may be provided under this Act or any other provision of law to the Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

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

(1) providing direct assistance to the Palestinian Authority is important to the national security interests of the United States; and

(2) the Palestinian Authority—

(A) is committed to and has initiated the process of purging from its security services individuals with ties to terrorism;

(B) has made demonstrable progress toward dismantling the terrorist infrastructure, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and is fully cooperating with Israel's security services;

(C) has made demonstrable progress toward halting all anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and is replacing these materials, including textbooks, with materials that promote tolerance, peace, and coexistence with Israel;

(D) has taken effective steps to ensure democracy, the rule of law, and an independent judiciary, and has adopted other reforms such as ensuring transparent and accountable governance;

(E) is committed to ensuring that all elections within areas it administers to be free, fair, and transparent; and

(F) is undertaking verifiable efforts to ensure the financial transparency and accountability of all government ministries and operations.

(c) *RECERTIFICATIONS.*—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every 6 months thereafter—

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

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

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

* * * * *

CHAPTER 2—ADMINISTRATIVE PROVISIONS

* * * * *

SEC. 655. ANNUAL MILITARY ASSISTANCE REPORT.

(a) * * *

(b) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Each such report shall show the aggregate dollar value and quantity of defense articles (including excess defense articles), defense services, and international military education and training activities authorized by the United States and of such articles, services, and activities provided by the United States, excluding any activity that is reportable under title V of the National Security Act of 1947, to each foreign country and international organization. The report shall specify, by category, whether such defense articles—

(1) * * *

(2) were furnished with the financial assistance of the United States Government, including through loans and guarantees; **[or]**

(3) were licensed for export under section 38 of the Arms Export Control Act and, if so, a specification of those defense articles that were exported during the fiscal year covered by the report, including, in the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful under section 922 of title 18, United States Code, that were licensed for export during the period covered by the report**[.]; or**

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

[(c) AVAILABILITY ON INTERNET.—All unclassified portions of such report shall be made available to the public on the Internet through the Department of State.]

(c) *AVAILABILITY OF REPORT INFORMATION ON THE INTERNET.*—

(1) *REQUIREMENT FOR DATABASE.*—*The Secretary of State, in consultation with the Secretary of Defense, shall make available to the public the unclassified portion of each such report in the form of a database that is available via the Internet and that may be searched by various criteria.*

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

SEC. 656. ANNUAL FOREIGN MILITARY TRAINING REPORT.

(a) *ANNUAL REPORT.*—

(1) *IN GENERAL.*—*Not later than [January 31] March 1 of each year, the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on all military training provided to foreign military personnel by the Department of Defense and the Department of State during the previous fiscal year [and all such training proposed for the current fiscal year].*

* * * * *

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

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

(1) * * *

[(2) to any contract entered into prior to the date of enactment of this section with any person, organization, or agency of the United States Government to provide personnel to conduct, or assist in conducting, any such program;]

[(3) (2) with respect to assistance, including training, in maritime law enforcement and other maritime skills;

[(4) (3) with respect to assistance provided to police forces in connection with their participation in the regional security system of the Eastern Caribbean states; [or]

[(5) (4) with respect to assistance, including training, relating to sanctions monitoring and enforcement;

[(6) (5) with respect to assistance to any national, regional, district, municipal, or other sub-national governmental entity of a foreign country provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability[, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy];

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

(7) with respect to assistance to combat corruption in furtherance of the objectives for which programs are authorized to be established under section 133 of this Act;

(8) with respect to the provision of professional public safety training to any national, regional, district, municipal, or other sub-national governmental entity of a foreign country, particu-

larly training in international recognized standards of human rights, the rule of law, conflict prevention, and the promotion of civilian police roles that support democratic governance and foster improved police relations between law enforcement forces and the communities in which they serve;

(9) with respect to assistance to combat trafficking in persons, particularly trafficking in persons by organized crime; or

(10) with respect to assistance in direct support of developing capabilities for and deployment to impending or ongoing peace operations of the United Nations or comparable regional organizations.

* * * * *

[(d) Notwithstanding the prohibition contained in subsection (a), assistance may be provided to Honduras or El Salvador for fiscal years 1986 and 1987 if, at least 30 days before providing assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act, that he has determined that the government of the recipient country has made significant progress, during the preceding six months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the non-violent expression of their political views, or prolonged detention without trial. Any such notification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.]

* * * * *

SECTION 207 OF THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission ~~[\$3,000,000 for the fiscal year 2003]~~ *\$3,300,000 for each of fiscal years 2006 through 2011* to carry out the provisions of this title.

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

* * * * *

SECTION 633 OF THE DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

SEC. 633. (a) * * *

* * * * *

(e) The [United States, through the Department of State, shall retain ownership of the Palazzo Corpi building in Istanbul, Turkey, and the] Secretary of State shall be responsible for maintaining the International Center for Middle Eastern-Western Dialogue [at such location] *at an appropriate location.*

* * * * *

**UNITED STATES INTERNATIONAL BROADCASTING ACT
OF 1994**

* * * * *

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

SEC. 301. SHORT TITLE.

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

* * * * *

SEC. 304. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.

(a) * * *

* * * * *

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

SEC. 305. AUTHORITIES OF THE BOARD.

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

(1) * * *

* * * * *

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

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

* * * * *

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

able to provide adequately for the education of the dependents of such personnel.

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

* * * * *

(c) BROADCASTING BUDGETS.—

The Director of the Bureau and the grantees identified in sections [308 and 309] 308, 309, and 309A 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] 308, 309, and 309A.

* * * * *

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

* * * * *

SEC. 309. RADIO FREE ASIA.

(a) * * *

* * * * *

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

(1) * * *

(2) Any grant agreement under this section shall require that any contract entered into by Radio Free Asia shall specify that all obligations are assumed by Radio Free Asia and not by the United States Government[, and shall further specify

that funds to carry out the activities of Radio Free Asia may not be available after September 30, 2009].

* * * * *

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

* * * * *

SEC. 309A. MIDDLE EAST BROADCASTING NETWORKS.

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

(b) *FUNCTION.*—Middle East Broadcasting Networks shall provide radio and television programming consistent with the broadcasting standards and broadcasting principles set forth in section 303.

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

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

(A) *The Board of Directors of Middle East Broadcasting Networks shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members.*

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

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

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

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

(5) *Duplication of language services and technical operations between the Middle East Broadcasting Networks (including Radio Sawa), RFE/RL, and the International Broadcasting*

Bureau will be reduced to the extent appropriate, as determined by the Board.

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

(1) the Middle East Broadcasting Networks a Federal agency or instrumentality; or

(2) the officers or employees of the Middle East Broadcasting Networks officers or employees of the United States Government.

* * * * *

SECTION 3 OF THE RADIO BROADCASTING TO CUBA ACT

SEC. 3. (a) * * *

[(b) Radio broadcasting in accordance with subsection (a) shall be part of the Voice of America radio broadcasting to Cuba and shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

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

[(d) Notwithstanding subsection (c), in the event that broadcasts to Cuba on the 1180 AM frequency are subject to jamming or interference greater by 25 per centum or more than the average daily jamming or interference in the twelve months preceding September 1, 1983, the Broadcasting Board of Governors may lease time on commercial or noncommercial educational AM band radio broadcasting stations. The Federal Communications Commission shall determine levels of jamming and interference by conducting regular monitoring of the 1180 AM frequency. In the event that more than two hours a day of time is leased, not less than 30 per centum of the program broadcast shall be regular Voice of America broadcasts with particular emphasis on news and programs meeting the requirements of section 503(2) of Public Law 80-402.

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

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

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

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

ARMS EXPORT CONTROL ACT

* * * * *

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

* * * * *

SEC. 3. ELIGIBILITY.—(a) * * *

* * * * *

(c)(1)(A) No credits (including participations in credits) may be issued and no guaranties may be extended for any foreign country under this Act as hereinafter provided, if such country uses defense articles or defense services furnished under this Act, [or any predecessor Act,] *any predecessor Act, or licensed or approved under section 38 of this Act, to carry out a transaction with a country, the government of which the Secretary of State has determined is a state sponsor of international terrorism for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such defense articles or defense services* in substantial violation (either in terms of quantities or in terms of the gravity of the consequences regardless of the quantities involved) of any agreement entered into pursuant to any such Act (i) by using such articles or services for a purpose not authorized under section 4 or, if such agreement provides that such articles or services may only be used for purposes more limited than those authorized under section 4 for a purpose not authorized under such agreement; (ii) by transferring such articles or services to, or permitting any use of such articles or services by, anyone not an officer, employee, or agent of the recipient country without the consent of the President; or (iii) by failing to maintain the security of such articles or services.

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

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

* * * * *

(e) If the President receives any information that a transfer of any defense article, or related training or other defense service, has been made without his consent as required under this section or under section 505 of the Foreign Assistance Act of 1961, *regardless of whether the article or service has been sold or otherwise furnished by the United States Government or licensed under section 38 of this Act*, he shall report such information immediately to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate.

* * * * *

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

SEC. 21. SALES FROM STOCKS.—(a) * * *

* * * * *

(h)(1) The President is authorized to provide (without charge) quality assurance, inspection, contract administration services, and contract audit defense services under this section—

(A) in connection with the placement or administration of any contract or subcontract for defense articles, defense services, or design and construction services entered into after the date of enactment of this subsection by, or under this Act on behalf of, a foreign government which is a member of the North Atlantic Treaty Organization *or the Governments of Australia, New Zealand, Japan, or Israel*, if such government provides such services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government; or

* * * * *

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

* * * * *

Chapter 3.—MILITARY EXPORT CONTROLS

* * * * *

SEC. 36. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS; CONGRESSIONAL ACTION.—(a) The President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate not more than sixty days after the end of each quarter an unclassified report (except that any material which was transmitted in classified form under subsection (b)(1) or (c)(1) of this section may be contained in a classified addendum to such report, and any letter of offer referred to in paragraph (1) of this subsection may be listed in such addendum unless such letter of offer has been the subject of an unclassified certification pursuant to subsection (b)(1) of this section, and any information provided under paragraph (11) of this subsection may also be provided in a classified addendum) containing—

(1) * * *

* * * * *

(11) a report on all concluded government-to-government agreements regarding foreign coproduction of defense articles of United States origin and all other concluded agreements involving coproduction or licensed production outside of the United States of defense articles of United States origin (including coproduction memoranda of understanding or agreement) that have not been previously reported under this subsection, which shall include—

(A) * * *

* * * * *

(D) if any such agreement does not provide for United States access to and verification of quantities of articles produced overseas and their disposition in the foreign country, a description of alternative measures and controls incorporated in the coproduction or licensing program to ensure compliance with restrictions in the agreement on production quantities and third-party transfers; **[and]**

(12) a report on all exports of significant military equipment for which information has been provided pursuant to section 38(i) **[.]**; *and*

(13) *a report on the number of civilian and military officers assigned to munitions export licensing at the Department of*

State and their average weekly workload for both open and closed cases.

* * * * *

(c)(1) Subject to paragraph (5), in the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act) for a license for the export of any major defense equipment sold under a contract in the amount of \$14,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$50,000,000 or more (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more, *or, notwithstanding section 27(g) of this Act, for any special comprehensive authorization under sections 120–130 of title 22, Code of Federal Regulations (commonly known as the “International Traffic in Arms Regulations”) for the export of defense articles or defense services in an aggregate amount of \$100,000,000 or more*), before issuing such license the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate an unclassified numbered certification with respect to such application specifying (A) the foreign country or international organization to which such export will be made, (B) the dollar amount of the items to be exported, and (C) a description of the items to be exported. Each such numbered certification shall also contain an item indicating whether any offset agreement is proposed to be entered into in connection with such export and a description of any such offset agreement. In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request a description of the capabilities of the items to be exported, an estimate of the total number of United States personnel expected to be needed in the foreign country concerned in connection with the items to be exported and an analysis of the arms control impact pertinent to such application, prepared in consultation with the Secretary of Defense. In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (B) and the details of the description specified in clause (C) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information.

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

(A) in the case of a license for an export to the North Atlantic Treaty Organization, any member country of that Orga-

nization or Australia, Japan, or New Zealand, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export; *and*

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

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

* * * * *

(5) In the case of an application by a person (other than with regard to a sale under section 21 or 22 of this Act) for a license for the export to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on the issuance of the license set forth in paragraph (1) or *paragraph (2)* shall apply only if the license is for export of—

(A) * * *

* * * * *

SEC. 38. CONTROL OF ARMS EXPORTS AND IMPORTS.—(a) * * *

* * * * *

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

* * * * *

CHAPTER 7—CONTROL OF MISSILES AND MISSILE EQUIPMENT OR TECHNOLOGY

* * * * *

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

(a) SANCTIONS.—(1) * * *

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

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

(i) * * *

* * * * *

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

(i) * * *

* * * * *

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

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

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

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

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

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

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

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

* * * * *

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

(2) In the event that the President decides to apply the waiver described in paragraph (1), the President shall so notify the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives not less than 45 working days before issuing the waiver. Such notification shall include a report fully articulating the rationale and circumstances which led the President to apply the waiver. *Such report may be classified only to the extent necessary to protect intelligence sources and methods. If the report is so classified, the President shall make every effort to acquire sufficient alternative information that would allow a subsequent unclassified version of the report to be issued.*

* * * * *

SEC. 74. DEFINITIONS

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

(1) * * *

* * * * *

[(8)(A) the term “person” means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity; and]

(8)(A) *The term “person” means—*

(i) a natural person;

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

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

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

* * * * *

ACT OF OCTOBER 27, 2001

(Public Law 107–57)

AN ACT To authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

SECTION 1. EXEMPTIONS AND WAIVER OF APPROPRIATIONS ACT PROHIBITIONS WITH RESPECT TO PAKISTAN.

(a) * * *

(b) **[FISCAL YEARS 2005 AND 2006]** *FISCAL YEARS 2006 AND 2007.*—

(1) WAIVER.—The President is authorized to waive, with respect to Pakistan, any provision of the foreign operations, ex-

port financing, and related programs appropriations Act for fiscal year **2005 or 2006** *2006 or 2007* that prohibits direct assistance to a country whose duly elected head of government was deposed by decree or military coup, if the President determines and certifies to the appropriate congressional committees that such waiver—

(A) * * *

* * * * *

SEC. 3. EXEMPTION OF PAKISTAN FROM FOREIGN ASSISTANCE PROHIBITIONS RELATING TO FOREIGN COUNTRY LOAN DEFAULTS.

The following provisions of law shall not apply with respect to Pakistan:

(1) * * *

(2) Such provision of the annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, 2004, 2005, **and 2006** *2006, and 2007* as are comparable to section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106-429; 114 Stat. 1900A-25).

* * * * *

SEC. 6. TERMINATION DATE.

Except as otherwise provided in section 1 or 3, the provisions of this Act shall terminate on October 1, **2006** *2007*.

AFGHANISTAN FREEDOM SUPPORT ACT OF 2002

* * * * *

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

* * * * *

SEC. 102. PURPOSES OF ASSISTANCE.

The purposes of assistance authorized by this title are—

(1) * * *

* * * * *

(5) *to ensure that parliamentary and presidential elections in Afghanistan are carried out in a free, fair, and transparent manner;*

(6) *to provide assistance to legitimate and recognized parliamentary candidates and future elected parliamentary officials in Afghanistan to better educate such candidates and officials on parliamentary procedures, anticorruption, transparency, and good governance;*

[(5)] (7) to support the Government of Afghanistan in its development of the capacity to facilitate, organize, develop, and implement projects and activities that meet the needs of the Afghan people;

[(6)] (8) to foster the participation of civil society in the establishment of the new Afghan government in order to achieve a broad-based, multi-ethnic, gender-sensitive, fully rep-

representative government freely chosen by the Afghan people, without prejudice to any decisions which may be freely taken by the Afghan people about the precise form in which their government is to be organized in the future;

[(7)] (9) to support the reconstruction of Afghanistan through, among other things, programs that create jobs, facilitate clearance of landmines, and rebuild the agriculture sector, the health care system, and the educational system of Afghanistan;

[(8)] (10) to provide resources to the Ministry for Women's Affairs of Afghanistan to carry out its responsibilities for legal advocacy, education, vocational training, and women's health programs; and

[(9)] (11) to foster the growth of a pluralistic society that promotes and respects religious freedom.

SEC. 103. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the President is authorized to provide assistance for Afghanistan for the following activities:

(1) * * *

* * * * *

(5) EDUCATION, THE RULE OF LAW, AND RELATED ISSUES.—
(A) * * *

* * * * *

(C) CIVIL SOCIETY AND DEMOCRACY.—**[To support]** (i) *To support* the development of democratic institutions in Afghanistan, including assistance for—

[(i)] (I) international monitoring and observing of, and the promotion of, free and fair elections;

[(ii)] (II) strengthening democratic political parties;

[(iii)] international exchanges and professional training for members or officials of government, political, and civic or other nongovernmental entities;

[(iv)] national, regional, and local elections and political party development;

(III) programs to promote comprehensive public information campaigns, including nationwide voter and civic education, for the public, candidates, and political parties, and special efforts with respect to provinces in which small percentages of women voted in the October 2004 presidential elections;

(IV) programs to accelerate disarmament, demobilization, and reintegration processes to ensure that candidates and political groups are not influenced or supported by armed militias;

(V) programs to support the registration of new voters and the preparation of voter rolls;

(VI) programs to support the vetting process of candidates for the parliamentary elections to ensure that such candidates are eligible under the relevant Afghan election requirements;

(VII) programs to educate legitimate and recognized parliamentary candidates on campaign procedures and processes;

(VIII) capacity-building programs and advanced professional training programs for senior Afghan Government officials and future elected parliamentary officials in matters related to parliamentary procedures, anti-corruption, accountability to constituencies, transparency, good governance, and other matters related to democratic development;

(IX) exchange programs to bring to the United States future elected parliamentary officials and senior officials of legitimate and recognized political parties for educational activities regarding legislative procedures, debate, and general campaign and legislative instruction;

(X) programs to support nongovernmental organizations and other civil society organizations that will assist in civil and voter education programs and overall democracy development programs;

[(v)] (XI) an independent media;

[(vi)] (XII) programs that support the expanded participation of women and members of all ethnic groups in government at national, regional, and local levels; [and]

[(vii)] (XIII) programs to strengthen civil society organizations that promote human rights, including religious freedom, freedom of expression, and freedom of association, and support human rights monitoring[.]; and

(XIV) other similar activities consistent with the purposes set forth in subsection (a).

(ii) Of the amounts made available for each of the fiscal years 2006 and 2007 to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 and chapter 4 of part II of such Act, \$50,000,000 for each such fiscal year is authorized to be available to the President to carry out subclauses (III) through (X) of clause (i).

* * * * *

TIBETAN POLICY ACT OF 2002

Subtitle B—Tibet Policy

SEC. 611. SHORT TITLE.

This subtitle may be cited as “Tibetan Policy Act of 2002”.

* * * * *

SEC. 616. ECONOMIC DEVELOPMENT IN TIBET.

(a) * * *

* * * * *

(d) UNITED STATES ASSISTANCE.—

(1) ASSISTANCE.—The President shall provide grants to nongovernmental organizations to support sustainable economic development, cultural and historical preservation, health care, education, and environmental sustainability projects for Tibetans inside Tibet that are designed in accordance with the principles contained in subsection (e).

(2) ROLE OF SPECIAL COORDINATOR.—The United States Special Coordinator for Tibetan Issues (established under section 621(a)) shall review and approve all projects carried out pursuant to paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President to carry out this subsection \$6,000,000 for fiscal year 2006 and \$8,000,000 for fiscal year 2007.

[(d)] (e) TIBET PROJECT PRINCIPLES.—Projects in Tibet supported by international financial institutions, other international organizations, nongovernmental organizations, and the United States entities referred to in subsection (c), should—

(1) * * *
* * * * *

[SEC. 619. REQUIREMENT FOR TIBETAN LANGUAGE TRAINING.

【The Secretary shall ensure that Tibetan language training is available to Foreign Service officers, and that every effort is made to ensure that a Tibetan-speaking Foreign Service officer is assigned to a United States post in the People’s Republic of China responsible for monitoring developments in Tibet.】

SEC. 619. REQUIREMENT FOR TIBETAN LANGUAGE TRAINING.

The Secretary shall ensure at least one Foreign Service officer assigned to a United States post in the People’s Republic of China responsible for monitoring developments in Tibet has at least six months of Tibetan language training prior to taking up such assignment at such post, unless such officer possesses equivalent fluency. If the Secretary determines that training resources and timing permit, such officer shall receive one year of such training.

* * * * *

SEC. 621. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.

(a) * * *

* * * * *

(e) PERSONNEL.—The Secretary shall assign dedicated personnel to the Office of the Special Coordinator for Tibetan Issues sufficient to assist in the management of the responsibilities of this section and section 616(d)(2).

* * * * *

ANGLO-IRISH AGREEMENT SUPPORT ACT OF 1986

* * * * *

SEC. 2. FINDINGS AND PURPOSES.

(a) * * *

(b) **PURPOSES.**—It is, therefore, the purpose of the Act to provide for United States contributions in support of the Anglo-Irish Agreement, such contributions to consist of economic support fund assistance for payment to the International Fund established pursuant to the Anglo-Irish Agreement, as well as other assistance to serve as an incentive for economic development and reconciliation in Ireland and Northern Ireland. The purpose of these United States contributions shall be to support the Anglo-Irish Agreement in promoting reconciliation in Northern Ireland and the establishment of a society in Northern Ireland in which all may live in peace, free from discrimination, terrorism, and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government. United States contributions should be used in a manner that effectively increases employment opportunities in communities with rates of unemployment higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions should be used to benefit individuals residing in such communities. *Furthermore, the International Fund is encouraged to support programs that enhance relations between communities, and between the police and the communities they serve, promote human rights training for police, enhance peaceful mediation in neighborhoods of continued conflict, promote training programs to enhance the new district partnership police boards recommended by the Patten Commission, and assist in the transition of former British military installations and prisons into sites for peaceful, community-supported activities, such as housing, retail, and commercial development.*

SEC. 3. UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUND.

(a) * * *

* * * * *

(c) **FISCAL YEARS 2006 AND 2007.**—*Of the amounts made available for fiscal years 2006 and 2007 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund), there are authorized to be appropriated \$20,000,000 for each such fiscal year for United States contributions to the International Fund. Amounts appropriated pursuant to the authorization of appropriations under the preceding sentence are authorized to remain available until expended. Of the amount authorized to be appropriated for fiscal years 2006 and 2007 under this subsection, it is the sense of Congress that not less than 35 percent of such amount for each such fiscal year should be used to carry out the last sentence of section 2(b).*

* * * * *

SEC. 6. ANNUAL REPORTS.

At the end of each fiscal year in which the United States Government makes any contribution to the International Fund, the Presidential shall report to the Congress on the degree to which—

(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland, *specifi-*

cally through improving local community relations and relations between the police and the people they serve;

* * * * *

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1988 AND 1989

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) * * *

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—THE DEPARTMENT OF STATE

* * * * *

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

Sec. 121. Reprogramming of funds appropriated for the Department of State.

* * * * *

[Sec. 140. Annual country reports on terrorism.]

Sec. 140. Annual patterns of global terrorism report.T1

* * * * *

TITLE I—THE DEPARTMENT OF STATE

* * * * *

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

* * * * *

[SEC. 140. ANNUAL COUNTRY REPORTS ON TERRORISM.]

SEC. 140. ANNUAL PATTERNS OF GLOBAL TERRORISM REPORT.

(a) REQUIREMENT OF ANNUAL [COUNTRY REPORTS ON TERRORISM] PATTERNS OF GLOBAL TERRORISM REPORT.—The Secretary of State shall transmit to the Speaker of the House of Representatives, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate, by April 30 of each year, a full and complete report providing—

(1)(A) detailed assessments with respect to each foreign country—

(i) in which acts of international terrorism occurred [which were, in the opinion of the Secretary, of major significance;], including—

(I) the number of such acts of terrorism or attempted acts of terrorism;

(II) the number of individuals, including United States citizens, who were killed or injured in such acts of terrorism;

(III) the methods, and relative frequency of methods, utilized in such acts of terrorism; and

(IV) assessments of individuals who were responsible for such acts of terrorism and the relationships of such individuals to terrorist groups;

* * * * *

(2) all relevant information about the activities during the preceding year of any terrorist group, and any umbrella group under which such terrorist group falls, known to be responsible for the kidnapping or death of an American citizen during the preceding five years, any terrorist group known to have obtained or developed, or to have attempted to obtain or develop, weapons of mass destruction, any terrorist group known to be financed by countries about which Congress was notified during the preceding year pursuant to section 6(j) of the Export Administration Act of 1979, any group designated by the Secretary as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), and any other known international terrorist group or *emerging terrorist group* which the Secretary determines should be the subject of such report; and

(3) with respect to each foreign country [from which the United States Government has sought cooperation during the previous five years in the investigation or prosecution of an act of international terrorism against United States citizens or interests] *worldwide*, information on—

(A) the extent to which the government of the foreign country is cooperating with the United States Government in apprehending, convicting, and punishing [the individual or] individuals responsible for [the act; and] *acts of terrorism*;

(B) the extent to which the government of the foreign country is cooperating in preventing further acts of terrorism [against United States citizens in the foreign country]; and

(C) *the extent to which the government of the foreign country is not cooperating with respect to the matters described in subparagraphs (A) and (B) and other matters relating to counterterrorism efforts.*

[(4) with respect to each foreign country from which the United States Government has sought cooperation during the previous five years in the prevention of an act of international terrorism against such citizens or interests, the information described in paragraph (3)(B).]

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

(1) with respect to subsection (a)(1)(A) and (a)(3)—

(A) *a separate list, in chronological order, of all acts of international terrorism described in subsection (a)(1)(A);*

[(A)] (B) a review of major counterterrorism efforts undertaken by countries which are the subject of such report, including, as appropriate, steps taken in international fora;

[(B)] (C) the response of the judicial system of each country which is the subject of such report with respect to matters relating to terrorism [affecting American citizens

or facilities], or which have, in the opinion of the Secretary, a significant impact on United States counterterrorism efforts, including responses to extradition requests; and

[(C)] (D) significant support, if any, for international terrorism by each country which is the subject of such report, including (but not limited to)—

(i) political and financial support by the government of the country, government officials, nongovernmental organizations, quasi-governmental organizations, or nationals of the country;

* * * * *

(v) the positions (including voting records) on matters relating to terrorism in the General Assembly of the United Nations and other international bodies and fora of each country which is the subject of such report; and

(vi) other types of indirect support for international terrorism, such as inciting acts of terrorism or countenance of acts of terrorism by the government of the country, government officials, nongovernmental organizations, quasi-governmental organizations, or nationals of the country;

* * * * *

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

(A) * * *

* * * * *

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

(F) efforts by the United States to eliminate international financial support provided to those groups directly or provided in support of their activities; and

(G) information on the stated intentions and patterns of activities of terrorist groups described in subsection (a)(2), capabilities and membership of such groups, recruitment and fundraising activities of such groups, and the relationships of such groups to criminal organizations, including organizations involved in illicit narcotics trafficking;

* * * * *

[(3)] (6) to the extent practicable, complete statistical information on the number of individuals, including United States citizens and dual nationals, killed, injured, or kidnapped by each terrorist group during the preceding calendar year; [and]

[(4)] (7) an analysis, as appropriate, of trends in international terrorism, including changes in technology used, methods and targets of attack, demographic information on terrorists, and other appropriate information[.];

(8) an analysis of the efforts of multilateral organizations (excluding international financial institutions) to combat inter-

national terrorism, including efforts of the United Nations and its affiliated organizations, regional multilateral organizations, and nongovernmental organizations;

(9) a list of countries of concern with respect to the financing of terrorism; and

(10) an analysis of policy goals of the United States for counterterrorism efforts in the subsequent calendar year.

[(c) CLASSIFICATION OF REPORT.—

[(1) Except as provided in paragraph (2), the report required under subsection (a) shall, to the extent practicable, be submitted in an unclassified form and may be accompanied by a classified appendix.

[(2) If the Secretary of State determines that the transmittal of the information with respect to a foreign country under paragraph (3) or (4) of subsection (a) in classified form would make more likely the cooperation of the government of the foreign country as specified in such paragraph, the Secretary may transmit the information under such paragraph in classified form. **]**

(c) CLASSIFICATION OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form and shall contain a classified annex as necessary.

(d) INTER-AGENCY PROCESS FOR COMPILATION OF REPORT.—The Secretary of State shall, in preparing the report required by subsection (a), establish an inter-agency process to—

(1) consult and coordinate with other appropriate officials of the Government of the United States who are responsible for collecting and analyzing counterterrorism intelligence; and

(2) utilize, to the maximum extent practicable, such counterterrorism intelligence and analyses.

(e) COMPARABILITY STANDARD WITH PRIOR REPORT.—The Secretary of State shall, in preparing the report required by subsection (a), use standards, criteria, and methodologies in a consistent manner so that statistical comparisons may be made among different reports. If significant changes are made to any such standards, criteria, or methodology, the Secretary shall, in consultation with other appropriate officials of the Government of the United States, make appropriate adjustments, using the best available methods, so that the data provided in each report is comparable to the data provided in prior reports.

[(d)] (f) DEFINITIONS.—As used in this section—

[(1) the term “international terrorism” means terrorism involving citizens or the territory of more than 1 country; **]**

(1) the term “international terrorism” means—

(A) terrorism involving citizens or the territory of more than one country; or

(B) terrorism involving citizens and the territory of one country which is intended to intimidate or coerce not only the civilian population or government of such country but also other civilian populations or governments;

* * * * *

[(e) REPORTING PERIOD.—

[(1) The report required under subsection (a) shall cover the events of the calendar year preceding the year in which the report is submitted.

[(2) The report required by subsection (a) to be submitted by March 31, 1988, may be submitted no later than August 31, 1988.]

(g) *REPORTING PERIOD.*—The report required under subsection (a) shall cover the events of the calendar year preceding the calendar year in which the report is transmitted.

(h) *APPEARANCE OF SECRETARY OF STATE BEFORE CONGRESS.*—

(1) *IN GENERAL.*—The Secretary of State shall appear before Congress at annual hearings, as specified in paragraph (2), regarding the provisions included in the report required under subsection (a).

(2) *SCHEDULE.*—The Secretary of State shall appear before—

(A) the Committee on International Relations of the House of Representatives on or about May 20 of even numbered calendar years;

(B) the Committee on Foreign Relations of the Senate on or about May 20 of odd numbered calendar years; and

(C) either Committee referred to in subparagraph (A) or (B), upon request, following the scheduled appearance of the Secretary before the other Committee under subparagraph (A) or (B).

**SECTION 403 OF THE ARMS CONTROL AND
DISARMAMENT ACT**

ANNUAL REPORT TO CONGRESS

SEC. 403. (a) *IN GENERAL.*—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report [prepared by the Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff,] on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include, as the President considers appropriate—

(1) * * *

* * * * *

**SECTION 305 OF THE NORTH KOREAN HUMAN RIGHTS
ACT OF 2004**

SEC. 305. ANNUAL REPORTS.

(a) *IMMIGRATION INFORMATION.*—Not later than 1 year after the date of the enactment of this Act, and every 12 months thereafter for each of the following 5 years, the Secretary of State and the Secretary of Homeland Security shall submit a joint report to the appropriate congressional committees and the Committees on the Judiciary of the House of Representatives and the Senate on the

operation of this title during the previous year, which shall include—

(1) the number of aliens who are nationals or citizens of North Korea who applied for political asylum and the number who were granted political asylum; **[and]**

(2) the number of aliens who are nationals or citizens of North Korea who applied for refugee status and the number who were granted refugee status**[.]**; *and*

(3) *a detailed description of the measures undertaken by the Secretary of State to carry out section 303, including country-specific information with respect to United States efforts to secure the cooperation and permission of the governments of countries in East and Southeast Asia to facilitate United States processing of North Koreans seeking protection as refugees. The information required by this paragraph may be provided in a classified format, if necessary.*

* * * * *

SECTION 605 OF THE SECURE EMBASSY CONSTRUCTION AND COUNTERTERRORISM ACT OF 1999

SEC. 605. OBLIGATIONS AND EXPENDITURES.

(a) * * *

* * * * *

(c) **[SEMIANNUAL] REPORTS ON ACQUISITION AND MAJOR SECURITY UPGRADES.**—On **[June 1 and]** December 1 of each year, the Secretary of State shall submit a report to the appropriate congressional committees on the embassy construction and security program authorized under this title. The report shall include—

(1) obligations and expenditures—

(A) during the previous **[two fiscal quarters]** *year*; and

* * * * *

SECTION 305 OF THE INTERNATIONAL ACADEMIC OPPORTUNITY ACT OF 2000

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated **[\$1,500,000]** *\$4,000,000* for each fiscal year to carry out this title.

ADDITIONAL VIEWS

H.R. 2601 represents a strong bipartisan bill that was endorsed unanimously by the entire Committee. Regretfully, we must express our disagreement with the absolute endorsement that is reflected in section 944 and its accompanying explanation in this report of the demobilization process in Colombia which purports to disarm, demobilize, and reintegrate both the leaders and rank-and-file members of United Self-Defense Forces of Colombia (AUC), or paramilitaries. While genuine peace processes deserve our full support, we must have a degree of certainty that we are not prematurely underwriting a process that will allow hardened narco-terrorists to legitimize their ill-gotten gains, continue to ship tons of cocaine and other illicit substances into our country, and to destabilize Colombia.

The demobilization process currently underway in Colombia for the right-wing paramilitaries—which the United States Department of State has classified as a Foreign Terrorist Organization—may be adequate for the overwhelming majority of the rank-and-file former terrorists who have not committed gross violations of human rights. The process is not adequate, however, for the masterminds and commanders of these terrorist groups—many of whom are wanted in our country for flooding U.S. streets with cheap cocaine, crack, and heroin. According to the State Department, our government has requested the extradition of AUC leaders Carlos Castaño, Salvatore Mancuso, and Juan Carlos Sierra Ramirez. The United States also has announced the indictments of Diego Fernando Murillo, and Vicente Castaño, who are among other paramilitary leaders whose names the State Department could not disclose due to security and law enforcement concerns. Diego Murillo is reportedly now under house arrest in Colombia for allegedly ordering the recent murder of a Colombian legislator and two other people.

Colombia's current and pending legislation governing the demobilization of the paramilitaries is inadequate for providing minimal guarantees on at least three basic points. First, the legal framework could permit those terrorist leaders who are under standing indictments in our country for narcotics trafficking and other serious crimes to escape extradition to the United States if the crimes for which they have been indicted were committed during the time that these leaders were paramilitaries. Second, the law does not require that the masterminds provide complete information to law enforcement agencies that would allow the agencies to identify and seize illegally acquired assets or dismantle effectively the criminal networks of these terrorist groups. Lastly, the law does not build in adequate tracking and monitoring mechanisms to help ensure that those who have foresworn violence do not return to their terrorist activities while receiving U.S. assistance.

While we attempted to reach an agreement on this provision that would have addressed these concerns and those expressed in a bipartisan, bicameral letter that is included with this additional view, we were not able to reach consensus. We believe that section 944 should be strengthened in a meaningful way before this Committee authorizes assistance to a process that could cost the U.S. taxpayer an estimated \$80 million over three years and could establish a lenient precedent for future processes through which terrorists around the world could shield themselves from legal restrictions and sanctions as members of Foreign Terrorist Organizations and thus receive U.S. assistance.

TOM LANTOS.
ROBERT MENENDEZ.

United States Senate
WASHINGTON, DC 20510

February 2, 2005

The Honorable Alvaro Uribe
President
Republic of Colombia
Bogota, Colombia

Dear President Uribe:

It is a pleasure for us to be in communication with you again, and to express our appreciation for your government's efforts to improve security throughout Colombia.

In particular, we have been encouraged by the determination you have shown, in the face of difficult challenges, to confront the narco-guerrillas who have done so much damage to your country. We are hopeful for the release of the three U.S. hostages still being held by the Revolutionary Armed Forces of Colombia (FARC). We have also noted the large number of extradition requests that the Colombian government has fulfilled in recent years. Extradition is an important component of U.S.-Colombia relations, and we appreciate your government's clear public statements and continued cooperation on this issue.

We support efforts to achieve peace in Colombia, including through efforts to demobilize Foreign Terrorist Organizations (FTOs) such as the AUC paramilitaries. We understand that the demobilization of these groups is a delicate process, and that any concessions made to these narco-terrorists will set a precedent for future negotiations with other FTOs such as the FARC.

We also support U.S. funding to implement the demobilization of paramilitary combatants, if such a process is conducted pursuant to an effective legal framework, as determined by Colombians through good faith negotiations with the Colombian Congress, that will bring about the dismantlement of the underlying structure, illegal sources of financing, and economic power of these FTOs. In this regard, we believe it is crucial that paramilitaries seeking benefits from demobilization be required to first disclose fully their knowledge of the operative structure of these FTOs and the role of individual members in illegal activities, and to forfeit their illegally acquired assets.

It is also critical that the provision of benefits to the leaders of these FTOs be conditioned on the groups' compliance with the cease-fire and cessation of criminal activity by its members. Finally, it is necessary that the perpetrators of atrocities be held accountable for their crimes.


We also urge your government to put in place effective mechanisms to monitor demobilized individuals to prevent them from continuing to engage in organized criminal activity. The legal framework you arrive at for the paramilitaries should be equally applicable to other narco-terrorist organizations. There should be no distinction.

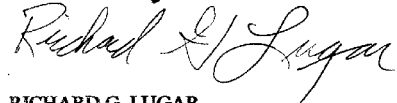
Again, we want to support this process if the necessary laws are in place to ensure its success.

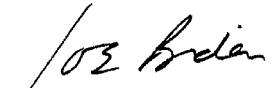
Thank you for your leadership, and for consideration of our views.

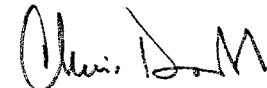
Respectfully,


PATRICK LEAHY
Ranking Member
Subcommittee on Foreign Operations


HENRY J. HYDE
Chairman
Committee on International Relations


RICHARD G. LUGAR
Chairman
Committee on Foreign Relations


JOSEPH R. BIDEN, Jr.
Ranking Member
Committee on Foreign Relations


CHRISTOPHER J. DODD
Ranking Member
Subcommittee on Western Hemisphere


TOM LANTOS
Ranking Member
Committee on International Relations