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SENATE

{ REPORT  
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FOREIGN AFFAIRS AUTHORIZATION ACT,  
FISCAL YEARS 2006 AND 2007

MARCH 10, 2005.—Ordered to be printed

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

**REPORT**

[To accompany S. 600]

The Committee on Foreign Relations, having had under consideration an original bill (S. 600) to authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007, for the Peace Corps for fiscal years 2006 and 2007, for foreign assistance programs for fiscal years 2006 and 2007, and for other purposes, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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I. PURPOSE

The Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007, authorizes funding for the Department of State, United States international broadcasting activities, the U.S. Agency for

International Development, the Peace Corps, foreign assistance and other foreign affairs programs for FY 2006 and 2007. The bill also addresses several important regional and functional foreign policy issues.

## II. COMMITTEE ACTION

The committee has held several public hearings over the past several months focusing on the issues addressed in this legislation. On February 16, Secretary of State Condoleezza Rice testified regarding the President's budget request for international affairs. On March 2, State Department and USAID officials testified in a six-part hearing on the administration's policies and foreign assistance goals in various regions of the world. Other hearings leading up to the consideration of this legislation focused on lessons learned from the international response to the tsunami tragedy in the Indian Ocean region, strategies for U.S. policy in Iraq and the Middle East, and the status of the six-party talks with North Korea. In the 108th Congress, the committee also held a number of hearings that informed its work on this legislation. They included hearings on visa policy, the Millennium Challenge Corporation, an ongoing committee investigation into efforts to combat corruption in the multilateral development banks, the situation in Sudan, reform and counter-terrorism in Pakistan, the Middle East Road Map, and several updates on U.S. efforts in Iraq. Throughout their work in both public hearings and in classified briefings, committee Members have explored the policy choices, the challenges, and the purposes that underlie the funding and the authorities contained in this legislation.

The committee considered an original bill on March 3, 2005. During the mark-up of this legislation, the committee adopted by voice vote a managers' package consisting of 10 amendments. A number of other amendments were also adopted by voice vote:

- An amendment offered by the Chairman that authorizes the Secretary of State to carry out an accelerated global program to secure or eliminate conventional weapons and tactical missile systems that pose a proliferation threat. The amendment redesignates an office in the Department to formulate policy and plan programs to reduce conventional arms and authorizes funding for the effort.
- An amendment offered by Senator Boxer expressing the Sense of Congress that the municipal elections recently held in Saudi Arabia are a positive step and that it is in the interest of Saudi Arabia to permit women to run for office and vote in all future elections.
- An amendment by Senator Sununu authorizing the Secretary of State to provide scholarships for students from Islamic countries to study at U.S. institutions of higher education that are chartered and accredited in the United States and located in Islamic countries.
- An amendment by Senator Feingold requiring the Coordinator of U.S. Government Activities to Combat HIV/AIDS Globally to issue a public report on U.S. funds spent to procure anti-retroviral drugs for patients in U.S. aid-recipient countries.

- An amendment by Senator Feingold requiring a report to Congress on the status of cooperation between the Indonesian government and the U.S. government in the Timika investigation before release of FY 2006 funds for international military education assistance or defense-related procurement by Indonesia.
- An amendment by Senator Sarbanes adding an increase in the cap for hardship pay to the bill's provision increasing the cap for danger pay for Foreign Service officers.
- An amendment by Senator Sarbanes stating that \$2 million in International Military and Education Training should be made available to Greece in 2006 and 2007.

By a vote of 9–9, the committee defeated an amendment proposed by Senator Sarbanes to increase funding for Development Assistance, Child Survival and Health, and International Organizations and Programs. The amendment would have drawn the additional funds from the Millennium Challenge Account and Transition Initiatives.

The committee ordered the bill reported, as amended, by a vote of 18 to 0. Ayes: Lugar, Hagel, Chafee, Allen, Voinovich, Alexander, Coleman, Sununu, Murkowski, Martinez, Biden, Sarbanes, Dodd, Kerry, Feingold, Boxer, Nelson, and Obama.

### III. SUMMARY

The committee believes that the authorizations of appropriations contained in this legislation must be seen as an integral component of national security policy. This funding is the civilian complement to the defense budget, providing the resources, personnel and programs that undergird the nation's diplomatic strength. When they are successful, these tools of foreign policy can save more than treasure. They can save American lives. Comparatively inexpensive, the foreign affairs funding authorized in this legislation is only about 4 percent of total government discretionary spending, whereas the nation is now spending some 50 percent of discretionary funds on the military component of national security policy.

In reporting this bill to the Senate, the committee urges fellow Senators to embrace the vision that a strong and well-funded foreign policy boosts the chances that our country will prevail in the war against terrorism and can check the kind of cataclysmic attack foreshadowed by the tragedy of September 11th. The committee believes that diplomatic clout, strong international information programs, and targeted foreign assistance are a national security priority.

Authorizations of appropriations in this bill cover the operating expenses and programs of the Department of State, the U.S. Agency for International Development, the Broadcasting Board of Governors, the Peace Corps, and the Millennium Challenge Corporation for Fiscal Years 2006 and 2007. Among other programs, it includes funding to address the HIV/AIDS epidemic, build safer embassies for citizens serving in a more dangerous world, and carry out education and cultural exchange programs that enrich America's dialogue with other nations. It funds the cadre of personnel leading the civilian battle against terrorism in foreign capitals: consular officers to defend our borders, political officers to gain cooperation on apprehending terrorists, public diplomacy officers to

get America's story out, and ambassadors to lead the complex and multi-faceted mission.

The bill authorizes appropriations for the President's foreign affairs budget within the jurisdiction of the committee at the level he requested. It represents a 13 percent increase over last year's appropriated level and a 10.7 percent increase, as calculated by the Congressional Budget Office, over last year's baseline amount. The committee finds these increases necessary and justified. Since the end of the Cold War, the foreign affairs account has suffered frequently from inadequate funding. The American public generally understands that the United States reduced military spending in the 1990s following the fall of the Soviet Union. Few are aware, however, that reductions were applied even more unsparingly to foreign affairs programs. In constant dollars, the foreign affairs budget was cut in six consecutive years from 1992 to 1998. This slide occurred even as the United States sustained the added costs of establishing new missions in the fifteen states that were part of the former Soviet Union. In constant dollars, the cumulative effect was a 26 percent decrease in our foreign affairs programs. As a percentage of GDP, this six-year slide represented a 38 percent cut in foreign affairs programs.

This bill contains numerous legislative branch initiatives, most notably the Stabilization and Reconstruction Civilian Management Act, which was developed in this committee and was reported out last year. Its purpose is to build Department of State capacity to organize and lead the civilian component of stabilization and reconstruction missions overseas. Uncontrolled territory, chaotic post-conflict situations, and criminalized governments can provide terrorists with sanctuaries where they regroup, train, and plan without fear of arrest. The bill establishes in law the office that will anticipate and plan for the difficulties of rebuilding stable societies in post-conflict situations. The bill authorizes appropriations for personnel, training, and resources for this enormous new undertaking.

Three other legislative branch initiatives included in the bill call for U.S. leadership on several fronts. The Protection of Vulnerable Populations during Humanitarian Emergencies Act of 2005 includes provisions designed to improve protections for women, children, and other vulnerable populations in the context of war or disaster. The Safe Water: Currency for Peace Act of 2005 recognizes that safe water and sanitation, sound water management, and improved hygiene for people around the world is an essential ingredient of our foreign policy objectives. It authorizes a 5-year pilot program to assist countries that have a high rate of water-borne illness, with alternative funding mechanisms such as investment insurance, investment guarantees or loan guarantees to develop sustainable water infrastructure systems. The Global Pathogen Surveillance Act of 2005 acknowledges that the threat of bioterrorism or the potential spread of such dangerous diseases as SARS and Avian flu poses significant challenges not only for the United States, but also for the entire world. The Global Pathogen Surveillance Act seeks to enhance the capability of the international community to detect, identify, and contain infectious disease outbreaks, and to determine whether those outbreaks are natural or deliberately initiated.

The authorizations of appropriations for foreign assistance place top priority on assisting the front-line states in the war on terrorism. The authorization of funding for these countries is \$5.8 billion, 9 percent more than requested in FY2005. Likewise, the bill increases funding for the non-proliferation and anti-terrorism programs by \$41 million to a total of \$440 million.

The bill includes executive branch initiatives targeting democracy, governance and economic development in the Middle East. Authorization of appropriations for the State Department's Middle East Partnership Initiative (MEPI) is increased from \$89 million to \$150 million. The National Endowment for Democracy budget is increased by one-third to \$80 million to continue the President's Greater Middle East Democracy Initiative. The bill contains \$150 million of the funds pledged by the President in his State of the Union address for programs in the West Bank and Gaza.

Improving U.S. public diplomacy is a clear priority for the committee. With the successful Iraqi elections, the widely known and generous American response to the tsunami tragedy, and new optimism on the Israeli-Palestinian front, there is an opportunity to shape wavering international opinion of U.S. goals and values. The bill provides the authorization for an increase of \$8 million in the Diplomatic and Consular account to be spent on public diplomacy, \$430.4 million for Educational and Cultural Exchanges (an increase of \$74.5 million), and \$651.9 million for international broadcasting (an increase of \$60.3 million).

One of the largest increases in authorized amounts in the bill is for the Millennium Challenge Corporation (MCC). The request is for \$3 billion, a significant sum and a 100 percent increase over last year's appropriation. The committee did not approve an amendment to defer such a large increase in funding for the MCC and distribute the \$427 million cut among other foreign aid accounts. While views on the specific amendment varied, the debate demonstrated strong committee support for the MCC's long-term mission to boost economic development in the poorest, but most likely-to-succeed countries. The committee intends to continue to monitor MCC developments to ensure that the organization adheres to its publicly stated principles and goals while making deliberate but timely progress in obligating funding to MCC recipient projects and programs.

The bill also focuses resources on the HIV/AIDS pandemic that threatens to overwhelm entire societies. The President requested a significant increase in HIV/AIDS assistance, with the overall request at \$3.2 billion, up from the appropriated \$2.9 billion last year. The two-thirds of that amount contained in the 150 account has been fully funded by Congress in previous legislation. This bill is consistent with the President's HIV/AIDS request. The committee has long advocated a leading U.S. international role in both preventing and treating this devastating disease.

## IV. DIVISION A—FOREIGN RELATIONS AUTHORIZATION

## (A) SUMMARY OF FUNDS

[in thousands of dollars]

	FY 2005 appropriations estimate	FY 2006 request	FY 2006 bill as reported
Diplomatic and Consular Programs .....	\$4,172,220	\$4,472,641	\$4,472,641
[Includes: Worldwide Security Upgrades] ...	649,904	689,523	689,523
Capital Investment Fund .....	128,263	133,000	133,000
Embassy Security Construction .....			
& Maintenance .....	1,503,644	1,526,000	1,526,000
<b>Other State Department Accounts</b>			
Representation Allowances .....	8,525	8,281	8,281
Protection of Foreign Mission and Officials	9,762	9,390	9,390
Emergencies in Diplomatic and Consular			
Service .....	987	13,643	13,643
Repatriation Loans .....	1,203	1,319	1,319
Payment to the American Institute .....			
in Taiwan .....	19,222	19,751	19,751
Office of the Inspector General .....	30,028	29,983	29,983
<b>Education, Cultural, and Public Diplomacy Programs</b>			
Total .....	355,932	430,400	430,400
<b>Related Appropriations</b>			
National Endowment for Democracy .....	59,199	80,000	80,000
East-West Center .....	19,240	13,024	13,024
The Asia Foundation .....	12,826	10,000	10,000
<b>International Organizations</b>			
Contributions for International .....			
Organizations .....	1,166,212	1,296,500	1,296,500
Contributions for International Peace-			
keeping .....	483,455	1,035,500	1,035,500
<b>International Commissions</b>			
International Boundary & .....			
Water Commissions—S&E .....	26,880	28,700	28,700
International Boundary & Water .....			
Commissions—Construction .....	5,239	6,600	6,600
International Boundary Commission .....	1,231	1,429	1,429
International Joint Commission .....	6,214	6,320	6,320
International Fisheries Commissions .....	21,688	25,123	25,123
<b>Migration and Refugee Assistance</b>			
Total .....	763,840	892,770	892,770
<b>International Broadcasting Activities</b>			
Total International Broadcasting .....	591,552	651,943	651,943

## (B) SECTION-BY-SECTION ANALYSIS

*Sec. 101. Administration of Foreign Affairs*

This section authorizes appropriations under the heading “Administration of Foreign Affairs” for FY 2006 and 2007.

The committee has authorized the full amount of the President’s request in FY 2006 and provided such sums as may be necessary in FY 2007 for Diplomatic and Consular Programs, Worldwide Security Upgrades, the Capital Investment Fund, Embassy Security, Construction and Maintenance, Educational and Cultural Exchange Programs, Representation Allowances, Protection of Foreign

Missions and Officials, Emergencies in the Diplomatic and Consular Service, Repatriation Loans, Payment to the American Institute in Taiwan and the Office of the Inspector General.

*Sec. 102. International organizations and conferences*

This section authorizes appropriations in FY 2006 and such sums as may be necessary in FY 2007 for contributions to international organizations (CIO) and for contributions to international peacekeeping (CIPA).

The committee is authorizing the full amount requested for both the CIO and CIPA accounts. The funding represents U.S. treaty obligations to pay assessed contributions to the U.N. regular budget, the budgets of the specialized agencies in which the U.S. is a member, and the U.S. share of peacekeeping assessments. The committee is requesting a report from the Secretary of State on the implementation of the recommendations contained in the United Nations' August 2000 "Brahimi Report" on Peacekeeping Operations. The request specifically cites the committee's interest in learning how the U.S. Government is contributing to the development of a more robust U.N. capacity to organize international police units for use on an emergency basis.

The committee continues its ongoing interest in bringing payment of U.S. dues to the United Nations into synchronization with the U.N. budget. Currently, U.S. annual dues are paid late in the calendar year, at the start of the U.S. fiscal year; however, the U.N. budget year begins in January. The annual payment of U.S. dues nine months late strains the U.N.'s financial stability, and frequently jeopardizes accounts for critical peacekeeping missions. The administration is urged to request funding next year that would result in the U.S. paying its dues on time annually, in January, when they are due.

The committee also recognizes and supports the administration's efforts, particularly over the past year, to establish a Democracy Caucus at the United Nations. Such a caucus would work within the various bodies of the United Nations, such as the General Assembly and the Commission on Human Rights, to bolster global democratic principles, advance human rights, and promote international security and stability.

*Sec. 103. International Commissions*

This section authorizes appropriations for FY 2006 and such sums as may be necessary for 2007 under the heading "International Commissions." It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions, including those dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

*Sec. 104. Migration and refugee assistance*

This section authorizes appropriations for fiscal year 2006 and such sums as may be necessary for 2007 to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and

the International Committee for the Red Cross, through private volunteer agencies, government, and bilateral assistance, as authorized by law.

*Sec. 105. Centers and Foundations*

This section authorizes appropriations for fiscal year 2006 of \$80,000,000 for the National Endowment for Democracy, \$13,024,000 for the Center for Cultural and Technical Interchange between East and West, and \$10,000,000 for the Asia Foundation. It authorizes such sums as may be necessary for 2007.

*Sec. 106. Vietnam Fulbright Academic Exchange Program*

Of the amount made available for “Educational and Cultural Exchange Programs” under section 101(4), this section authorizes appropriations of \$5,000,000 for fiscal year 2006 and \$5,000,000 for fiscal year 2007 for the Vietnam Fulbright academic exchange program.

Subtitle B—United States International Broadcasting Activities

*Sec. 111. Authorizations of appropriations*

This section authorizes appropriations for international broadcasting activities in fiscal year 2006 in the amount of \$641,050,000. For Broadcasting Capital Improvements, \$10,893,000 is authorized. It authorizes such sums as may be necessary for both accounts for fiscal year 2007.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

*Sec. 201. Interference with protective functions*

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

*Sec. 202. Authority to issue administrative subpoenas*

This section provides a narrow administrative subpoena authority for the Secretary of State that may be issued in cases of an “imminent threat” to persons, missions or organizations protected by Diplomatic Security agents under the authority of Section 37(a)(3) of the State Department Basic Authorities Act of 1956. The authority is similar to one provided to the Secret Service (see 18 U.S.C. 3486), and the procedural protections of that provision will apply here. The power to issue such subpoenas can be delegated by the Secretary only to the Deputy Secretary, thereby assuring close attention to this authority at the highest level of the Department. In addition, to facilitate oversight of the exercise of this authority, the Secretary must report annually to the committee on its use.

*Sec. 203. Enhanced Department of State Authority for Uniformed Security Officers*

This section provides law enforcement authority to uniformed security guards at State Department facilities in the Washington, DC area and elsewhere in the United States, and authority to designate firearms and explosives training officers as law enforcement officers for the purposes of safeguarding weapons at training facilities and in transit. Under current law, the uniformed contract guards who provide security at Department facilities are governed by a patchwork quilt of authorities. Such guards have some law enforcement authority under delegations by the General Services Administration (at those facilities which are GSA-operated), and under an arrangement with the Marshals Service which allows certain guards to be deputized.

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

*Sec. 204. Grant authorities*

This section authorizes the Secretary of State to use grants, cooperative arrangements, or contracts to support public diplomacy efforts promoting biotechnology and to support training and technical assistance projects for the protection of intellectual property rights. This authority is intended to provide a tool to help ensure that views and decisions of foreign governments concerning biotechnology and its applications in the areas of food and agriculture reflect scientific findings about such technology. In addition to providing grant authority for the protection of intellectual property rights, the committee urges the Department to make the protection of such rights a top priority in its diplomatic agenda in nations where weak or ineffective law enforcement is undermining the internationally recognized rights of American authors, recording artists, and the motion picture industry to have their creative works protected.

*Sec. 205. International Litigation Fund*

This section allows the State Department to retain awards of costs and attorneys' fees when defending against international claims in addition to amounts currently allowed to be retained when it successfully prosecutes a claim.

*Sec. 206. Retention of medical reimbursements*

Currently, medical insurance reimbursements for payments made by the State Department for employee health care abroad must be credited to Department accounts in the year the obligation and payment for the medical services was made. This section allows the Department to retain these reimbursements in Department accounts in the year in which they are collected, ensuring that reimbursements obtained in the fiscal year following that in

which the obligation and payment was made will be available to the Department.

*Sec. 207. Transfer authority for Buying Power Maintenance Account*

This section amends Section 24(b)(7) of the State Department Basic Authorities Act of 1956, which permits the transfer of up to \$100 million in expired, unobligated balances into the no-year Buying Power Maintenance Account as a means to offset adverse fluctuations in foreign currency exchange rates. The section eliminates the requirement that such transfers be subject to appropriations.

*Sec. 208. Accountability Review Boards*

This section gives the Secretary of State the discretion to convene an Accountability Review Board, or use alternate procedures to conduct an inquiry for 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. This authority extends from July 1, 2004 to September 30, 2009. If the Secretary chooses not to convene a Board, but instead uses the authority of this provision, she is required to notify the committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of the incident, to conduct an inquiry, and to report to the committees on the findings and recommendations of the inquiry and the actions taken as a result. The Administration requested this provision. The committee recognizes that there is a higher level of risk involved at the U.S. missions in these two nations, and therefore the requirement for a full-scale Accountability Review Board may be impractical. The committee does expect, however, that in the case of such incidents, a thorough inquiry will be conducted in order to determine whether security procedures should be modified.

*Sec. 209. Designation of Colin L. Powell Residential Plaza*

This section names the Federal building in Kingston, Jamaica, formerly known as the Crowne Plaza and now a staff housing facility for the U.S. Embassy in Jamaica, after former Secretary of State Colin L. Powell.

*Sec. 210. Removal of contracting prohibition*

This section repeals Section 406(c) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, which made persons doing business with Libya ineligible for contracts awarded under that act. Deletion of section 406(c) will permit the Department to undertake activities such as refurbishing and maintaining the current U.S. liaison office in Tripoli.

*Sec. 211. American Institute in Taiwan facilities enhancement*

This section amends the American Institute in Taiwan Facilities Enhancement Act to authorize such sums as may be necessary for construction of the American Institute in Taiwan compound. The original sum of \$75 million, authorized in 2000, is inadequate, as the current estimate for a new facility is \$143 million.

*Sec. 212. Extension of the Advisory Committee on Cultural Diplomacy*

This section extends the authorization of the Advisory Committee on Cultural Diplomacy, which was established by Section 224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–228). That provision authorized the committee to operate until September 30, 2005, or for approximately three years. This provision extends the authorization of the committee for an additional two years, until September 30, 2007.

*Sec. 213. Victims of crime in foreign countries*

This section directs the Secretary of State to establish a Victims of Crime office in the Bureau of Consular Affairs. The office is to provide services to American victims of violent crimes overseas, to maintain a data base to track the incidents of violent crimes against Americans that are reported to overseas missions, and to administer financial assistance to victims who need it. This section gives the Secretary authority to use money from the “K” fund, which is for unforeseen emergencies arising in the diplomatic and consular service, to provide emergency financial assistance when no other assistance is available. The section requires a report from the Secretary outlining the operation of the office and recommending how it can be improved.

*Sec. 214. The United States Diplomacy Center*

This section authorizes the Secretary of State to establish a United States Diplomacy Center housing a museum, conference center and auditorium to be located in the Department of State headquarters at the Harry S Truman Building. As envisioned, the Center is intended to organize and sponsor educational and outreach programs explaining the role of U.S. diplomats and American foreign policy in safeguarding U.S. security, promoting peace, increasing prosperity, promoting U.S. values, and protecting U.S. citizens abroad. The committee notes that this would not be the first such center created by or located in a U.S. Government facility. It urges the Department to plan carefully and take every step necessary to ensure that public access to the Center does not compromise security of the headquarters building. To date, over \$1.2 million has been raised for the museum from private sources, and the first of three phases of design and construction was completed in December 2004. A fund-raising strategic plan is being developed to raise the necessary funds for the remaining phases and will be implemented following internal review and approval by the Undersecretary for Management.

*Sec. 215. Strengthening United States educational programs in the Islamic world*

The committee appreciates the contributions that non-profit, U.S.-organized colleges and universities in the Middle East play in promoting U.S. national security. These institutions help to nurture democracy and tolerance by educating successive generations of leaders who are committed to American values and who understand the tangible economic, political, and social benefits that a commitment to democracy produces. These colleges and univer-

sities also help to foster mutual understanding between the United States and the Islamic world. They include the American University of Beirut, Lebanese American University, and the American University of Cairo. Scholarships authorized under this provision should assist in making these educational opportunities accessible to students of the region.

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

#### *Sec. 301. Education allowances*

This section modifies current law to authorize payments to cover certain education costs and educated-related travel costs for children of government personnel stationed at posts where schools are inadequate, and for college and post-graduate students who are still dependents. Students older than 22 are ineligible for such allowances.

#### *Sec. 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. sec. 5913(b) to those persons now eligible to receive reimbursement for such expenses.

#### *Sec. 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 hardship and danger in many locations, many posts with high but disparate levels of hardship and danger are clustered at the ceiling rates of 25 percent . This has resulted in an inability to maintain appropriate distinctions between the various levels of hardship and danger.

This section would not result in an automatic increase of rates for all hardship locations or danger pay locations, but would provide the Department discretionary authority to make appropriate adjustments. Based on estimates presented to the committee, the Department of State could apply the full increase for danger pay to personnel serving at 8 posts in 5 countries and the full increase for hardship pay to personnel at 19 posts in 17 countries. The State Department estimates the cost of these increases at approximately \$6 million, although the proposal could be implemented in phases to reduce the dollar impact.

The committee believes that the Department should find funding within its regular budget to cover the cost of lifting the cap on such pay. Increases are justified as an incentive to officers to serve at exceptionally difficult posts. The committee recognizes that Foreign Service officers take substantial risks in locating to remote and hazardous areas where U.S. presence is essential but where our representatives' physical health and well-being may be jeopardized.

#### *Sec. 304. Home leave*

This section allows additional flexibility in the application of the home leave program provided under the Foreign Service Act of

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

*Sec. 305. Fellowship of Hope Program*

This section clarifies the authority of an existing exchange program with the foreign ministries of EU countries and with the EU Commission in Brussels and expands it to NATO countries and NATO headquarters. Under the expanded program, mid-level diplomats spend a year working in the foreign ministries of participating countries or in the European Commission or NATO headquarters.

*Sec. 306. Security Officers Exchange Program*

This section clarifies the authority of an existing exchange program with the foreign ministries of Australia and the United Kingdom. Under the program, security officers spend up to three years working in the foreign ministries of participating countries.

*Sec. 307. Reemployment of annuitants*

This section permits the Secretary of State to waive limitations on dual compensation that apply to re-employed Foreign Service annuitants when they are re-employed on a temporary basis in positions for which it is exceptionally difficult to recruit or retain qualified employees. Under current law, Foreign Service annuitants hired on a full-time basis have their annuities terminated; those employed on a part-time or intermittent basis may only work for a limited period of time each year because of the dual compensation limits. These limitations hamper the Department's ability to hire experienced individuals with unique skills to meet important mission needs. This waiver authority already exists for the Civil Service (5 U.S.C. 8468(f)(A)), but it is limited for the Foreign Service to emergencies involving a direct threat to life or property or other unusual circumstances.

This section grants on a pilot basis for the Foreign Service the additional waiver authority for positions for which it is exceptionally difficult to recruit or retain qualified employees; the authority will expire at the end of fiscal year 2007. One year following the enactment of this Act, the Secretary of State is required to submit to the Congress a report on use of this waiver authority. The committee expects the Department to ensure that such waivers are granted only in a limited number of exceptional cases and that such waivers are authorized only by the Under Secretary for Management.

*Sec. 308. Suspension of Foreign Service members without pay*

This section allows the Department to suspend without pay a member of the Foreign Service in cases where there is reasonable cause to believe that the employee has committed a crime for which he/she may be imprisoned and there is a connection to the efficiency of the Service. This provision is drawn from a similar provi-

sion in the civil service laws (see 5 U.S.C. Secs. 7512, 7513), and is similar to a provision that once existed in Section 610(a)(3) of the Foreign Service Act of 1980, but was replaced by a provision requiring conviction of a crime before suspension without pay could be imposed. See Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (P.L. 102-138).

Although the provision is not identical to the analogous provision in the civil service laws, it is intended to operate in the same manner as the law has developed (in cases of suspension involving a reasonable cause to believe that a crime has been committed) in the Merit Systems Protection Board and Federal courts of appeals. In those cases, the agency must show that it has a reasonable belief that the individual has committed a crime for which a term of imprisonment may be imposed and that it would “promote the efficiency of the service.” To show that a suspension promotes the efficiency of the service, the “agency must establish a nexus between . . . [the] acts of misconduct and the employee’s job responsibilities.” *Pararas-Carayannis v. Dep’t of Commerce*, 9 F.3d 955, 957 (Fed. Cir. 1993). The committee intends that the same nexus between the misconduct and the employee’s duties be demonstrated in suspensions under this section.

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

#### *Sec. 309. Separation of lowest-ranked Foreign Service members*

This section modifies existing personnel review procedures that require Foreign Service promotion panels to “low rank” five percent of every Foreign Service class. Under a law enacted in 1998, if a member is low ranked twice in five years, the Secretary must recommend separation (those so ranked are referred to a separate panel for consideration of whether they should be retained in the Service). The provision in this bill reduces the low ranking requirement from 5 percent to 2 percent. The committee is persuaded, based on the experience of the last several years, that 2 percent is a more appropriate standard.

#### *Sec. 310. Clarification of Foreign Service Grievance Board procedures*

This section allows 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. This section corrects an unintended error in the conforming amendment made in Section 314 of the Foreign Relations Authorization Act of FY 2003 (P.L. 107-228) regarding separation for cause.

*Sec. 311. Repeal of requirement for recertification process for Members of the Senior Foreign Service*

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

*Sec. 312. Deadline for issuance of regulations regarding retirement credit for Government service performed abroad*

This section establishes a deadline of 60 days for the issuance of regulations to implement Section 321 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107-228), which provides for retirement credit for part-time, intermittent, or temporary (PIT) employees who worked for the Department of State overseas as part of the spousal employment program in the 1990s.

*Sec. 313. Worldwide availability*

This section clarifies that persons entering the Foreign Service must be available to serve worldwide and that the Secretary of State, through the Department's Office of Medical Services, determines whether candidates meet medical standards for worldwide availability. In line with current practice, the provision gives the Secretary, and the head of each of the respective agencies that hire Foreign Service personnel, discretion to waive the worldwide availability requirement to fulfill a compelling need of the Service.

*Sec. 314. Technical amendments to Title 5 provisions on recruitment, relocation, and retention bonuses*

Sections 5753 and 5754 of Title 5 were amended by Section 101 of the Federal Workforce Flexibility Act of 2004 to prohibit payment of recruitment, retention, and relocation benefits to persons holding positions to which they were appointed by the President with the advice and consent of the Senate. This technical amendment would amend sections 5753 and 5754 to clarify that they do not preclude the Department of State from offering such benefits to members of the Foreign Service, who are by definition appointed by the President with the advice and consent of the Senate under section 302(a)(1) of the Foreign Service Act of 1980.

*Sec. 315. Limited appointments in the Foreign Service*

This section codifies the State Department's practice of requiring specialist limited non-career appointees to have a one-year break in service after completion of a five-year limited appointment before assuming a new limited appointment. In addition, it authorizes the Department to extend limited appointments of career Foreign Service candidates, now capped at five years, in narrowly defined cir-

cumstances such as in cases where the officer is called to active duty military service or to remedy a grievance. The amendment further affords the Secretary the administrative flexibility to extend limited appointments upon a determination of exceptional circumstances and the needs of the Service.

*Sec. 316. Personal service contractors*

This section establishes a demonstration program permitting the State Department to hire personal service contractors (PSCs) for the Office of the Inspector General. No more than 20 PSCs may be employed at any one time, and the contract length for each PSC may not exceed two years, with up to one additional year possible in exceptional circumstances. This authority expires on December 31, 2007 and the PSC contracts may not remain in effect beyond June 30, 2008.

*Sec. 317. Disclosure requirements applicable to proposed recipients of the personal rank of Ambassador or Minister*

This section modifies existing law related to conferral of the personal rank of Ambassador. Under Section 302 of the Foreign Service Act of 1980, the President may confer such rank, without the advice and consent of the Senate, for special missions not exceeding six months in duration. When the President makes such a designation, he is required to submit certain information about the individual and the special mission to the Committee on Foreign Relations. This provision makes clear that the President shall submit to the committee a financial disclosure statement completed by the individual.

*Sec. 318. Provision of living quarters and allowances to the United States Representatives to the United Nations*

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

#### TITLE IV—INTERNATIONAL ORGANIZATIONS

*Sec. 401. Limitation on the United States share of assessments for United Nations peacekeeping operations*

This section would establish a permanent ceiling of 27.1 percent on U.S. payments to the United Nations peacekeeping budget. The committee is concerned by recent, credible reports of sexual abuse carried out by U.N. peacekeepers in missions in Haiti and the Democratic Republic of the Congo. Such abuses are deplorable and the guilty must be held accountable, in accordance with the United Nation's zero-tolerance policy for sexual abuse. At the same time, the committee recognizes that these 200-some cases represent a small percentage of the more than 65,000 U.N. peacekeepers and

civilian police who are currently deployed and serving with honor and distinction in sixteen critical operations worldwide. The committee notes that U.N. peacekeeping missions are established with the concurrence of the United States government, which can veto a mission to which it objects. These missions provide a force multiplier in cases where a significant number of U.S. troops may be unavailable but where it is in the U.S. national interest to see order restored and maintained, for example, in such places as Liberia, Sudan, Kosovo, Haiti and the Pakistan/India border.

*Sec. 402. REDI Center*

This section authorizes U.S. participation in the Regional Emerging Disease Intervention (REDI) Center in Singapore. There is no authorization of appropriations needed as the Center is expected to be funded by Singapore. Given recent outbreaks of SARS and avian flu in the region, the committee fully supports U.S. participation in such activities.

*Sec. 403. Report to Congress on implementation of the Brahimi Report*

This section requires the Secretary of State to submit a report to the appropriate congressional committees that assesses the U.N. implementation of the recommendations of the 2000 Report of the Panel on United Nations Peace Operations (known as the “Brahimi Report”). The committee recognizes the importance of the U.N. peacekeeping operations, including their capability to deploy civil police forces in post-conflict stabilization missions. The committee believes that the report required by this section will contribute to its oversight of U.S. efforts and support for implementing any outstanding recommendations of the 2000 Brahimi assessment.

*Sec. 404. Sense of Congress on the United Nations budgetary discipline and management reform*

This section expresses the sense of Congress that the United Nations should comply with its commitments to budgetary discipline and management reform.

## TITLE V—BROADCASTING BOARD OF GOVERNORS

*Sec. 501. Short title*

This provision designates the short title of Title V of the bill.

*Sec. 502. Middle East broadcasting networks*

This section amends the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) to authorize the Middle East Broadcasting Networks (MBN) as a non-federal grantee organization and to formally establish the MBN in permanent law. Congress has previously appropriated funds on an annual basis to the BBG for the MBN’s two TV channels (Alhurra and Alhurra Iraq) as well as Radio Sawa, all broadcasting in Arabic.

MBN is consistent with other independent, not-for-profit broadcasting entities supervised by the BBG, and is required to meet the same standards and broadcasting principles. The annual grants to MBN by the BBG will be subject to auditing by the Comptroller

General of the United States and inspection by the Inspector General of the Department of State.

*Sec. 503. Improving signal delivery to Cuba*

Jamming has been a problem since Radio Marti began broadcasting into Cuba in May 1985. This section authorizes the Office of Cuba Broadcasting to use additional AM frequencies, as well as FM and shortwave frequencies. Currently, Radio Marti is required to utilize the broadcasting facilities at Marathon, Florida, and the 1180 AM frequency that was used by VOA prior to the enactment of the Radio Broadcasting to Cuba Act, unless broadcasts are jammed.

*Sec. 504. Extending authority for Radio Free Asia*

This section extends from September 30, 2009, to September 30, 2015, the Broadcasting Board of Governors' existing authority to make grants for the purpose of operating Radio Free Asia.

*Sec. 505. Personal Services Contracting Program*

The committee previously authorized a pilot program allowing the BBG to hire 60 U.S. citizens or foreign nationals on contract rather than as full-time government employees. This provision gives the BBG permanent authority to hire 100 such personnel. Such authority gives the BBG the flexibility to hire, for the short or medium-term, broadcasters and on-air hosts in difficult languages, some with many dialects. The BBG used the authority for surge capacity in Urdu and Arabic and extra hiring to enhance broadcasting into Zimbabwe, a flexibility that this provision will expand and make permanent.

*Sec. 506. Commonwealth of the Northern Mariana Islands education benefits*

This section authorizes the expenditure of funds for the purpose of providing education allowances for dependents of Broadcasting Board of Governors personnel employed in the Northern Mariana Islands.

*Sec. 507. Exemption from numerical limitations for temporary workers*

This section adds the BBG to the list of organizations eligible to utilize the H-1B visa without regard to the cap on such visa entrants. The H-1B visa, available for up to six years, is for temporary workers in "specialty" occupations. The current statutory cap, intended to provide job protection for U.S. citizens, is 65,000 and that annual quota was filled on the first day it was made available in 2005. The BBG, which needs broadcasters and editors with special language and dialect skills, as well as first-hand knowledge of the countries to which they broadcast, serves an important government purpose; this exemption does not undermine the purpose of the numerical limit. The use of this authority is expected to be minimal. In the last decade, Radio Free Europe/Radio Liberty has used just one H-1B visa; Radio Free Asia expects to use five to ten such visas per year.

## TITLE VI—CONSULAR AUTHORITIES

*Sec. 601. Technical amendments to Intelligence Reform and Terrorism Prevention Act of 2004*

This section makes a number of minor and technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004 (the Intelligence Act):

- It amends section 7209(d) of the Intelligence Act to include the Secretary of Homeland Security, who has the authority under section 233 of the Immigration and Nationality Act to make agreements with the airlines on secure transit passage areas.
- It amends section 7201(c) of the Intelligence Act to require that technologies acquired and deployed under a plan required by that section be compatible with systems used by the Department of State, to the extent feasible, in addition to those of the Department of Homeland Security.
- It amends section 5506 of the Intelligence Act to require the Attorney General to consult with the Secretary of State on a report required under that section that addresses implementation of inadmissibilities for visa processing, among other topics.

*Sec. 602. International student exchange programs*

This section addresses concerns regarding recent decline in the enrollment of foreign students in the United States and requires a report from the State Department that will analyze the issue.

## TITLE VII—RECONSTRUCTION AND STABILIZATION

*Sec. 701. Short title*

This section designates the short title for Title VII of this bill.

*Sec. 702. Finding; purpose*

This section lists findings that explain the need for legislation and the purpose of such legislation.

*Sec. 703. Definitions*

This section provides definitions of certain terms in the bill.

*Sec. 704. Sense of Congress*

This section states the sense of Congress that there are multiple ways to improve stabilization and reconstruction activities; specifically:

- (1) Strengthening the civilian elements to respond to stabilization and reconstruction crises overseas;
- (2) Establishing a new system of planning, organization, personnel policies, education and training and the provision of adequate resources;
- (3) Encouraging the international community, including non-governmental organizations and the United Nations and its specialized agencies, to participate;
- (4) Urging the President to establish a new directorate of stabilization and reconstruction activities within the National Security Council;

(5) Urging the President to establish a standing committee to oversee the formulation and execution of stabilization and reconstruction policy, chaired by the National Security Advisor with membership of appropriate agencies;

(6) Establishing a personnel exchange program between the Department of State, USAID, and the Department of Defense to enhance the stabilization and reconstruction skills of military and civilian personnel and their ability to undertake joint operations. Personnel exchanges should include exchanges to regional and specialized commands, as well as joint and service schools, to ensure a broader base of interaction among agencies;

(7) Urging other civilian agencies to work with the Department of Defense to establish similar exchange programs.

*Sec. 705. Authority to provide assistance for reconstruction and stabilization crises*

This section provides the President with the authority, after consultations with Congress, to determine that it is in the national interest to provide assistance to a country or region that is in, or transitioning from, conflict or civil strife, and to provide such assistance from the \$100 million emergency fund authorized in this section, in addition to amounts otherwise made available for such purposes, as well as from commodities and services from the inventory of Federal agencies. The funding mechanism and the authority to replenish funds in this section are similar to current authorities that are used to respond to refugee and migration crises, but the exercise of the authority has been made subject to certain conditions required by Section 614 of the Foreign Assistance Act of 1961, an extraordinary authority that is used sparingly and only after extensive consultations with Congress. The committee intends that this authority be exercised in the same manner as Section 614. The provision authorizes the annual replenishment of the emergency fund without fiscal year limitations.

U.S. funding mechanisms for post-conflict operations can lack flexibility and effective mechanisms for emergency contracting and procurement. The funds in this section are intended to provide a quick start on such time-sensitive activities as the restoration of public order, political and civic reorganization, humanitarian aid, infrastructure repair and the re-establishment of basic services.

*Sec. 706. Office of the Coordinator for Reconstruction and Stabilization*

Subsequent to committee passage of S. 2127, the Stabilization and Reconstruction Civilian Management Act of 2004, the executive branch in July 2004 created a new "Office of the Coordinator for Reconstruction and Stabilization" within the State Department headed by a Coordinator who is appointed by the Secretary. This section bases the creation of the office in permanent law. The section states that the Coordinator will report directly to the Secretary, have the rank of "Ambassador-at-Large," and will be appointed with the advice and consent of the Senate. It also states that the President may designate either the Coordinator or another individual to take the lead in particular crises.

This section outlines several functions of the Office of the Coordinator for Reconstruction and Stabilization in both non-emergency and emergency situations.

This section is not intended to limit the prerogatives of the President by pre-determining either the agency to lead a stabilization and reconstruction effort or the individual to be placed in charge.

*Sec. 707. Response Readiness Corps*

This section authorizes the Secretary of State, in coordination with the USAID Administrator, to establish a Response Readiness Corps that consists of both active duty and reserve personnel. The active duty component of the Corps would consist of up to 250 individuals specially recruited to be the civilian vanguard of stabilization and reconstruction emergency missions. The reserve component would be made up of federal and at least 500 non-federal employees who have volunteered for deployment and have the skills and training to provide assistance in support of stabilization and reconstruction activities overseas. The section also creates employment authorities and establishes reporting requirements on the establishment of the Corps.

*Sec. 708. Stabilization and reconstruction training and education*

This section gives the Secretary of State, in cooperation with Secretary of Defense and the Secretary of the Army, the authority to develop and establish new training curricula for use in programs administered by the Foreign Service Institute, the National Defense University, and the United States Army War College. The section cites illustrative contents of such a training curriculum.

*Sec. 709. Service related to stabilization and reconstruction*

This section is designed to encourage service in stabilization and reconstruction activities overseas, which may fall outside the normal career path of Foreign Service officers and USAID personnel. It designates that certain service or assignment in these areas should be considered among the favorable factors for promotion of employees of Executive agencies. In terms of training and promotion, this section describes steps that the Secretary of State and USAID Administrator should take to ensure that employees are properly trained and identified for deployment in support of the Corps. This training should also be provided to Ambassadors and Deputy Chiefs of Mission.

The U.S. Government should place a high premium on developing competency in the skills necessary to anticipate and address crises. Critical to the establishment of an effective cadre of people with special skills, experience, interest, and commitment needed for such challenging missions is the appropriate recognition of such service as professionally rewarding. The environment in which civil servants, Foreign Service officers, and others perform and advance must be flexible enough to allow for success for personnel who follow less traditional career paths and who may not reach executive management positions because of the unpredictable nature of their deployments. Incentives within all agencies must recognize the value of personnel committed to these challenging tasks. This sec-

tion authorizes the creation of incentives and benefits as appropriate to recognize and reward participants.

*Sec. 710. Authorities related to personnel*

This section provides personnel authorities to the Secretary intended to provide flexibility, allow for short-term and medium-term staffing, and strengthen surge capacity in fulfilling the Department's new reconstruction and stabilization mission. It grants authorities for the hiring of 100 employees on contract, the engagement of experts and consultants for 60-day periods, and the detailing of employees from other executive agencies, the uniformed services and State and local governments. The section also provides certain waiver authorities for dual compensation prohibitions for annuitants under the Foreign Service Retirement and Disability System and Foreign Service Pension System. The Secretary may extend benefits to any individual deployed under this Act as provided in the Foreign Service Act just as they are applicable to members of the Foreign Service.

This section also authorizes compensatory time off for individuals assigned, detailed or deployed to carry out stabilization and reconstruction activities under this Act. The section also authorizes the acceptance of volunteer services and outlines the exceptions under which a person who volunteers may be considered a federal employee. It provides authority to the Secretary to establish temporary commissions of experts to advise the Department on stabilization and reconstruction and exempts their deliberations from Federal Advisory Committee Act requirements.

*Sec. 711. Authorization of appropriations*

This section authorizes \$24 million for fiscal year 2006 and such sums as may be necessary for 2007 for personnel, education and training, equipment, and travel costs for the reconstruction and stabilization activities of the office.

**TITLE VIII—MISCELLANEOUS PROVISIONS AND REPORTING REQUIREMENTS**

*Sec. 801. Reports on acquisition and major security upgrades*

This section amends the reporting requirement on the embassy construction and security program under section 605(c) of the Foreign Relations Authorization Act for Fiscal Year 2000–2001 from a semi-annual to an annual report, due on December 1. The committee expects that the State Department will continue to keep Congress informed of its building plans throughout the year through other avenues, including the budget estimate and financial plans transmitted 60 days after enactment of the Commerce, Justice and State appropriations bills, reprogramming for deviations from the financial plan, the Long-Range Overseas Buildings Plan, and congressional briefings.

*Sec. 802. Fellowships for multidisciplinary training on non-proliferation issues*

This section authorizes the Secretary of State to expend \$2 million to organize a new program on non-proliferation, bringing for-

eign students to U.S. centers and academic institutions who specialize in non-proliferation studies to encourage and build a cadre of experts whose future careers would be devoted to addressing the risk that weapons of mass destruction pose.

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

*Sec. 803. Reporting requirements related to United States International Agreements*

This section makes two changes to the Case-Zablocki Act (1 U.S.C. 112b), which requires that the texts of international agreements other than treaties be provided to the Congress. The first provides that such agreements be provided directly to the Committee on Foreign Relations and the House Committee on International Relations. The second changes an annual reporting requirement under the Act. Under current law, the report is submitted by the President; this section changes the law to require that the Secretary of State submit it instead.

*Sec. 804. Requirement to submit to Congress findings under the Diplomatic Security Act*

This section amends the provision in the Diplomatic Security Act related to Accountability Review Boards. Under the Act, enacted in 1986, the Secretary of State must convene such a board whenever there is a case of serious injury, loss of life, or significant destruction of property at, or related to, a U.S. Government mission abroad, and in any case of a serious breach of security involving intelligence activities of a foreign government directed at a U.S. Government mission abroad. The provision applies only to facilities under the control of the chief of mission. Under current law, any program recommendations made by the Board are submitted to the Secretary of State. The Secretary then provides to Congress a report on each such recommendation and the action taken with respect to that recommendation. This section requires the Board to also submit its program recommendations directly to the appropriate congressional committees.

*Sec. 805. Requirement for additional report concerning efforts to promote Israel's diplomatic relations with other countries*

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

*Sec. 806. Sense of Congress relating to Magen David Adom Society*

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

*Sec. 807. Limitation on use of funds relating to United States policy with respect to Jerusalem as the capital of Israel*

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

*Sec. 808. Authorization of appropriations for the United States Commission on International Religious Freedom*

This section authorizes appropriations for the Commission of \$3 million for fiscal year 2006 and such sums as may be necessary for fiscal year 2007.

*Sec. 809. Sense of Congress on terrorist attack on United State Consulate Jeddah, Saudi Arabia*

This section expresses the sense of Congress regretting the loss of life in the December 2004 attack and lists the names of the Foreign Service Nationals employed by the Consulate who died in the attack.

*Sec. 810. Sense of Congress on participation of women in elections in Saudi Arabia*

This section expresses the sense of Congress that it is in the interest of Saudi Arabia to permit women to run for office and vote in all future elections.

*Sec. 811. Terrorism in West Africa*

This section requires the Secretary of State, in consultation with the other cabinet officials, to formulate a comprehensive 3-year strategy to combat international terrorism in West Africa. The committee is concerned by reports of the rise of international terrorism in this part of the world.

V. DIVISION B—FOREIGN ASSISTANCE AUTHORIZATION ACT,  
FISCAL YEAR 2006

## (A) SUMMARY OF FUNDS

[in thousands of dollars]

	FY 2005 estimate	FY 2006 request	Committee mark
Child Survival & Health Programs Fund (CSH) .....	1,538	1,252	1,252
Global Fund to Fight AIDS, Tuberculosis, and Malaria <sup>1</sup> .....	(248)	(100)	(100)
Development Assistance (DA) .....	1,448	1,103	1,103
International Disaster and Famine Assistance .....	485	656	656
Transition Initiatives .....	49	325	325
Development Credit Authority (DCA) ...	8	8	8
USAID Operating Expenses (OE) .....	613	681	681
USAID Capital Investment Fund .....	59	78	78
USAID Inspector General Operating Expenses (IG) .....	35	36	36
Economic Support Fund (ESF) .....	2,481	3,036	3,036
Assistance for Eastern Europe and the Baltic States (SEED) .....	393	382	382
Assistance for the Independent States of the Former Soviet Union (FSA) .....	556	482	482
Peace Corps .....	317	345	345
Inter-American Foundation .....	18	18	18
African Development Foundation .....	19	19	19
Millennium Challenge Corporation .....	1,488	3,000	3,000
International Narcotics Control and Law Enforcement (INCLE) .....	326	524	524
Andean Counterdrug Initiative (ACI) ...	725	735	735
Nonproliferation, Anti-Terrorism, Demining (NADR) .....	399	440	440
Treasury Technical Assistance .....	19	20	20
Debt Relief .....	99	100	100
International Military Education & Training (IMET) .....	89	87	87
Foreign Military Financing (FMF) .....	4,745	4,589	4,589
Peacekeeping Operations (PKO) .....	178	196	196
International Organizations & Pro- grams (IO&P) .....	326	282	282
<b>Total .....</b>	<b>16,413</b>	<b>18,394</b>	<b>18,394</b>

<sup>1</sup> The administration requested \$3.16 billion for international HIV/AIDS, tuberculosis, and malaria programs in FY2006, a 9 percent increase over the estimated amount to be provided in FY2005. The request included \$2.564 billion to be appropriated through the Foreign Operations appropriations and \$596 million through appropriations for the Departments of Labor and Health and Human Services.

This bill authorizes part of this request through the Child Survival and Health (CSH) account which includes the President's request of \$439 million for HIV/AIDS, tuberculosis, and malaria programs. The authorized amount for the CSH account also includes \$100 million for the Global Fund to Fight AIDS, Tuberculosis, and Malaria. (The President requested \$300 million to be appropriated for contributions to the Global Fund; the other \$200 million is divided between the Global HIV/AIDS Initiative (\$100 million) and NIH/HHS (\$100 million). The GHAI account, for which the President requested \$1.87 billion, is not authorized in this bill because it is already authorized in the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (P.L. 108-25).

## (B) SECTION-BY-SECTION ANALYSIS

## TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Development Assistance and Related Programs  
Authorizations*Sec. 2101. Development assistance*

This section authorizes the appropriation of \$1,103,233,000 for Development Assistance programs in Fiscal Year 2006 and such sums as may be necessary for fiscal year 2007, including programs in the agriculture, education, and environment sectors, as well as the Development Fund for Africa. While this amount is substantially less than what was appropriated last year, it reflects, in part, the administration's request that \$275,000,000 that was formerly in the Development Assistance account be appropriated in the Transition Initiatives account for Ethiopia, Sudan, Afghanistan, and Haiti. Although there are various separate accounts in the Foreign Assistance Act authorizing Development Assistance, funding for those accounts has been consolidated into this single account and appropriated in this manner in recent years.

The committee recognizes the important contributions made to U.S. foreign policy interests by institutions funded by the American Schools and Hospitals Abroad (ASHA) program. These ASHA institutions nurture democracy and tolerance by educating successive generations of leaders who are committed to American values and who understand the tangible economic, political, and social benefits that a commitment to democracy produces. Those institutions which provide health care services and study endemic diseases also advance American humanitarian goals and win friends for the United States by addressing pressing public health problems among the people they serve. At a time when American values are facing violent challenge abroad, the committee expects that USAID will take steps to assure increased support for these institutions.

The committee is concerned by the continuing reductions in the democracy and governance accounts at USAID, particularly given the administration's desire to promote democracy, an objective shared by the committee. The committee believes that enlarging the community of democratic nations worldwide is critical to our long-term domestic and foreign policy objectives.

*Sec. 2102. Child survival and health programs fund*

This section authorizes the appropriation of \$1,251,500,000 for child survival, health, and family planning programs for fiscal year 2006 and such sums as may be necessary for fiscal year 2007. While this amount is substantially less than what was appropriated last year, it reflects, in part, the administration's request that \$170,000,000 that previously was appropriated in this account be appropriated in the Global HIV/AIDS Initiative account for the 15 focus countries of the President's Emergency Plan for AIDS Relief. This account provides funding for a variety of accounts that are separately authorized in the Foreign Assistance Act but have been appropriated out of this single account in recent years.

*Sec. 2103. Development credit authority*

This section amends the Foreign Assistance Act to provide the President authority to provide assistance in the form of loans and partial loan guarantees to private lenders in developing countries to achieve economic development purposes. Authority for this program has been included in appropriations acts over the past several years. This section also provides that not more than \$21,000,000 of funds available for the purposes of economic assistance under the Foreign Assistance Act and for assistance under the Support for Eastern European Democracy Act in fiscal year 2006 and such sums as may be necessary for fiscal year 2007 may be transferred for use under this section. It further authorizes the appropriation of \$8,000,000 for administrative expenses to carry out this section for fiscal Year 2006 and such sums as may be necessary for fiscal year 2007.

This section contains provisions designed to limit the financial risk to the United States under this program, similar to limitations that have been applied under the authority contained in annual appropriations acts. Specifically, these provisions limit the exposure of the United States to 70 percent of the risk of any one project, and the amount of loans made or guaranteed, with respect to any single country or borrower, to \$100,000,000. The latter limitation is consistent with current law. The former limitation is derived from a USAID regulation now in place for this program, which limits U.S. Government's share of the risk to 50 percent, unless the Chief Financial Officer of the Agency approves a higher level of risk.

*Sec. 2104. Program to provide technical assistance to foreign governments and foreign central banks of developing or transitional countries*

This section authorizes the appropriation of \$20,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for the Department of the Treasury's program to provide technical assistance to foreign governments and foreign central banks in developing or transitional countries.

*Sec. 2105. International organizations and programs*

This section authorizes the appropriation of \$281,908,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for voluntary contributions to international organizations and programs.

*Sec. 2106. Continued availability of certain funds withheld from international organizations*

This section amends Section 307 of the Foreign Assistance Act to add a new subsection. Under that section, certain voluntary U.S. contributions to international organizations are withheld; these are the proportionate U.S. share of programs in certain countries. Section 2106 extends the availability of such funds until the end of the following fiscal year for which such funds were appropriated.

*Sec. 2107. International disaster and famine assistance*

This section authorizes the appropriation of \$655,500,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for international disaster and famine assistance.

*Sec. 2108. Transition initiatives*

This section authorizes the appropriation of \$325,000,000 for fiscal year 2006 and such sums as may be necessary for 2007 for the Transition Initiatives Program administered by USAID, including assistance to develop, strengthen and preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict. This amount reflects the administration's request that \$275,000,000 that was formerly appropriated in the Development Assistance account be appropriated in this account for Ethiopia, Sudan, Afghanistan, and Haiti. Although this program is not currently authorized in the Foreign Assistance Act, funds have been appropriated for this activity since 1994 when USAID established the Office of Transition Initiatives and it is therefore appropriate to authorize in this bill.

*Sec. 2109. Assistance for the Independent States of the Former Soviet Union*

This section authorizes the appropriation of \$482,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for programs in the Freedom Support Act (FSA) account for the Independent States of the former Soviet Union, the level requested by the President. This request is \$74,000,000 below the Fiscal Year 2005 level for this account and substantially lower than the FY04 request.

The committee expresses concern about continued reductions to the Freedom Support Act. The committee urges the Administration to consider the harm its proposed cuts in funding assistance could have on U.S. interest in stability, democracy and market reform in the Independent States.

The U.S. Agency for International Development has funded a pilot program in Ukraine to establish a national birth defects surveillance system, and a folic acid wheat flour fortification program to prevent spina bifida and other serious birth defects. It is scientifically proven that folic acid fortification of flour, as practiced in the United States and many other countries, can prevent nearly 80 percent of instances of spina bifida and serious birth defects, and lower blood levels of homocysteine, a risk factor for heart disease. Important scientific research and institutional administrative relationships have been established with Ukrainian officials and counterparts in other states of the former Soviet Union. A number of officials in former Soviet governments have expressed a desire to participate in a multi-country program modeled on the Ukrainian pilot program. The committee believes that the Ukrainian pilot program should be rapidly and cost effectively expanded in Ukraine and into other states of the former Soviet Union focused on reducing the occurrence of serious birth defects.

*Sec. 2110. Assistance for Eastern Europe and the Baltic States*

This section authorizes the appropriation of \$382,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for the Support for Eastern Europe Democracies (SEED) account, the level requested by the President. This request is \$11,000,000 below the Fiscal Year 2005 level for this account and substantially lower than previous years.

The committee expresses concern about continued reductions to the SEED account. The committee believes this account funds programs that are critical to sustaining South East Europe's transition to democracy, market economies, and regional stability.

*Sec. 2111. Operating expenses of the United States Agency for International Development*

This section authorizes the appropriation of \$680,735,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for the operating expenses of the United States Agency for International Development. In addition, \$36,000,000 is authorized to be appropriated for costs of the Office of Inspector General of the Agency for fiscal year 2006 and such sums as may be necessary for fiscal year 2007.

*Sec. 2112. Capital Investment Funds for USAID*

This section authorizes the appropriation of \$77,700,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for overseas construction and related costs and for enhancement of information technology and related investments at the U.S. Agency for International Development.

*Sec. 2113. Millennium Challenge assistance*

This section authorizes the appropriation of \$3,000,000,000 for the Millennium Challenge Account for fiscal year 2006 and such sums as may be necessary for fiscal year 2007.

*Sec. 2114. Debt relief*

This section authorizes the appropriation of \$99,750,000 for fiscal years 2006 and 2007 for debt relief under the Tropical Forest Conservation Act of 1998, poorest country debt reduction, bilateral Heavily Indebted Poor Countries (HIPC) debt reduction, and the HIPC Trust Fund administered by the International Bank for Reconstruction and Development.

The international community's approach to treating the debt of the poorest countries with debt servicing problems has evolved substantially in the last decade. It culminated in 1999 with the Enhanced HIPC Initiative, which was launched to provide deeper, broader, and faster debt reduction for the poorest heavily indebted countries committed to economic reform and poverty reduction. The HIPC Trust Fund allows regional development banks and other multilateral institutions to meet the costs of providing debt reduction to heavily indebted poor countries committed to economic, social and governance reforms. Official bilateral creditors contribute to the HIPC trust as well as reduce their bilateral claims.

The Tropical Forest Conservation Act (TFCA) which was enacted in 1998 to offer eligible developing countries options to relieve cer-

tain official debt owed to the U.S. while at the same time generating funds to support local tropical forest conservation activities. A TFCA agreement can be structured as a debt reduction, a debt buyback, or a debt-for-nature swap. Local currency funds generated by a TFCA agreement may be used for a broad variety of in-country forest conservation activities, including forest restoration, implementation of sound natural resource management systems, establishment and maintenance of parks and protected areas, training in conservation management, protection of animal and plant species, research on medicinal uses of tropical forest plants, and development and support of the livelihoods of people and local communities in or near a tropical forest.

*Sec. 2115. Peace Corps*

This section authorizes the appropriation of \$345,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for the Peace Corps.

*Sec. 2116. Middle East Partnership Initiative*

The committee strongly supports modernization and reform efforts in the Middle East and North Africa through the Middle East Partnership Initiative. This section outlines the purposes authorized for assistance under the Middle East Partnership Initiative, including: help in achieving broad-based, multi-ethnic, gender-sensitive, and fully representative governments; modernizing institutions and infrastructure to meet political, educational, health and economic needs; filling the gaps identified in the Arab Development Reports of 2002 and 2003; and support of economic development to create jobs, educating and training women in the labor force, enhance health care; and creating an environment which encourages investment in the region. The committee authorizes the use of \$120,000,000 in Economic Support Funds for the Middle East Partnership Initiative programs and activities. Finally, to facilitate Congressional oversight, this section also requires the Secretary of State to provide a report on the Middle East Partnership Initiative to appropriate Congressional committees 180 days after the date of enactment of the Act, and annually thereafter.

The committee recognizes that foreign assistance to countries of the Middle East and North Africa for these same purposes, i.e., political reform, economic reform, educational reform and women's empowerment, should be considered part of a coordinated, coherent, integrated strategy to meet U.S. foreign policy objectives. The committee urges the administration to establish a coordinating mechanism for related assistance programs under this Act with the Middle East Partnership Initiative to prevent duplication and ensure effective use of assistance resources.

*Sec. 2117. Assistance to combat the avian flu*

This section authorizes \$25,000,000 in International Famine and Disaster Assistance to prevent and respond to a possible outbreak of the avian flu, which is one-fourth of the \$100,000,000 called for by the World Health Organization in February 2005. The committee notes that these authorized funds are in addition to what

the U.S. government is already spending on programs to combat the avian flu.

This section also directs the formation of a senior-level, inter-agency task force, composed of the Assistant Secretaries of State, Agriculture, Health and Human Services, and other appropriate officials, to coordinate U.S. policy toward combating the avian flu. The committee is concerned that a possible outbreak of the avian flu could impact millions of people worldwide.

Subtitle B—Counternarcotics, Security Assistance, and Related  
Programs Authorizations

*Sec. 2121. International narcotics control and law enforcement*

Subsection (a) of this section authorizes the appropriation of \$1,258,374,000 for fiscal year 2006, of which \$734,500,000 is authorized to be appropriated for the Andean Counterdrug Initiative, and such sums as may be necessary for fiscal year 2007 for international narcotics control and law enforcement assistance.

Subsection (b) restates current law by permitting funds under this section to be provided for assistance to the Government of Colombia and used, notwithstanding any other provision of law, to support a unified campaign against narcotics trafficking and terrorist activities, and to take actions to protect human health and welfare in emergency circumstances. The provision maintains the ceiling of 800 military personnel and 600 U.S. civilian contractors. This precludes their participation in any combat operation in connection with such assistance. It also continues conditions on assistance with respect to the Government of Colombia's human rights practices which are currently in effect for fiscal year 2005.

The committee notes its interest in supporting, through funding, a program to implement the demobilization of AUC paramilitary combatants, and that such a process be conducted pursuant to a comprehensive legal framework, as determined by Colombians through good faith negotiations with the Colombian Congress. If the United States is to fund a significant share of the demobilization program, however, it should meet certain minimal standards. The committee believes it imperative that any demobilization program bring about the full dismantlement of the underlying structure, illegal sources of financing, and economic power of the AUC, which have been designated by the United States as a Foreign Terrorist Organization (FTO). In this regard, the committee believes it is crucial that each paramilitary seeking sentence reductions or other benefits from demobilization be required to forfeit illegally acquired assets, confess past crimes, and fully disclose any knowledge of the operative structure, financing sources, and the criminal activities of the FTO and its individual members. Each demobilized AUC member's benefits should be fully revocable if judicial authorities find that he has failed to fulfill these requirements.

The committee believes it is critical that the groups of AUC leaders who receive sentence reductions or other benefits fully demobilize and comply with the cease-fire. The committee also believes that all perpetrators of atrocities must serve a minimum number of years in prison for their crimes. The committee urges the Government of Colombia to put in place effective mechanisms to mon-

itor demobilized individuals to prevent them from continuing to engage in organized criminal activity. Finally, the committee urges the Government of Colombia to devise a legal framework that can be equally applicable to other FTOs in Colombia, such as the FARC.

The committee notes its interest in supporting a program to sustain effective and responsible counter-narcotics activities in Afghanistan, and that such activities be conducted pursuant to a comprehensive strategy that is determined by consultation and good faith negotiations with the Afghan government. The committee believes it important that the five-pillar strategy, currently employed, continue to be measured and appropriate to the political and social conditions of this fragile state as it transitions to a more stable country. In this regard the committee feels that it is crucial that any aerial eradication plan be endorsed by the government of Afghanistan. The committee further believes capacity-building of Afghan institutions is essential and that the strategy to counter the narcotics trade and trafficking must be sustainable by the Afghans themselves over the long term.

*Sec. 2122. Economic Support Fund*

This section authorizes the appropriation of \$3,036,375,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for Economic Support Fund (ESF) programs. ESF is also provided to support the Middle East peace process, including the administration's efforts to make progress under the Road Map. The committee notes the time sensitivity of this assistance and urges the Administration to seize the opportunity presented by new leadership of the Palestinian Authority and use resources available quickly to support political, economic and security reforms of the Palestinian Authority.

Subsection (b) amends the Security Assistance Act of 2000 to authorize ESF assistance to continue strong support for Israel's economic and political stability and to redress the economic impact of Israel's isolation in the volatile Middle East region. This assistance contributes to Israel's economic growth, enhances Israel's ability to repay its debt to the United States and opens new investment opportunities for U.S. investment and exports.

Subsection (c) amends the Security Assistance Act of 2000 to authorize ESF assistance to continue strong support for stability and prosperity in Egypt. ESF is designed to invigorate economic development and foster economic, political and social reforms, alleviate poverty, and support development of civil society and democratic institutions and bolster public health services.

*Sec. 2123. International Military Education and Training*

This section authorizes the appropriation of \$86,744,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for International Military Education and Training programs. This section recommends that \$2 million in International Military and Education Training should be made available to Greece in 2006 and 2007.

Subsection (b) authorizes the use of these funds for training personnel of international organizations.

*Sec. 2124. Peacekeeping Operations*

This section authorizes the appropriation for fiscal year 2006 of \$195,800,000 and such sums as may be necessary for fiscal year 2007 for voluntary Peacekeeping Operations programs.

*Sec. 2125. Nonproliferation, Anti-terrorism, Demining, and Related programs*

This section authorizes \$440,100,000 for fiscal year 2006, which reflects the President's request, and such sums as may be necessary for fiscal year 2007 for the NADR account.

The committee notes that while these funds represent an increase of 10 percent over the fiscal year 2005 appropriated level, they leave key nonproliferation programs underfunded. The Nonproliferation of WMD Expertise program has not been given the funds needed to execute its program in Iraq under the Iraqi International Center for Science and Industry or to pursue fully the Bio-Industry Initiative, as the Department of State acknowledges in its budget submission. The committee would support increases over the requested fiscal year 2006 level for these and other international nonproliferation activities.

*Sec. 2126. Foreign Military Financing Program*

Subsection (a) of this section authorizes the appropriation of \$4,588,600,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for Foreign Military Financing programs.

Subsection (b) amends the Security Assistance Act of 2000 to authorize the appropriation for fiscal years 2006 and 2007 of FMF assistance for Israel, to require rapid disbursement of that assistance, and to increase the level of offshore procurement allowable with FMF funds made available in fiscal year 2006 for Israel.

Subsection (c) amends the Security Assistance Act of 2000 to authorize FMF assistance for Egypt and continues the requirement to disburse such assistance for Egypt to an interest-bearing account.

#### Subtitle C—Independent Agencies Authorizations

*Sec. 2131. Inter-American Foundation*

This section authorizes the appropriation of \$17,826,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for the Inter-American Foundation.

*Sec. 2132. African Development Foundation*

This section authorizes the appropriation of \$18,850,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 for the African Development Foundation.

TITLE XXII—AMENDMENTS TO GENERAL FOREIGN  
ASSISTANCE AUTHORITIES

Subtitle A—Foreign Assistance Act Amendments and Related  
Provisions

*Sec. 2201. Development Policy*

This section amends the Foreign Assistance Act's Statement of Development Assistance Policy to recognize the importance of public-private partnerships in maximizing resources available for foreign assistance activities.

*Sec. 2202. Assistance for nongovernmental organizations*

This section amends the Foreign Assistance Act to make permanent an authority that has been contained for a number of years in annual foreign assistance appropriations and which is similar to the current Section 123(e) of the Foreign Assistance Act.

New subsection (e)(1) states that restrictions on assistance to a country are not to be construed to bar assistance to that country that is provided through non-governmental organizations using funds provided for development assistance, assistance for Eastern Europe and the former Soviet States, and Economic Support Fund assistance.

New subsection (e)(2) requires notification to the relevant committees 15 days in advance of the obligation of funds pursuant to this authority.

New subsection (e)(3) clarifies that this authority may not be used to furnish assistance through non-governmental organizations to the central government of a country. Although prohibitions on assistance to the government of a country normally would apply to all levels of government in a country, this provision makes it clear that for purposes of the authority provided in this subsection, assistance through non-governmental organizations could be provided to levels of government below the national level.

Consistent with the interpretation and application of similar provisions of law in the past, this provision would permit an NGO to use government facilities, resources, and personnel in the implementation of the NGO's program. For example, government warehousing or cold storage facilities, medical facilities, and medical personnel, could be used by an NGO in support of the NGO's immunization program. However, decisions on how to implement such a program, including where the program is to be conducted, must be the decision of the NGO. Except in this and similar cases where benefits from an NGO program are only incidentally conferred on the government of a country, assistance making use of the authority provided by this section cannot be used to provide assistance to the central government of a country otherwise prohibited from receiving assistance.

*Sec. 2203. Authority for use of funds for unanticipated contingencies*

This section amends section 451 of the Foreign Assistance Act to permit this authority to be applied to the use of funding made available to carry out the Arms Export Control Act, and to raise

the annual ceiling on the use of this authority from \$25,000,000 to \$50,000,000.

*Sec. 2204. Authority to accept lethal excess property*

This section amends section 482(g) of the Foreign Assistance Act to permit the Secretary of State to receive lethal excess property from other agencies of the U.S. Government for the purpose of providing such property to foreign governments. A similar provision has been contained in appropriations acts. Currently, this authority is limited to non-lethal excess property. This section also requires the Secretary to notify the Congress before obligating funds to obtain excess lethal property under this section.

*Sec. 2205. Reconstruction and famine assistance under International Disaster Assistance Authority*

This section amends section 491 of the Foreign Assistance Act to make clear that the authority in that section may be used to respond to famine, as well as other natural and manmade disasters and may be used to provide for reconstruction of countries affected by such crises. This section also amends the title of the account.

*Sec. 2206. Funding authorities for assistance for the Independent States of the Former Soviet Union*

This section amends the Foreign Assistance Act to make permanent the authorities applicable to provision of assistance that are contained in that Act. Appropriations acts since the inception of the program for the independent states of the former Soviet Union have continued these authorities.

*Sec. 2207. Waiver of net proceeds resulting from disposal of United States defense articles provided to a foreign country on a grant basis*

This section amends section 505(f) of the Foreign Assistance Act to broaden the existing authority of the President to waive the requirement that net proceeds resulting from the disposal of defense articles provided to a foreign country on a grant basis be paid to the United States. Existing law limits the waiver authority to items delivered before 1985.

*Sec. 2208. Additions to United States War Reserve Stockpiles for fiscal years 2006 and 2007*

This section extends through fiscal year 2007 the President's authority to transfer excess items to the Department of Defense War Reserve Stockpile.

*Sec. 2209. Restrictions on economic support funds for Lebanon*

This section amends section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107-228), to permit assistance to address the needs of southern Lebanon. The committee notes that such assistance will be provided to non-governmental organizations that promote democracy and economic development. Given scarce water resources and critical water management issues in the region, water projects in southern Lebanon can help defuse Lebanese-Israeli tensions in the region. Changes are occurring in

Lebanon's government thus the committee urges review of Lebanon's assistance requirements during this fiscal year.

*Sec. 2210. Administration of Justice*

This section amends section 534 of the Foreign Assistance Act to provide for the continuation of the Administration of Justice program on a worldwide basis. The amendment deletes the sunset provision and the overall funding ceiling. The amendments made by this section conform the Administration of Justice authority to that provided in appropriations acts for many years.

*Sec. 2211. Demining programs*

Subsection (a) amends section 551 of the Foreign Assistance Act to make it clear that, in accordance with previous interpretations of the Peacekeeping program's statutory authorities, the program may include demining activities.

Subsection (b) continues and makes permanent an authority contained in prior year appropriations acts to allow the Department of State and USAID to dispose of demining equipment on a grant basis in foreign countries.

Subsection (c) highlights the concern regarding the continuing problems posed to children by mines and unexploded ordnance in Afghanistan and other affected areas. It authorizes funds to be used to educate children about the hazards posed by mines and unexploded ordnance. The committee is particularly aware of the challenges that demining and ordnance disposal pose for the nascent national government and ongoing operations in that country. The committee takes note of a new Non Governmental Organization, "No Strings," which is proposing to use theater and puppetry to provide life-saving education about landmines to children in Afghanistan.

*Sec. 2212. Special waiver authority*

This section amends section 614 of the Foreign Assistance Act by updating authorities and funding limitations in that section.

New subsection (a)(1) provides that the authority of section 614 may be used to waive provisions of law that limit the President's ability to authorize assistance under the authority of the Foreign Assistance Act, the Arms Export Control Act, and any Act authorizing or appropriating foreign assistance funds without regard to the provisions of law cited in subsection (b), as revised by this section. The standards used to allow the provision of both economic and military assistance are the same as current law. The provision also increases one of the annual country limitations.

New subsection (b) lists the provisions of law that may be waived. In addition to provisions contained in foreign assistance authorization and appropriations acts, provisions of law contained in other legislation that limit the provision of assistance under those acts may also be waived under the authority of this section.

The requirements for prior consultation with the appropriate committees of the Congress and submission of a written policy justification before the President may exercise the authority contained in section 614 remain unchanged.

*Sec. 2213. Prohibition of assistance for countries in default*

This section amends section 620(q) of the Foreign Assistance Act to clarify that the restriction of aid is applicable only to governments. In addition, it amends the period of default (from 6 months to 12 months) that results in a cutoff of assistance under the Foreign Assistance Act.

*Sec. 2214. Military coups*

This section amends the Foreign Assistance Act to prohibit assistance to a country if the duly elected head of government of such country is deposed by decree or military coup. Similar restrictions have been included in appropriations acts since 1986. Exempted from this restriction is assistance to promote democratic elections, and a presidential waiver would permit assistance upon a determination that such assistance is important to the national security interest of the United States.

*Sec. 2215. Designation of position for which appointee is nominated*

This section requires the President to designate the particular position within the Agency for International Development for which any individual is being nominated.

*Sec. 2216. Exceptions to requirement for congressional notification of program changes*

This section amends section 634A(b) of the Foreign Assistance Act to conform to provisions contained for a number of years in annual foreign assistance appropriations acts. New subsection (b)(3) provides an exception to prior notification in the case of substantial risk to human health or welfare, but continues the requirement to notify no later than 3 days after the obligation of funds. New subsection (b)(4) contains a de minimis threshold for reprogramming under the Arms Export Control Act that has been included for a number of years in appropriations acts.

*Sec. 2217. Commitments for expenditures of funds*

This section amends section 635(h) of the Foreign Assistance Act to allow contracts or agreements which entail the commitment or expenditure of funds made available under the Foreign Assistance Act to be extended at any time for not more than five years. Under current law, this authority is limited only to certain accounts.

*Sec. 2218. Alternative dispute resolution*

This section amends section 635(i) of the Foreign Assistance Act to expand the current arbitration and claims settlement authority for investment guarantee operations to also cover claims arising from other activities carried out under the Act, which could include claims under contracts, grants, cooperative agreements, credit agreements, personal services contracts, and other arrangements and agreements. It also adds a specific authority for alternative dispute resolution.

*Sec. 2219. Administrative authorities*

This section amends and updates certain administrative authorities contained in section 636 of the Foreign Assistance Act.

Section 636(a)(5) is amended to allow the procurement of passenger motor vehicles without various restrictions in current law, most of which are not possible to administer across agencies using this authority.

Section 636(a)(10) is amended to delete the 10 year limitation on leases, thereby providing the ability to obtain the most favorable lease terms under long-term leases.

Section 636(c) is amended to strike the \$6,000,000 limitation on the acquisition or construction of living and office space overseas for U.S. Government personnel.

Section 636(d) is amended to strike the \$2,500,000 limitation on the provision of assistance for schools for dependents of U.S. Government personnel.

*Sec. 2220. Assistance for law enforcement forces*

This section amends section 660 of the Foreign Assistance Act of 1961.

Paragraph (1) amends subsection (b)(6), consistent with current law, to make it clear that the authority of this paragraph may be used in cases where instability has occurred at the sub-national level.

Paragraph (1) further amends subsection (b) to add exceptions to the prohibition on assistance for law enforcement forces. New paragraph (8) permits the provision of assistance to combat corruption consistent with the objectives of section 133 of the Foreign Assistance Act. New paragraph (9) is the same as current law but is included as a separate paragraph to make it clear that the authority to provide human rights, rule of law, and other training is not limited to post-conflict situations. New paragraph (10) is an authority related to assistance to combat trafficking in persons. New paragraph (11) permits the provision of assistance for constabularies and gendarmes.

Paragraph (2) amends section 660 to provide the President with the authority to waive the limitations of this section on a case-by-case basis if the President determines that it is important to the national interest to do so. It is anticipated that this authority will be exercised by the Secretary of State under appropriate delegations of authority. The obligation of funds pursuant to such a waiver is subject to prior notification of the appropriate congressional committees under section 634A of the Foreign Assistance Act.

*Sec. 2221. Special debt relief for the poorest countries*

This section amends the Foreign Assistance Act by adding a new Part VI. This part authorizes the President to forgive certain debts owed by the poorest countries to the United States. The exercise of this authority is subject to, among other things, the prior appropriation of funds for this purpose and prior notification of the appropriate congressional committees in accordance with section 634A of the Foreign Assistance Act. The authority is similar to authority previously enacted in foreign assistance appropriations acts.

*Sec. 2222. Congo Basin Forest Partnership*

This section contains findings and expresses the Sense of the Congress in support of the Congo Basin Forest Partnership, the

largest conservation effort currently undertaken by the U.S. Government in Africa. It affirms U.S. support of the Congo Basin Forest Partnership because the forests and wildlife of the Congo Basin are of global significance, because the forests are a major factor in the social, economic and environmental health of Congo Basin countries, and because of the impressive structure of cooperation between governments, NGOs and the private sector operating in the region. It further identifies the Congo Basin Forest Partnership as an initiative that fully recognizes the integral and equal nature of economic development, social development and environmental protection in the quest for sustainable development.

The purpose of this section is to encourage the administration to capitalize on the strong cooperation and momentum of state governments, international organizations and non-governmental organizations in protecting the region's essential natural resources while also addressing other challenging development issues in the region.

*Sec. 2223. Landmine clearance programs*

This section provides the Secretary of State authority to support public-private partnerships for landmine clearance programs through grant or cooperative agreement.

*Sec. 2224. Middle East Foundation*

The committee has authorized the establishment of a Middle East Foundation funded through the Middle East Partnership Initiative. The committee seeks to contribute to efforts to bring democratic and economic reforms to the Middle East and North Africa region and has authorized the Secretary of State to designate an appropriate private, non-profit organization as the Middle East Foundation.

The purposes of this assistance are to support civil society, political participation, women's rights, educational reform, human rights, independent media, economic reform, the rule of law and other democratic development in the Middle East, and North Africa through grants, technical assistance, training and other measures. The Secretary may also make a grant to an institution of higher education in the Middle East and North Africa region to create a Center for Public Policy to permit scholars and professionals from the Middle East, North Africa, and other countries, including the United States, to carry out research, training programs and other activities to inform public policy making in the Middle East and North Africa promote broad economic, social and political reforms. The committee notes this section also provides for reporting, financial accountability and oversight measures of such a Foundation.

The committee encourages the Department of State to invite international participation in the Foundation. The committee also encourages the Department of State to consider activities in countries with struggling movements for reform and democracy. The committee expects that prior to providing any funding to the Foundation the administration will ensure that the Foundation has in place a system for vetting potential grantees to reduce the risk of funding activities that are contrary to the national interests of the

United States. The committee expects to work closely with the Department of State as such a Foundation establishes operations.

*Sec. 2225. Database of United States military assistance*

The Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (P.L. 106–113) first established the requirement that the annual U.S. military assistance report required under Section 655 of the Foreign Assistance Act of 1961 be made available to the public on the Internet. In the years since, the State Department has complied with this requirement; however, the current report is posted on the Internet only in a PDF document, thus making it difficult for users to manipulate the data in any meaningful fashion. For example, users are not able to cumulate data over time and across countries and different munitions categories.

In an effort to make the Section 655 report more user-friendly, this section requires the State Department to establish an Internet-accessible, interactive database, consisting of all the unclassified information currently available in the printed report. The database would be searchable by various criteria. Such criteria could include, among others, the recipient country, the United States Munitions List category of article or service provided, and the year of the sale or grant. With such a database, interested parties from academia, non-governmental organizations, the defense industry, and the Congress could access immediately cumulative data, cross-referenced among several categories. Because the Department already organizes the data in the Section 655 report through electronic processing, no new data collection will be required.

*Sec. 2226. Millennium Challenge assistance for certain countries*

This section makes permanent a provision of the Millennium Challenge Account (MCA) legislation authorizing up to 10 percent of MCA funding to assist countries that initially fail to meet the requirements for eligibility, including by reason of the absence or unreliability of data.

Subtitle B—Arms Export Control Act Amendments and Related Provisions

*Sec. 2231. Thresholds for advance notice to Congress of sales or upgrades of defense articles, design and construction services, and major defense equipment*

This section raises the minimum dollar thresholds at which sales of certain defense articles, design and construction services, and major defense articles (or upgrades of such sales) must be reported to the Congress under Section 36 of the Arms Export Control Act.

This section raises the level of notification thresholds from \$14,000,000 to \$50,000,000 for major defense equipment, from \$50,000,000 to \$100,000,000 for defense articles and defense services, and from \$200,000,000 to \$350,000,000 for design and construction.

This section also allows for notification of additional cases “if the President determines it is appropriate.”

The committee understands that the executive branch is prepared to provide the committee informal notice of planned arms

transfers above existing dollar thresholds (but below the new thresholds under this section) and to submit formal notification under Section 36 of the Arms Export Control Act for certain transfers if requested by the chairman or ranking member. The committee expects that an exchange of letters will be used to specify the State Department's commitment in this regard before this section is enacted.

*Sec. 2232. Clarification of requirement for advance notice to Congress of comprehensive export authorizations*

This section requires the President to make certifications to the Congress under Section 36(c)(1) of the Arms Export Control Act before issuing comprehensive authorizations under Section 126.14 of the International Traffic in Arms Regulations (ITAR) for the export of defense articles or defense services to an eligible foreign country or foreign partner.

*Sec. 2233. Authority to Provide Cataloging Data and Services to Non-NATO Countries*

This section authorizes the President to provide cataloging data and services to non-NATO countries on a reciprocal basis. Currently, authority exists only to provide such data and services to NATO and to NATO-member governments.

*Sec. 2234. Freedom Support Act permanent waiver authority*

This section provides a permanent annual waiver authority with respect to the requirements of Section 502 of the Freedom Support Act (P.L. 102-511). Section 1306 of the National Defense Authorization Act for Fiscal Year 2003 (P.L. 107-314) provided authorization for an annual waiver only for fiscal years 2003 through 2005. This permanent authority to exercise a waiver would ensure continuity for program planning purposes.

*Sec. 2235. Extension of Pakistan waivers*

This section extends the authority contained in previous legislation (P.L. 107-57) to make inapplicable through fiscal year 2006 foreign assistance restrictions relating to coups and loan defaults with respect to Pakistan.

*Sec. 2236. Consolidation of reports on non-proliferation in South Asia*

This section requires that the annual report on nonproliferation in South Asia to be submitted by April 1, 2006, pursuant to Section 620F(c) of the Foreign Assistance Act of 1961, include a description of the efforts of the United States Government to achieve objectives on nuclear and missile nonproliferation in the region, as described in Section 1601 of the Foreign Relations Authorization Act Fiscal Year 2003, the progress made toward achieving such objectives, and the likelihood that such objectives will be achieved by September 30, 2006. This avoids the need for a separate report on those efforts, which was required in 2003.

*Sec. 2237. Haitian Coast Guard*

This section grants eligibility to the Government of Haiti for the purchase of defense articles and services for the Haitian Coast Guard under the Arms Export Control Act subject to existing notification requirements.

*Sec. 2238. Requirement for the provision of certain assistance to Indonesia*

The committee recognizes the importance of continued cooperation between U.S. and Indonesian authorities in the investigation of the August 31, 2002 murders of U.S. and Indonesian citizens that occurred in Timika. The committee notes that while the United States government has issued one indictment in the case, the government of Indonesia has neither indicted nor arrested anyone in connection with the Timika murders. The committee intends to continue following closely the investigation and anticipates that the degree of cooperation reflected by the report will inform the decisions taken by the Administration regarding steps to broaden and deepen U.S.-Indonesian relations.

## TITLE XXIII—RADIOLOGICAL TERRORISM SECURITY

This title requires the Secretary to submit a report within 180 days after the enactment of this title (and on an annual basis thereafter) detailing the preparations made at U.S. diplomatic missions abroad to detect and mitigate such an attack, listing improvements for radiological safety and consequence management at those missions, and providing a rank-ordered list of the missions where such improvements are the most critical. As part of this report the Secretary is required to submit a budget request to carry out these improvements. Furthermore, this title provides authority to the Secretary of State to develop, through U.S. contributions to and in coordination with the IAEA, foreign first-responder plans and training to implement them.

## TITLE XXIV—GLOBAL PATHOGEN SURVEILLANCE

In January 2001, the National Intelligence Council released a National Intelligence Estimate entitled, "The Biological Warfare Threat." The report not only points to the growing biological warfare capabilities of state and non-state actors but, more importantly, highlights the similar patterns and symptoms of a deliberately initiated disease outbreak and a naturally occurring outbreak. Once an outbreak is detected and begins to spread, it is very difficult to distinguish between a deliberate versus a natural disease outbreak. Furthermore, both are potentially devastating to human, animal, and plant life, as well as economically costly. Epidemiologists and public health experts rely on similar tools to help prevent, detect, and contain both intentional and naturally occurring disease outbreaks.

The threat of bioterrorism poses significant challenges not only for the United States, but for the entire world. It is difficult to protect our nation's health alone in an age of unprecedented air travel and international trade, as infectious pathogens are transported across borders each day. The global outbreak in 2003 of severe

acute respiratory syndrome, or SARS, is an unfortunate reminder of this vulnerability. So is the current situation regarding avian flu, which could yet become a worldwide epidemic.

Infectious disease outbreaks are transnational threats and the defense of our homeland is not an isolated activity. Rather, it requires a comprehensive strategy, including a critical international component. Whether intentional or natural, infectious diseases do not recognize the boundaries set by national borders.

The committee held a hearing regarding the threat of bioterrorism and the spread of infectious diseases on September 5, 2001. Witnesses included former Senator Sam Nunn, Dr. Donald A. Henderson of Johns Hopkins University (later a scientific advisor to the White House and the Department of Health and Human Services), and Dr. David L. Heymann, Executive Director for Communicable Diseases at the World Health Organization. At a March 18, 2002, hearing on the chemical and biological weapons threat, Dr. Alan P. Zelicoff, Senior Scientist at Sandia National Laboratories, testified on the role of syndromic surveillance in bioterrorism prevention.

Developing nations represent one of the weak links in a comprehensive global surveillance and monitoring network. Unfortunately, naturally occurring disease outbreaks are most likely to occur in these areas where poor sanitary conditions, poverty, and a weak medical infrastructure combine to offer ideal breeding grounds for pathogens. In addition, some developing countries border rogue states or states that offer sanctuaries for international terrorist groups, where there is documented interest in biological agents.

This title seeks to enhance the capability of the international community to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional or natural in origin. The primary authority for implementation of the bill's provisions is vested in the Department of State, but the committee expects that the Department of Health and Human Services will also play a critical role, including consultation to the greatest extent possible.

*Sec. 2404. Priority for certain countries*

Section 2404 requires that priority in allocating assistance under the provisions of this bill be given to those eligible developing countries that permit personnel from the World Health Organization (WHO) and the Centers for Disease Control and Prevention (CDC) to investigate infectious disease outbreaks on their territory, provide early notification of such outbreaks, and share pathogen surveillance data with appropriate U.S. Governmental entities and international health organizations.

*Sec. 2405. Restriction*

Section 2405 restricts access that foreign nationals participating in programs authorized under this Act may gain to select agents that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

*Sec. 2406. Fellowship Program*

Section 2406 authorizes the Secretary of State to award fellowships to eligible nationals of developing countries to pursue a master of public health degree or advanced public health training in epidemiology. These programs not only impart technical skills utilizing state-of-the-art technology, but also help cultivate the management and organizational skills of future leaders for developing country public health programs. The Secretary of State shall require the recipient to enter into an agreement under which the recipient, upon completing said education or training, will return to the recipient's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least four years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary, serve with an international health organization such as the WHO. If the recipient is unable to meet these requirements, the recipient will be required to reimburse the U.S. Government for the value of the assistance provided.

Subsection (e) allows for the participation of United States citizens, on a case-by-case basis, if the Secretary determines that it is in the national interest of the United States to do so. Such participants would be required, upon completion of education or training, to complete at least five years of employment in a public health position in an eligible developing country or an international health organization.

*Sec. 2407. In-country training in laboratory techniques and syndrome surveillance*

Section 2407 supports short-term training courses, outside the United States, in laboratory techniques for laboratory technicians and public health officials. Such training courses offer the opportunity for public health personnel to train in their indigenous environment, utilizing the available technology. Subsection 2407(a) complements the assistance authorized in Section 2408 for the purchase and maintenance of public health laboratory equipment. Subsection 2407(b) supports training in syndrome surveillance techniques. Syndrome surveillance systems provide the means for early detection and recognition, limit infection and mortality rates, and help to more efficiently focus limited public health resources.

*Sec. 2408 and Sec. 2409. Assistance for the purchase and maintenance of public health laboratory equipment and assistance for improved communication of public health information*

Sections 2408 and 2409 authorize the President to provide assistance, subject to the availability of appropriations, to eligible developing countries to purchase and maintain: (1) public health laboratory equipment necessary for the collection, analysis, and identification of pathogens which may cause disease outbreaks or be used as biological weapons; and (2) communications equipment and information technology, along with supporting equipment, necessary to effectively collect, analyze, and transmit public health information. The equipment should be appropriate for ready use in the intended geographical area and compatible with general standards

established by the WHO and, as appropriate, the CDC to ensure interoperability with regional and international networks. Recipient countries must provide the resources, infrastructure, and other assets required to house, support, maintain, secure, and maximize use of this equipment and appropriate technical personnel.

This section further imposes a limitation, in that amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment that, if made in the United States, would be subject to the Arms Export Control Act or likely be barred or subject to special conditions under the Export Administration Act of 1979.

The President is authorized under subsection (e) of Section 2409 to provide assistance for the standardizing of the reporting of public health information between and among developing countries and international health organizations. Such standardized reporting requirements will enable information to be more easily transmitted and understood.

*Sec. 2410. Assignment of public health personnel to United States missions and international organizations*

Section 2410 authorizes the heads of executive branch departments and agencies to assign public health personnel to U.S. diplomatic missions and international health organizations when requested. These details, intended to be flexible in nature, should be for the purpose of enhancing disease and pathogen surveillance efforts in developing countries. The Secretary of State must concur with any such detail.

*Sec. 2411. Expansion of certain United States Government laboratories abroad*

Section 2411 authorizes the expansion of the overseas laboratories and other related facilities of the Centers for Disease Control and Prevention and the Department of Defense, as appropriate, to further the goals of global pathogen surveillance and monitoring. This expansion applies to both numbers of personnel and the scope of operations. Overseas CDC and DOD facilities, working with host governments, play a crucial role in enhancing the capability of developing countries to monitor disease outbreaks and suspected biological weapons attacks.

*Sec. 2412. Assistance for regional health networks and expansion of Foreign Epidemiology Training Programs*

Section 2412 authorizes the President to provide assistance for the purposes of enhancing the surveillance and reporting capabilities of the World Health Organization and existing regional networks. The President is also authorized to provide funding for the development of new regional health networks, as a means of continuing to expand the reach of a global surveillance network. Additionally, subsection (b) authorizes the Secretary of Health and Human Services to establish new country or regional Foreign Epidemiology Training Programs in eligible developing countries.

*Sec. 2413. Authorization of appropriations*

This section authorizes appropriations for carrying out provisions of this title for Fiscal Year 2006. This section has made funding available for this title from the funds authorized to be appropriated to the State Department account for Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR). All amounts authorized to be appropriated by this title are authorized to remain available until expended. The section authorizes \$35,000,000 in total. Of this amount, \$25,000,000 is authorized to carry out Sections 2406, 2407, 2408 and 2409; \$500,000 to carry out Section 2410; \$2,500,000 to carry out Section 2411; and \$7,000,000 to carry out Section 2412.

The level of assistance required for global pathogen surveillance will be modest in comparison to other foreign assistance efforts. Targeted U.S. assistance can leverage other international assistance and, more importantly, establish benchmarks for public health programs in developing countries to strive for in sustaining and expanding pathogen surveillance efforts. Global surveillance does not command large-scale investments nor does it require high-tech equipment. The absence of authorized funding beyond FY 2006 does not indicate the need for a re-authorization of these programs.

TITLE XXV—REPORTING REQUIREMENTS AND OTHER  
MATTERS

Subtitle A—Elimination and modification of certain reporting  
requirements

*Sec. 2501. Annual Report on territorial integrity*

This section repeals an annual report from the 1994 Foreign Operations, Export Financing, and Related Programs Act on steps taken by the governments of Eurasia concerning violations of the territorial integrity or national sovereignty of other Eurasian states “such as those violations included in Principle Six of the Helsinki Final Act.” This report is no longer necessary because the countries of Eurasia (designated in the 1994 Act as “New Independent States”) have maintained their sovereignty and territorial integrity for over a decade.

*Sec. 2502. Annual reports on activities in Colombia*

This section permits the Secretary of State to satisfy the reporting requirements of Section 694 of the Foreign Relations Authorization Act, Fiscal Year 2003, by consolidating the required information with the report required by Section 489 of the Foreign Assistance Act.

*Sec. 2503. Annual report on foreign military training*

This amendment changes the date upon which the report is due to the Congress from January 31 to March 1, and limits the content to military training provided during the previous fiscal year.

*Sec. 2504. Report on human rights in Haiti*

This section combines reports that derive from subsections 616(c) (2), (3) and (4) of the Commerce, Justice and State Appropriations Act Fiscal Year 1999, as amended, concerning the status of the Government of Haiti's investigations and prosecution of certain extra judicial and political murders, the list of individuals implicated in those murders, and list of aliens denied visas as a result of the legislation. The two reports had been submitted on the same date but in two separate packages, so the timing of the receipt of this information will not be affected.

Subtitle B—Other Matters

*Sec. 2511. Amendments to the Arms Control and Disarmament Act*

This section adds the term “formal commitments” to the elements for which the Verification and Compliance Bureau of the Department of State shall provide compliance analysis (arms control, nonproliferation, and disarmament agreements) under the Arms Control and Disarmament Act. To facilitate faster submission of the annual report on objectives and negotiations, it separates that report from the annual report on compliance, which is required to be prepared in coordination with the Director of National Intelligence. This section also allows the annual report on Chemical Weapons Convention compliance, required by condition 10(C) of the resolution of advice and consent to U.S. ratification of that Convention, to be incorporated in the annual compliance report required by Section 403 of the Arms Control and Disarmament Act.

*Sec. 2512. Support for independent media in Ethiopia*

This section recognizes the need for an independent media in Ethiopia and recommends the provision of necessary sums to strengthen the capacity of journalists and increase their access to printing facilities.

*Sec. 2513. Support for Justice Sector in Central African States and the African Union*

The Great Lakes region of central Africa has seen some improvement in the past year in the levels of open warfare, but general insecurity and violence remain a daily threat to millions of civilians in the region. The primary threat to humanity has been from armed militia groups acting with impunity, although State security forces have also been guilty of grave abuses as well. The region's governments remain woefully weak and unable to effectively control all regions of their countries from a security perspective. These same governments, and the regional organizations of which they are members, are also in specific need of extensive rehabilitation and reform of their judicial institutions and capacity in upholding the rule of law.

This section expresses a Sense of the Congress on the publication of the U.S. 2004 Country Reports on Human Rights Practices for the region and supports the Administration's stated intent to help establish African judicial capacity, specifically that of the African Union. This section authorizes funding for the above purposes and

requires a report by the President within 6 months of passage that addresses efforts made to strengthen judicial capacity in Africa.

*Sec. 2514. Support for Haiti*

In recognition of the serious humanitarian crisis in Haiti, this section urges a robust and immediate response in the current fiscal year by the United States and the international community. Accordingly, the committee encourages the administration to provide to Haiti at least \$163,000,000 in assistance to meet the basic needs of the Haitian people including through improved public health and disease prevention programs, and to provide resources for the purposes of training, overhauling and equipping the Haitian National Police force.

The committee recognizes the need for flexibility in responding to the crisis and, accordingly, makes clear that such assistance may be provided from among several accounts authorized in this bill.

*Sec. 2515. Global Peace Operations Initiative*

This section authorizes the appropriation of \$114,400,000 for fiscal year 2006, and such sums as may be necessary for fiscal year 2007, to support the Global Peace Operations Initiative, which was proposed last year. This section authorizes appropriations for the new Global Peace Operations Initiative (GPOI) that consolidates the programs for training of peacekeepers globally, while concentrating on Africa in the near term. The existing Africa Contingency Operations Initiative (ACOTA) will now operate within the overall GPOI. This section also sets minimum criteria for nations wishing to participate in such training. Such criteria are based upon experience from past peacekeeping training programs which have highlighted the need to ensure countries are willing and informed participants with an eye toward democratic and human rights principles.

*Sec. 2516. Assistance to combat HIV/AIDS in certain countries of the Caribbean region*

This section's purpose is to include certain nations of the Caribbean Region, where HIV/AIDS prevalence is second only to sub-Saharan Africa, on the list of countries eligible for assistance under the Emergency Plan for AIDS Relief.

*Sec. 2517. Repeal of obsolete assistance authority*

This section repeals various authorities that have been included in the Foreign Assistance Act over the last twenty years in response to one-time crises to provide for the relief and rehabilitation of various peoples around the world.

*Sec. 2518. Consolidation of certain submissions under the Afghanistan Freedom Support Act of 2002*

This section permits the President to consolidate or combine three reports required by the Afghanistan Freedom Support Act (Public Law 107-327): the Afghanistan assistance plan required under section 104(c) of the Act; the report on monitoring of assistance for Afghanistan required by section 305(d) of the Act, as amended; and the report on implementation of the strategy for

meeting security needs of Afghanistan required by section 206(c) of the Act, as amended.

*Sec. 2519. Technical corrections*

This section makes technical corrections to several foreign assistance laws.

*Sec. 2520. Requirement for report on United States policy toward Haiti*

This section requires that the Secretary of State provide a report outlining the administration's plan for the stabilization and reconstruction of Haiti for fiscal years 2006 and 2007. The report shall include a description of activities to be carried out by the U.S. government to assist in the establishment of democracy and rule of law; promote economic development; and improve health, education, and employment. It will also include information on U.S. efforts to assist in the disarmament of illegally armed forces and the reform of the Haitian National Police, support the holding of free and fair elections, and strengthen strategies to address the HIV/AIDS epidemic. The report will also outline U.S. efforts to encourage other nations and international organizations to fulfill assistance pledges to Haiti and to ensure that the United Nations Stabilization Mission in Haiti, MINUSTAH, is fully staffed. The committee is persuaded that the United States has a political and economic interest, as well as a humanitarian responsibility, to address the crisis in Haiti.

*Sec. 2521. United States policy on tsunami relief and reconstruction policy in Aceh, Indonesia*

This section states that it should be the policy of the United States to work to formulate a joint statement with other donor countries that are providing assistance for tsunami relief and reconstruction efforts in Aceh, Indonesia, that calls for the provision of such assistance to be equitably distributed throughout the impacted areas of Indonesia and to be used to strengthen and support the negotiations between the Government of Indonesia and the Free Aceh Movement. The committee notes that the United States and other donor nations successfully issued a similar statement with respect to the conflict in Sri Lanka and believes that this initiative could be used as a model for the situation in Aceh.

*Sec. 2522. Drug price transparency in the emergency plan for AIDS relief*

This section requires a report on procurement of antiretroviral drugs under the Emergency Plan for AIDS Relief. The committee strongly supports the steps taken by the Administration to increase access to antiretroviral drugs in the focus countries receiving support under the auspices of the Emergency Plan for AIDS Relief. The committee believes that drug price transparency will help build additional confidence in this initiative. The committee also believes that the U.S. government should support the use of the lowest-cost available drugs that are safe and effective.

## TITLE XXVI—SAFE WATER

This title makes a clear stated policy goal of the Foreign Assistance Act of 1961 that the U.S. recognizes that safe water and sanitation, sound water management, and improved hygiene for people around the world is an essential ingredient of our foreign policy objectives. It authorizes a 5-year pilot program at such sums as is necessary to assist countries, that have a high rate of water borne diseases, with alternative funding mechanisms such as investment insurance, investment guarantees or loan guarantees to develop sustainable water infrastructure systems. Finally, this title requires the Secretary of State along with the Administrator of USAID to develop a national strategy to implement the foreign assistance objectives of expanding access to safe water and sanitation, sound water management and improved hygiene for people around the world. The strategy would be developed in consultation with international organizations, foreign countries, and nongovernmental organizations.

*Sec. 2601. Short title*

The title shall be cited as the “Safe Water: Currency for Peace Act of 2005.”

*Sec. 2602. Findings*

The section identifies Congressional findings highlighting water borne diseases as killing and debilitating millions of people annually, and preventing millions of people from leading healthy lives and therefore, undermining foreign assistance developmental efforts.

The section cites the 2002 World Summit on Sustainable Development, held in Johannesburg, South Africa where the United States agreed to the Plan of Implementation of the World Summit on Sustainable Development to implement a plan to reduce by one-half the proportion of people who are unable to reach or afford safe drinking water and the proportion of people without access to basic sanitation by 2015.

*Sec. 2603. Water for health and development*

This section amends Part I of the Foreign Assistance Act of 1961 by adding a new findings section that highlights access to safe water and sanitation and improved hygiene as significant factors in controlling the spread of water borne diseases in developing countries and contributing positively to economic development.

Subsection (b) makes it a major policy objective of the Foreign Assistance Act of 1961 that the United States recognizes that safe water and sanitation, sound water management, and improved hygiene for people around the world is essential to our foreign policy objectives.

Subsection (c) authorizes the President to furnish assistance, including health information and education, to advance good health and promote economic development by improving the safety of water supplies, expand access to safe water and sanitation, promote sound water management, and promote hygiene in developing countries. The President is authorized to use local currencies under

title I of the Agricultural Trade Development and Assistance Act of 1954 to support the goals of this Act, including the use of local currencies for purposes of drilling and maintaining water wells.

*Sec. 2604. Pilot program for water sustainability infrastructure development and capacity building*

The section amends the Foreign Assistance Act of 1961 by authorizing a 5 year pilot clean water sustainability infrastructure development program. The program authorizes the President, in coordination with the Administrator of the United States Agency for International Development and the President of the Overseas Private Investment Corporation to carry out this pilot program. The President, in conducting this pilot program, is authorized to utilize alternative financial assistance measures, including but not limited to: investment insurance, investment guarantees, loan guarantees, direct investment or other financial mechanisms. These alternative financing mechanisms shall be used for the purposes of leveraging public, private funds in order to expand investment in domiciled water infrastructure projects.

The section authorizes these alternative funds for purposes of assessing water development needs, design projects, fund projects, and provide for long-term monitoring water development programs. Determination of number of projects and geographic location of projects will be determined by the President in consultation with the Congress. Preferential consideration of projects should be given small businesses or cooperatives in the United States, but not to the exclusion of public non-profit organizations.

Loan guarantees, if selected as a part of a pilot project, shall be guaranteed by the United States Treasury at the rate not exceeding 75 per cent.

*Sec. 2605. Safe water strategy*

This section requires the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and other federal agencies including federal land grant universities who have expertise in water and water management programs, along with appropriate international organizations and non-governmental organizations, to assess current activities, and develop and implement a national strategy to meet the objectives of expanding access to safe water and sanitation, including supporting and providing sound water management, and improve hygiene for people around the world.

The national strategy shall focus on current resources and their allocation and recommend ways and means to maximize the efficient allocation of these resources toward the goal of reducing by half the proportion of the population exposed to unsafe water and sanitation by the year 2015. Focus of the national strategy should also address the effective coordination of and use of non-profit, non-governmental technical expertise in the delivery of resources.

Within 180 days of enactment of this Act, the President shall submit the report required by this section to the Congress.

*Sec. 2606. Authorization of appropriations*

The section authorizes such sums as may be necessary for carrying out this title.

TITLE XXVII—PROTECTION OF VULNERABLE POPULATIONS  
DURING HUMANITARIAN EMERGENCIES

The committee recognizes that during a humanitarian emergency people—especially women and children—become extremely vulnerable to a range of abuses including sexual exploitation, trafficking and gender-based violence. This title seeks to ensure that those affected by natural disasters, such as the tsunami that affected countries in Asia and Africa last December or by man-made crises, such as the ongoing crisis in the Darfur region of Sudan, are protected from such abuses through our foreign assistance programs.

*Sec. 2701. Short title**Sec. 2702. Definitions**Sec. 2703. Findings*

These sections contain the short title, the definitions and the findings, respectively.

The committee believes that steps must be taken to ensure that the State Department and the United States Agency for International Development (USAID) have a strategy to protect vulnerable populations from exploitation and abuse before, during and after a humanitarian emergency. The next sections ensure that such a strategy is in place, that USAID has the expertise to develop appropriate programs, and that the U.S. government has an established mechanism to ensure that partners who implement our assistance programs overseas are committed to preventing exploitation and abuse by their personnel in the field.

*Sec. 2711. Requirement to develop comprehensive strategy*

This section directs the Secretary of State, in consultation with the USAID Administrator, to develop an integrated strategy for the protection of vulnerable populations, especially women and children, and to provide Congress with that strategy within 180 days.

*Sec. 2712. Designation of coordinator*

This section directs the Secretary of State, in consultation with the USAID Administrator, to designate an official at the State Department or USAID as a Protection Coordinator within 60 days. The Protection Coordinator will be responsible for ensuring that our assistance programs include activities to support the protection of vulnerable populations, especially women and children, affected by humanitarian emergencies.

*Sec. 2721. Reporting and monitoring systems*

This section instructs the Protection Coordinator to develop and maintain a historical database of instances where sexual abuse and exploitation of children occurred during a humanitarian emergency; develop a reporting and monitoring mechanism for diplomatic missions to collect and report to the coordinator information that indi-

cates vulnerable populations are being targeted or are at risk during an emergency; assist U.S. missions in developing responses to situations where there is a risk of sexual exploitation and abuse during a humanitarian emergency; and develop a procedure for relief organizations to report evidence of sexual exploitation and abuse and exploitation of children during an emergency.

*Sec. 2722. Protection training and expertise*

This section establishes a fellowship at USAID to enhance the expertise of its personnel in developing protection related policies and programs.

*Sec. 2731. Codes of conduct*

This section prohibits the State Department and USAID from providing primary grants to or entering into contracts with relief organizations that do not sign a code of conduct which prohibits employees from having inappropriate relationships with aid beneficiaries. This provision applies only to assistance under section 491 of the Foreign Assistance Act or overseas assistance under section 2 of the Migration and Refugee Assistance Act of 1962.

*Sec. 2732. Health services for refugees and displaced persons*

The committee recognizes that women have particular health needs during an emergency that require specialized care, including medical assistance for those who might have been raped, or who are pregnant. This section directs the Protection Coordinator to ensure that organizations funded by the U.S. have the resources to provide for the specific health needs of women during a complex humanitarian emergency and that these relief organizations are on the ground no later than 30 days after the onset of such an emergency.

*Sec. 2733. Economic self-sufficiency of vulnerable populations affected by a humanitarian emergency*

The committee is aware that people, especially women and children, are often more vulnerable to exploitation during a crisis due to lack of economic self-sufficiency. This section amends the Micro-Enterprise Development Act of 2000 to make it clear that special effort should be made to extend such assistance to internally displaced people so that they have the means to earn income during an emergency.

*Sec. 2734. International military education and training*

This section adds a component to the International Military and Education Program focused on training foreign militaries to protect civilians who are refugees and internally displaced persons.

*Sec. 2735. Sense of Congress regarding actions of United Nations peacekeepers*

The committee is very disturbed by reports of sexual exploitation of women and girls in eastern Democratic Republic of Congo by U.N. peacekeepers. This section expresses the sense of Congress that the Secretary General of the U.N. should further strengthen policies of the U.N. to protect civilians from sexual abuse and ex-

ploitation by U.N. personnel involved in U.N. peacekeeping missions. It also expresses the sense of Congress that the Secretary of State should consider suspending military assistance to countries who do not follow up on allegations that their troops engaged in sexual exploitation and/or abuse while deployed as part of a U.N. peacekeeping mission.

*Sec. 2741. Actions to support protection*

This section encourages the U.S. representative to the World Bank to make sure that women and children who were forced to serve with armed combatants get a benefit package as part of World Bank post-conflict demobilization programs similar to those given to the men who are disarming. It also requires the Secretary of State to submit a report to the committee on what types of training programs the State Department and USAID are currently conducting that are designed to improve accountability for gender-based violence.

*Sec. 2742. Protection assistance*

This section amends the Foreign Assistance Act to provide that funds made available to carry out Chapter 1 of part I of the Act and chapter 4 of part II may be used to fund protection activities for vulnerable populations, especially women and children, who are affected by complex humanitarian emergencies. The purpose of this section is to authorize funding for activities such as security assessments for refugee and internally displaced camps, reunification services for children separated from their families or training for local law enforcement activities to investigate cases of rape.

## TITLE XXVIII—CONVENTIONAL ARMS DISARMAMENT

### THE CONVENTIONAL ARMS DISARMAMENT ACT OF 2005

The threat posed to global peace and security by persistent landmines, readily available small arms, light weapons, abandoned ordnance, and poorly secured munitions has long been a concern for the Committee on Foreign Relations. Congress has mandated significant accounting and reporting requirements on US sales and transfers of conventional weaponry, particularly for highly portable and relatively inexpensive weapons. While these efforts proceed with strong support from the committee, bilateral assistance to countries seeking to destroy, safeguard or otherwise eliminate proliferation-vulnerable surplus conventional stockpiles has not been given equally sustained attention, budgetary support and needed authorities.

In Public Law 106–164, Congress amended the Arms Export Control Act (22 U.S.C. 2751, et. seq.) to establish a comprehensive end-use monitoring program for defense articles and services in order to improve accountability with respect to those defense articles and services sold, leased or exported under the Arms Export Control Act or Foreign Assistance Act. Since then, the Department of State has established the Blue Lantern program to carry out such a program with respect to commercial exports of U.S. defense articles and services. A similar program, Golden Sentry, was estab-

lished by the Department of Defense for foreign military sales (FMS).

Blue Lantern results are reported annually to Congress. These reports have shown that a notable percentage of unfavorable end-use checks involve firearms and ammunition. In the Fiscal Year 2003 reporting period, 49 percent of all unfavorable checks related to firearms and ammunition. While the percentage for such commodities decreased to 18 percent in the Fiscal Year 2004 reporting period, the committee remains concerned about the possibility of diversion of such exports. Indeed, the data provided under Blue Lantern demonstrate that even when applying the strict controls and enforcement provisions of US law in the International Traffic in Arms Regulations (22 CFR 120–130), the potential for diversion exists. The problem can only be more prevalent regarding arms from countries without such controls.

Several reports in the last two years have detailed the potential for illegal acquisition, the unsafe handling, shipment, storage and the wide availability of Man-Portable Air-Defense Systems or MANPADS.

In May 2004, the U.S. General Accountability Office (GAO) submitted a report to Congress on the growing threat posed by MANPADS. GAO found that “Since the 1950s, 20 countries have developed or produced at least 30 different types of MANPADS, with a total production of more than a million missiles . . . Estimates of the global inventory of MANPADS range from 500,000 to 750,000 weapons, with approximately 1 percent outside the control of national governments, according to intelligence sources.”<sup>1</sup> The report noted that “progress toward reducing MANPADS proliferation is limited by . . . multilateral forums’ lack of mechanisms to monitor countries’ implementation of their commitments.”<sup>2</sup> The GAO also noted that the only realistic mechanisms available to the State Department in this regard are the “procedures in place to confirm destruction of MANPADS through its bilateral efforts.”<sup>3</sup> In January 2005, a RAND Corporation study addressed the risk of MANPADS use in terrorist attacks and recommended “working with international governments to slow down the proliferation of MANPADS technologies, in particular those against which countermeasures are less effective.”<sup>4</sup> The committee concurs with such assessments, and so proposes to increase the funding, coordination and authorities available to the Department of State for threat reduction efforts regarding MANPADS, as well as for persistent landmines, readily available small arms, light weapons, abandoned ordnance, and poorly secured munitions.

In the 108th Congress, Chairman Lugar introduced the Conventional Arms Threat Reduction Act of 2004 or S. 2981. During the committee’s markup of the Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007, it included substantially the same legisla-

<sup>1</sup>United States General Accounting Office, Report to Congressional Committees, “Non-proliferation: Further Improvements Needed in U.S. Efforts to Counter Threats from Man-Portable Air Defense Systems,” GAO-04-519, May 2004, p. 10.

<sup>2</sup>Ibid., p. 14.

<sup>3</sup>Ibid.

<sup>4</sup>James Chow, et. al., “Protecting Commercial Aviation Against the Shoulder-Fired Missile Threat,” Rand Occasional Paper, 2005, RAND Corporation, p. 34.

tion as that which the Chairman had previously introduced in the Senate.

The Conventional Arms Disarmament Act, or CADA, seeks to provide unified planning, programming, and implementation of U.S. bilateral or multilateral assistance for an accelerated global program to secure, remove, or eliminate stocks of MANPADS, other conventional weapons, and tactical missile systems, as well as related equipment and facilities, that pose a proliferation threat.

*Sec. 2801. Short Title*

This section gives the short title "Conventional Arms Disarmament Act."

*Sec. 2802. Findings; Sense of Congress*

This section states several findings and a Sense of Congress.

*Sec. 2803. Statement of Policy*

This section states that it is the policy of the United States to assist the governments of other countries in safeguarding or eliminating stocks of MANPADS, other conventional weapons, and tactical missile systems that pose a proliferation, local or regional security, or humanitarian threat.

*Sec. 2804. Global Program for the Safeguarding and Elimination of Conventional Arms*

Section 2804 authorizes the Secretary of State to carryout a global program to secure, remove, or eliminate stocks of MANPADS, other conventional weapons and munitions, as well as related equipment and facilities that are determined by the Secretary of State to pose a proliferation threat. Specified program elements include:

- (1) Humanitarian demining activities;
- (2) Programs to secure or eliminate tactical missile systems;
- (3) Programs to secure or eliminate MANPADS;
- (4) Activities to destroy other conventional weapons;
- (5) Programs to assist other countries in accounting for and safe handling of MANPADS;
- (6) Cooperative programs with the North Atlantic Treaty Organization (NATO) and other international organizations for programs and activities in (1)–(5);
- (7) Activities and programs to ensure proper use funds in such programs;
- (8) Activities to ensure accurate inventories of MANPADS, conventional weapons, and tactical missile systems stored at sites where US bilateral assistance is used to ensure the security of such weapons;
- (9) Actions to ensure that any equipment and funds used for the securing, safeguarding or elimination of MANPADS, tactical missile systems and other conventional weapons are used for authorized purposes.

While sec. 2804 includes demining activities as a program element, the committee does not intend that this reference should in any way modify existing U.S. programs regarding humanitarian demining activities, but rather, includes such reference by way of

noting that in cases where MANPADS and other conventional weapons caches have been found, there were often large stockpiles of land mines. The committee intends that funding for humanitarian demining activities should continue to be a separate budget line, but that such activities should be coordinated with and integrated into the accelerated effort called for in this title.

*Sec. 2805. Redesignation of Office of Weapons Removal and Abatement as Office of Conventional Arms Threat Reduction*

On October 6, 2003, then-Assistant Secretary of State for Political-Military Affairs (PM) Lincoln P. Bloomfield announced the creation of the Office of Weapons Removal and Abatement (PM/WRA). In so doing, he stated: "The menace to regional stability and public safety posed by persistent landmines, readily available small arms, light weapons, abandoned ordnance, and poorly secured munitions are interrelated and should be addressed in a comprehensive manner."

While the committee supported the efforts of the PM Bureau to provide a coordinated response to the challenges posed by such weapons, the extent to which activities throughout the Department of State are coordinated with PM/WRA remains unclear. In redesignating PM/WRA the Office of Conventional Arms Threat Reduction, the committee does not intend that any authority already given to PM/WRA under the Department's decision be taken away, but rather, that the new office provide greater attention, Department-wide and within the Federal government, to such efforts.

*Sec. 2806. Report on Conventional Arms Threat Reduction*

The committee currently does not have a specific report regarding all bilateral and multilateral efforts to remedy the threats posed by persistent landmines, readily available small arms, light weapons, abandoned ordnance, and poorly secured munitions. Insofar as the committee has called for a report of broad scope, it intends that this requirement be a one-time report detailing past efforts similar to those called for under the Conventional Arms Disarmament Act and efforts made toward implementing it.

*Sec. 2807. Authorization of Appropriations*

The committee would have expected a request for increased funding to take on the expanded mission of PM/WRA as it relates to readily available small arms, light weapons, abandoned ordnance, and poorly secured munitions. While such efforts are relatively inexpensive compared to those concerning weapons of mass destruction, when PM/WRA was created the funding increases remained surprisingly small. Section 2807 would therefore increase the authorization for activities under the Office of Conventional Arms Threat Reduction for small arms, light weapons, abandoned ordnance, and poorly secured munitions to \$20 million for fiscal year 2006.

This section is also drafted to tie some of the increase in authorized levels of spending over the fiscal year 2006 requested level to submission of the report required by Section 2806. The committee has been informed that PM/WRA could not execute a global effort of the kind called for in Section 2804 with a large increase in funds

on an immediate basis. Given such concerns, the committee intends that the one-time reporting requirement in Section 2806 will enable proper planning and programming for such a comprehensive effort. In an effort to ensure that, this section would authorize an initial increase of only \$1.25 million over the fiscal year 2006 requested level of \$8.750 million for small arms and light weapons activities (as distinct from humanitarian demining activities or the International Trust Fund contribution), withholding the additional \$10 million increase for such efforts until the report is submitted.

*Sec. 2808. Definition of Nonproliferation and Disarmament Fund*

This section specifies that the term “Nonproliferation and Disarmament Fund” means the Nonproliferation and Disarmament Fund established under section 504 of the FREEDOM Support Act (22 U.S.C. 5854).

#### VI. COST ESTIMATE

Rule XXVI, paragraph 11(a) of the Standing Rules of the Senate requires that committee reports on bills or joint resolutions contain a cost estimate for such legislation. To date, the committee has not received the Congressional Budget Office cost estimate.

#### VII. EVALUATION OF REGULATORY IMPACT

Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate requires an evaluation of the regulatory impact of the bill. A few provisions of the bill, such as Sections 203, 213, and 312, require or authorize the issuance of regulations. These regulatory provisions, however, relate to the administration of State Department facilities or programs, and would not involve regulation of private commerce. Section 2231 increases the monetary thresholds for notification of arms exports to Congress under section 36 of the Arms Export Control Act, and will therefore require minor modifications to existing regulations issued under the authority of Section 38 of that Act.

#### VIII. CHANGES IN EXISTING LAW

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

### **Foreign Assistance Act of 1961**

#### SEC. 102. DEVELOPMENT ASSISTANCE POLICY.—(a) \* \* \*

\* \* \* \* \*

(5) United States development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries; food production and nutrition; rural development and generation of gainful employment; population planning and health; environment and natural resources; education, development

administration, and human resources [development; and] *development*; energy development and production; *democracy and the rule of law*; and *economic growth and the building of trade capacity*.

\* \* \* \* \*

(18) *The United States development assistance program should take maximum advantage of the increased participation of United States private foundations, business enterprises, and private citizens in funding international development activities. The program should utilize the development experience and expertise of its personnel, its access to host-country officials, and its overseas presence to facilitate public-private alliances and to leverage private sector resources toward the achievement of development assistance objectives.*

\* \* \* \* \*

SEC. 103. AGRICULTURAL DEVELOPMENT IN RURAL AREAS—  
**[(a)(1)](a)** In recognition of the fact that the great majority of the people of developing countries live in rural areas and are dependent on agriculture and agricultural-related pursuits for their livelihood, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for agriculture, rural development, and nutrition—

**[(A)](1)** to alleviate starvation, hunger, and malnutrition;

**[(B)](2)** to expand significantly the provision of basic services to rural poor people to enhance their capacity for self-help; and

**[(C)](3)** to help create productive farm and off-farm employment in rural areas to provide a more viable economic base and enhance opportunities for improved incomes, living standards, and contributions by rural poor people to the economic and social development of their countries.

**[(2)]** There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, \$760,000,000 for fiscal year 1986 and \$760,000,000 for fiscal year 1987. Of these amounts, the President may use such amounts as he deems appropriate to carry out the provisions of section 316 of the International Security and Development Cooperation Act of 1980. Amounts appropriated under this section are authorized to remain available until expended.

**[(3)]** Of the amounts authorized to be appropriated in paragraph (2) for the fiscal year 1987, not less than \$2,000,000 shall be available only for the purpose of controlling and eradicating amblyomma variegatum (heartwater) in bovine animals in the Caribbean.】

\* \* \* \* \*

SEC. 104. POPULATION AND HEALTH.—(a)\* \* \*

\* \* \* \* \*

(c) ASSISTANCE FOR HEALTH AND DISEASE PREVENTION.—(1) In order to contribute to improvements in the health of the greatest number of poor people in developing countries, the President is authorized to furnish assistance, on such terms and conditions as he may determine, for health programs. Assistance under this subsection shall be used primarily for basic integrated health services,

safe water and sanitation, disease prevention and control, and related health planning and research. The assistance shall emphasize self-sustaining community-based health programs by means such as training of health auxiliary and other appropriate personnel, support for the establishment and evaluation of projects that can be replicated on a broader scale, measures to improve management of health programs, and other services and suppliers to support health and disease prevention programs.

[(2)(A)](2) In carrying out the purposes of this subsection, the President shall promote, encourage, and undertake activities designed to deal directly with the special health needs of children and mothers. Such activities should utilize simple, available technologies which can significantly reduce childhood mortality, such as improved and expanded immunization programs, oral rehydration to combat diarrhoeal diseases, and education programs aimed at improving nutrition and sanitation and at promoting child spacing. In carrying out this paragraph, guidance shall be sought from knowledgeable health professionals from outside the agency primarily responsible for administering this part. In addition to government-to-government programs, activities pursuant to this paragraph should include support for appropriate activities of the types described in this paragraph which are carried out by international organizations (which may include international organizations receiving funds under chapter 3 of this part) and by private and voluntary organizations, and should include encouragement to other donors to support such types of activities.

[(B)] In addition to amounts otherwise available for such purpose, there are authorized to be appropriated to the President \$25,000,000 for fiscal year 1986 and \$75,000,000 for fiscal year 1987 for use in carrying out this paragraph. Amounts appropriated under this subparagraph are authorized to remain available until expended.

[(C)] Appropriations pursuant to subparagraph (B) may be referred to as the "Child Survival Fund." ]

(3) The Congress recognizes that the promotion of primary health care is a major objective of the foreign assistance program. The Congress further recognizes that simple, relatively low-cost means already exist to reduce incidence of communicable diseases among children, mothers, and infants. The promotion of vaccines for immunization, and salts for oral rehydration, therefore, is an essential feature of the health assistance program. To this end, the Congress expects the agency primarily responsible for administering this part to set as a goal the protection of not less than 80 percent of all children, in those countries in which such agency has established development programs, from immunizable diseases by January 1, 1991. [Of the aggregate amounts made available for fiscal year 1987 to carry out paragraph (2) of this subsection (relating to the Child Survival Fund) and to carry out subsection (c) (relating to development assistance for health), \$50,000,000 shall be used to carry out this paragraph.]

\* \* \* \* \*

**SEC. 104D. WATER FOR HEALTH AND DEVELOPMENT.**

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

(1) *Access to safe water and sanitation and improved hygiene are significant factors in controlling the spread of disease in the developing world and positively affecting economic development.*

(2) *The health of children and other vulnerable rural and urban populations in developing countries, especially sub-Saharan Africa and South Asia, is threatened by a lack of adequate safe water, sanitation, and hygiene.*

(3) *Efforts to meet United States foreign assistance objectives, including those related to agriculture, the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), and the environment will be advanced by improving access to safe water and sanitation and promoting sound water management throughout the world.*

(4) *Developing sustainable financing mechanisms, including private sector financing, is critical to the long-term sustainability of improved water supply, sanitation, and hygiene.*

(5) *The annual level of investment needed to meet the water and sanitation needs of developing countries far exceeds the amount of Official Development Assistance (ODA) and spending by governments of developing countries, so attracting greater public and private investment is essential.*

(6) *Long-term sustainability in the provision of access to safe water and sanitation and in the maintenance of water and sanitation facilities requires a legal and regulatory environment conducive to private sector investment and private sector participation in the delivery of water and sanitation services.*

(7) *The absence of robust domestic financial markets and sources for long-term financing are a major impediment to the development of water and sanitation projects in developing countries.*

(8) *At the 2003 Summit of the Group of Eight in Evian, France, the members of the Group of Eight produced a plan entitled "Water: A G8 Action Plan" that contemplated the promotion of domestic revolving funds to provide local currency financing for capital-intensive water infrastructure projects. Innovative financing mechanisms such as revolving funds and pooled-financings have been very effective vehicles for mobilizing domestic savings for investments in water and sanitation both in the United States and in some developing countries. These mechanisms can serve as a catalyst for greater investment in water and sanitation projects by villages, small towns, and municipalities.*

(9) *The G8 Action Plan also committed members of the Group of Eight to improving coordination and cooperation between donors, and such improved coordination and cooperation is essential for enlarging the beneficial impact of donor initiatives.*

(b) *POLICY.—It is a major objective of United States foreign assistance—*

*(1) to promote good health and economic development by providing assistance to expand access to safe water and sanitation, promote sound water management, and improve hygiene for people around the world; and*

(2) to promote, to the maximum extent practicable and appropriate, long-term sustainability in the provision of access to safe water and sanitation by encouraging private investment in water and sanitation infrastructure and services.

(c) AUTHORIZATION.—

(1) IN GENERAL.—To carry out the policy set out in subsection (b), the President is authorized to furnish assistance, including health information and education, to advance good health and promote economic development by improving the safety of water supplies, expanding access to safe water and sanitation, promoting sound water management, and promoting better hygiene.

(2) LOCAL CURRENCY.—The President may use payments made in local currencies under an agreement made under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.) to provide assistance under this section, including assistance for activities related to drilling or maintaining wells.

SEC. 105. EDUCATION AND HUMAN RESOURCES DEVELOPMENT.— In order to reduce illiteracy, to extend basic education and to increase manpower training in skills related to development, the President is authorized to furnish assistance on such terms and conditions as he may determine, for education, public administration, and human resource development. [There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, \$180,000,000 for fiscal year 1986 and \$180,000,000 for fiscal year 1987, which are authorized to remain available until expended.]

\* \* \* \* \*

SEC. 106. DEVELOPMENT OF INDIGENOUS ENERGY RESOURCES.— (a) \* \* \*

\* \* \* \* \*

[(e)(1) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, \$207,000,000 for fiscal year 1986 and \$207,000,000 for fiscal year 1987.

[(2) Amounts appropriated under this section are authorized to remain available until expended.

[(f) Of the amounts authorized to be appropriated to carry out this part, \$5,000,000 for fiscal year 1986 and \$5,000,000 for fiscal year 1987 shall be used to finance cooperative projects among the United States, Israel, and developing countries.]

\* \* \* \* \*

SEC. 123. PRIVATE AND VOLUNTARY ORGANIZATIONS AND CO-OPERATIVES IN OVERSEAS DEVELOPMENT.—(a) \* \* \*

\* \* \* \* \*

[(e) Prohibitions on assistance to countries contained in this or any other Act shall not be construed to prohibit assistance by the agency primarily responsible for administering this part in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date such prohibition becomes applicable. The President shall take into consideration, in

any case in which statutory prohibitions on assistance would be applicable but for this subsection, whether continuation of support for such programs is in the national interest of the United States. If the President continues such support after such date, he shall prepare and transmit, not later than one year after such date, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth the reasons for such continuation.】

*(e)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—*

*(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I and chapter 4 of part II; or*

*(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).*

*(2) The President shall submit to Congress, in accordance with section 634A, advance notice of an intent to obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.*

*(3) Assistance may not be furnished through nongovernmental organizations to the central government of a country under the authority of this subsection, but assistance may be furnished to local, district, or subnational government entities under such authority.”.*

\* \* \* \* \*

**SEC. 129. PROGRAM TO PROVIDE TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS AND FOREIGN CENTRAL BANKS OF DEVELOPING OR TRANSITIONAL COUNTRIES.**

**(a) ESTABLISHMENT OF PROGRAM.— \* \* \***

\* \* \* \* \*

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

**(1) IN GENERAL.—**There are authorized to be appropriated to carry out this section 【\$5,000,000 for fiscal year 1999】 \$20,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007.

\* \* \* \* \*

**SEC. 256A. DEVELOPMENT CREDIT AUTHORITY.**

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

*(1) Developing countries often have large reserves of privately held capital that are not being adequately mobilized and invested due to weak financial institutions and other market imperfections in such countries.*

*(2) Partial loan guarantees, particularly when used as an integral part of a development strategy, are useful to leverage local private capital for development while reforming and strengthening developing country financial markets.*

*(3) Requiring risk-sharing guarantees and limiting guarantee assistance to private lenders encourages such lenders to provide appropriate oversight and management of development projects funded with loans made by such lenders and, thereby, maximize the benefit which such projects will achieve.*

(b) *POLICY.*—It is the policy of the United States to make partial loan guarantees available to private lenders to fund development projects in developing countries that encourage such lenders to provide appropriate oversight and management of such development projects.

(c) *AUTHORITY.*—To carry out the policy set forth in subsection (b), the President is authorized to provide assistance in the form of loans and partial loan guarantees to private lenders in developing countries to achieve the economic development purposes of the provisions of this part.

(d) *POLICIES TO LIMIT FINANCIAL RISK TO THE UNITED STATES.*—

(1) *PRIORITY FOR ASSISTANCE.*—The President, in providing assistance under this section, shall give priority to providing partial loan guarantees made pursuant to the authority in subsection (c) that are used in transactions in which the financial risk of loss to the United States Government under such guarantee does not exceed the financial risk of loss of the private lender that receives such guarantee.

(2) *MAXIMUM EXPOSURE.*—The investment or risk of the United States in any one development project may not exceed 70 percent of the total outstanding investment or risk associated with such project.

(e) *TERMS AND CONDITIONS.*—

(1) *IN GENERAL.*—Assistance provided under this section shall be provided on such terms and conditions as the President determines appropriate.

(2) *MAXIMUM TOTAL AMOUNT OF LOANS OR GUARANTIES PER BORROWER.*—The principal amount of loans made or guaranteed under this section in any fiscal year, with respect to any single country or borrower, may not exceed \$100,000,000.

(f) *OBLIGATIONS OF THE UNITED STATES.*—A partial loan guarantee made under subsection (c) shall constitute an obligation, in accordance with the terms of such guarantee, of the United States of America and the full faith and credit of the United States of America is pledged for the full payment and performance of such obligation.

(g) *PROCUREMENT PROVISIONS.*—Assistance may be provided under this section notwithstanding section 604(a).

(h) *DEVELOPMENT CREDIT AUTHORITY PROGRAM ACCOUNT.*—There is established on the books of the Treasury an account known as the Development Credit Authority Program Account. There shall be deposited into the account all amounts made available for providing assistance under this section, other than amounts made available for administrative expenses to carry out this section. Amounts in the Account shall be available to provide assistance under this section.

(i) *AVAILABILITY OF FUNDS.*—

(1) *IN GENERAL.*—Of the amounts authorized to be available for the purposes of part I of this Act and for the Support for Eastern European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), not more than \$21,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007 may be made available to carry out this section.

(2) *TRANSFER OF FUNDS.*—Amounts made available under paragraph (1) may be transferred to the Development Credit Authority Program Account established by subsection (h).

(3) *SUBSIDY COST.*—Amounts made available under paragraph (1) shall be available for the subsidy cost, as defined in section 502(5) of the Federal Reform Credit Act of 1990 (2 U.S.C. 661a(5)), of activities under this section.

(j) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *IN GENERAL.*—There is authorized to be appropriated for administrative expenses to carry out this section \$8,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007.

(2) *TRANSFER OF FUNDS.*—The amounts appropriated for administrative expenses under paragraph (1) may be transferred to and merged with amounts made available under section 667(a).

(k) *AVAILABILITY.*—Amounts appropriated or made available under this section are authorized to remain available until expended.

\* \* \* \* \*

**[SEC. 302. AUTHORIZATION.**—(a)(1) There are authorized to be appropriated to the President \$270,000,000 for fiscal year 1986 and \$236,084,000 for fiscal year 1987 for grants to carry out the purposes of this part, in addition to funds available under other Acts for such purposes. Of the amount appropriated for each of the fiscal years 1986 and 1987 pursuant to these authorizations—

**[(A)** 59.65 percent shall be for the United Nations Development Program;

**[(B)** 19.30 percent shall be for the United Nations Children's Fund;

**[(C)** 7.20 percent shall be for the International Atomic Energy Agency, except that these funds may be contributed to that Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency;

**[(D)** 5.44 percent shall be for Organization of American States development assistance programs;

**[(E)** 3.51 percent shall be for the United Nations Environment Program;

**[(F)** 0.70 percent shall be for the World Meteorological Organization;

**[(G)** 0.70 percent shall be for the United Nations Capital Development Fund;

**[(H)** 0.35 percent shall be for the United Nations Education and Training Program for Southern Africa;

**[(I)** 0.18 percent shall be for the United Nations Voluntary Fund for the Decade for Women;

**[(J)** 0.07 percent shall be for the Convention on International Trade in Endangered Species;

**[(K)** 0.70 percent shall be for the World Food Program;

**[(L)** 0.18 percent shall be for the United Nations Institute for Namibia;

**[(M)** 0.12 percent shall be for the United Nations Trust Fund for South Africa;

【(N) 0.04 percent shall be for the United Nations Voluntary Fund for Victims of Torture;

【(O) 0.07 percent shall be for the United Nations Industrial Development Organization;

【(P) 0.55 percent shall be for the United Nations Development Program Trust Fund to Combat Poverty and Hunger in Africa;

【(Q) 0.97 percent shall be for contributions to international conventions and scientific organizations;

【(R) 0.18 percent for the United Nations Centre on Human Settlements (Habitat); and

【(S) 0.09 percent shall be for the World Heritage Fund.

【(2) The Congress reaffirms its support for the work of the Inter-American Commission on Human Rights. To permit such Commission to better fulfill its function of insuring observance and respect for human rights within this hemisphere, not less than \$357,000 of the amount appropriated for fiscal year 1976 and \$358,000 of the amount appropriated for fiscal year 1977, for contributions to the Organization of American States, shall be used only for budgetary support for the Inter-American Commission on Human Rights.

【(b)(1) There is authorized to be appropriated to the President for loans for Indus Basin Development to carry out the purposes of this section, in addition to funds available under this chapter or any other Act for such purposes, for use beginning in the fiscal year 1969, \$61,220,000. Such amounts are authorized to remain available until expended.

【(2) There is authorized to be appropriated to the President for grants for Indus Basin Development, in addition to any other funds available for such purposes, for use in the fiscal year 1974, \$14,500,000, and for use in the fiscal year 1975, \$14,500,000, and for use beginning in the fiscal year 1976, \$27,000,000, which amounts shall remain available until expended. The President shall not exercise any special authority granted to him under section 2360(a) or 2364(a) of this title to transfer any amount appropriated under this paragraph to, and to consolidate such amount with, any funds made available under any other provision of this chapter.

【(c) None of the funds available to carry out this part shall be contributed to any international organization or to any foreign government or agency thereof to pay the costs of developing or operating any volunteer program of such organization, government, or agency relating to the selection, training, and programing of volunteer manpower.

【(d) to (h) Repealed. Pub. L. 95-424, title VI, Sec. 604, Oct. 6, 1978, 92 Stat. 961

【(i) In addition to amounts otherwise available under this section, there are authorized to be appropriated for fiscal year 1976 \$1,000,000 and for fiscal year 1977 \$2,000,000 to be available only for the International Atomic Energy Agency to be used for the purpose of strengthening safeguards and inspections relating to nuclear fissile facilities and materials. Amounts appropriated under this subsection are authorized to remain available until expended.

【(j) In addition to amounts otherwise available under this section for such purposes, there are authorized to be appropriated to the

President \$3,000,000 for fiscal year 1989 to be available only for United States contributions to multilateral and regional drug abuse control programs. Of the amount authorized to be appropriated by this subsection—

【(1) \$2,000,000 shall be for a United States contribution to the United Nations Fund for Drug Abuse Control;

【(2) \$600,000 shall be for the Organization of American States (OAS) Inter-American Drug Abuse Control Commission (CICAD) Legal Development Project, except that the proportion which such amount bears to the total amount of contributions to this specific project may not exceed the proportion which the United States contribution to the budget of the Organization of American States for that fiscal year bears to the total contributions to the budget of the Organization of American States for that fiscal year; and

【(3) \$400,000 shall be for the Organization of American States (OAS) Inter-American Drug Abuse Control Commission (CICAD) Law Enforcement Training Project, except that the proportion which such amount bears to the total amount of contributions to this specific project may not exceed the proportion which the United States contribution to the budget of the Organization of American States for that fiscal year bears to the total contributions to the budget of the Organization of American States for that fiscal year.】

*Sec. 302. Authorization of Appropriations.—(a) There are authorized to be appropriated to the President \$281,908,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007, for grants to carry out the purposes of this chapter. Amounts appropriated pursuant to the authorization of appropriations in this section are in addition to amounts otherwise available for such purposes.*

【(k)】(b) In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2004 through 2008 to be available only for United States contributions to the Vaccine Fund.

【(l)】(c) In addition to amounts otherwise available under this section, there is authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2004 through 2008 to be available only for United States contributions to the International AIDS Vaccine Initiative.

【(m)】(d) In addition to amounts otherwise available under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2004 through 2008 to be available for United States contributions to malaria vaccine development programs, including the Malaria Vaccine Initiative of the Program for Appropriate Technologies in Health (PATH).

\* \* \* \* \*

SEC. 307. WITHHOLDING OF UNITED STATES PROPORTIONATE SHARE FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.—(a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this chapter shall be available for the United States proportionate share for programs for

Burma, [Iraq,] North Korea, Syria, Libya, Iran, Cuba, or the Palestine Liberation Organization or for projects whose purpose is to provide benefits to the Palestine Liberation Organization or entities associated with it, or at the discretion of the President, Communist countries listed in section 620(f) of this Act.

\* \* \* \* \*

(e) Funds available in any fiscal year to carry out the provisions of this chapter that are returned or not made available for organizations and programs because of the application of this section shall remain available for obligation until September 30 of the fiscal year after the fiscal year for which such funds are appropriated.

\* \* \* \* \*

SEC. 451. CONTINGENCIES.—(a)(1) Notwithstanding any other provision of law, the President is authorized to use funds made available to carry out any provision of this Act (other than the provisions of chapter 1 of this part or the Arms Export Control Act (22 U.S.C. 2751 et seq.)) in order to provide, for any unanticipated contingencies, assistance authorized by this part in accordance with the provisions applicable to the furnishing of such assistance, except that the authority of this subsection may not be used to authorize the use of more than [\$25,000,000] \$50,000,000 during any fiscal year.

\* \* \* \* \*

**SEC. 481. POLICY, GENERAL AUTHORITIES, COORDINATION, FOREIGN POLICE ACTIONS, DEFINITIONS, AND OTHER PROVISIONS.**

\* \* \* \* \*

**SEC. 482. AUTHORIZATION.—(a)\* \* \***

\* \* \* \* \*

**[(g) Excess Property.—For]**

**(g) EXCESS PROPERTY.—**

(1) *AUTHORITY.*—For purposes of this chapter, the Secretary of State may use the authority of section 608, without regard to the restrictions of such section, to receive [nonlethal] excess property (including lethal or nonlethal property) from any agency of the United States Government for the purpose of providing such property to a foreign government under the same terms and conditions as funds authorized to be appropriated for the purposes of this chapter.

(2) *NOTIFICATION.*—Before obligating any funds to obtain lethal excess property under paragraph (1), the Secretary shall submit a notification of such action to Congress in accordance with the procedures set forth in section 634A.

\* \* \* \* \*

**[CHAPTER 9—INTERNATIONAL DISASTER ASSISTANCE]**

**CHAPTER 9—INTERNATIONAL DISASTER AND FAMINE ASSISTANCE**

SEC. 491. POLICY AND GENERAL AUTHORITY.—(a) The Congress, recognizing that prompt United States assistance to alleviate human suffering caused by natural and [manmade disasters] man-made disasters, including famine, is an important expression of the

humanitarian concern and tradition of the people of the United States, affirms the willingness of the United States to provide assistance for the relief and rehabilitation of people and countries affected by such **[disasters.]** *disasters and for programs of reconstruction following such disasters.*

(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, *programs of reconstruction following disasters*, and to the prediction of, and contingency planning for, natural disasters abroad.

(c) In carrying out the provisions of this section the President shall insure that the assistance provided by the United States shall, to the greatest extent possible, reach those most in need of **[relief and rehabilitation]** *relief, rehabilitation, and reconstruction assistance* as a result of natural and manmade **[disasters.]** *disasters, including famine.*

\* \* \* \* \*

SEC. 492. AUTHORIZATION.—(a) There are authorized to be appropriated to the President to carry out section 491, **[\$25,000,000 for the fiscal year 1986 and \$25,000,000 for the fiscal year 1987]** *\$655,500,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007.* Amounts appropriated under this section are authorized to remain available until expended.

\* \* \* \* \*

**[SEC. 494. DISASTER RELIEF ASSISTANCE.—**There is authorized to be appropriated, in addition to other sums available for such purposes, \$65,000,000 for use by the President for disaster relief and emergency recovery needs in Pakistan, and Nicaragua, under such terms and conditions as he may determine, such sums to remain available until expended.**]**

**SEC. 494. TRANSITION AND DEVELOPMENT ASSISTANCE.**

(a) *TRANSITION AND DEVELOPMENT ASSISTANCE.—The President is authorized to furnish assistance to support the transition to democracy and to long-term development in accordance with the general authority contained in section 491, including assistance to—*

- (1) *develop, strengthen, or preserve democratic institutions and processes;*
- (2) *revitalize basic infrastructure; and*
- (3) *foster the peaceful resolution of conflict.*

(b) *AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President \$325,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007, to carry out this section.*

(c) *AVAILABILITY.—Amounts appropriated under this section for the purpose specified in subsection (b)—*

- (1) *are authorized to remain available until expended; and*

(2) are in addition to amounts otherwise available to carry out this section.

\* \* \* \* \*  
SEC. 497.—[AUTHORIZATIONS OF APPROPRIATIONS FOR THE DEVELOPMENT FUND FOR AFRICA.—] AVAILABILITY OF FUNDS.— \* \* \*  
\* \* \* \* \*

**SEC 498B. AUTHORITIES RELATING TO ASSISTANCE AND OTHER PROVISIONS.**

(a) \* \* \*

\* \* \* \* \*

(j) WAIVER OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Funds [authorized to be appropriated for fiscal year 1993 by] *made available to carry out* this chapter, and any other funds [appropriated for fiscal year 1993] that are used under the authority of subsection (f) or (g), may be used to provide assistance under this chapter notwithstanding any other provision of law, except for—

(A) \* \* \*

\* \* \* \* \*

**SEC. 498C. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.— \* \* \*

(b) OPERATING EXPENSES.—

(1) AUTHORITY TO TRANSFER PROGRAM FUNDS.—Subject to paragraph (2), funds made available [under subsection (a)] *to carry out this chapter* may be transferred to, and merged with, funds appropriated for “Operating Expenses of the Agency for International Development”. Funds so transferred may be expended for administrative costs in carrying out this chapter, including reimbursement of the Department of State for its incremental costs associated with assistance provided under this chapter.

(2) LIMITATION ON AMOUNT TRANSFERRED.—Not more than 2 percent of the funds made available for a fiscal year [under subsection (a)] *to carry out this chapter* may be transferred pursuant to paragraph (1) unless, at least 15 days before transferring any additional amount, the President notifies the appropriate congressional committees in accordance with the procedures applicable to re-programming notifications under section 634A of this Act.

\* \* \* \* \*

**SEC. 505. CONDITIONS OF ELIGIBILITY.—(a) \* \* \***

\* \* \* \* \*

(f) Effective July 1, 1974, no defense article shall be furnished to any country on a grant basis unless such country shall have agreed that the net proceeds of sale received by such country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this chapter will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating

to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961. **【**In the case of items which were delivered prior to 1985, the**】** *The* President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so is in the national interest of the United States.

\* \* \* \* \*

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

(b)(1) The value of defense articles to be set aside, earmarked, reserved, or intended for use as war reserve stocks for allied or other foreign countries (other than for purposes of the North Atlantic Treaty Organization or in the implementation of agreements with Israel) in stockpiles located in foreign countries may not exceed in any fiscal year an amount that is specified in security assistance authorizing legislation for that fiscal year.

(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed \$100,000,000 **【**for fiscal years 2004 and 2005**】** *for each of fiscal years 2006 and 2007.*

\* \* \* \* \*

SEC. 532. AUTHORIZATIONS OF APPROPRIATIONS.—**【**(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter—**】** *(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter \$3,036,375,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007.*

\* \* \* \* \*

SEC. 534. ADMINISTRATION OF JUSTICE.—(a) The President may furnish assistance under this part to countries and organizations, including national and regional institutions, in order to strengthen the administration of justice **【**in countries in Latin America and the Caribbean**】**.

(b) Assistance under this section may only include—

(1) \* \* \*

\* \* \* \* \*

(3) notwithstanding section 2420 of this title—

(A) \* \* \*

\* \* \* \* \*

(C) programs to improve the administrative and management capabilities of law enforcement agencies, especially their capabilities relating to career development, personnel evaluation, and internal discipline **【**procedures; and**】** *procedures;*

(D) programs, conducted through multilateral or regional institutions, to improve penal institutions and the rehabilitation of offenders; *and*

(E) *programs to enhance the protection of participants in judicial cases;*

\* \* \* \* \*

[(c) Not more than \$20,000,000 of the funds made available to carry out this part for any fiscal year shall be available to carry out this section, in addition to amounts otherwise available for such purposes.]

[(d)](c) Funds may not be obligated for assistance under this section unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least 15 days in advance in accordance with the procedures applicable to reprogrammings pursuant to section 634A of this title.

[(e)](d) Personnel of the Department of Defense and members of the United States Armed Forces may not participate in the provision of training under this section. [Of the funds made available to carry out this section, not more than \$10,000,000 may be made available in fiscal year 1991 to carry out the provisions of subsection (b)(3) of this section. The authority of this section shall expire on September 30, 1991.]

\* \* \* \* \*

SEC. 541. GENERAL AUTHORITY.—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 *and comparable personnel of international organizations*. 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—

\* \* \* \* \*

SEC. 542. AUTHORIZATION.—[There are authorized to appropriated to the President to carry out the purposes of this chapter \$56,221,000 for fiscal year 1986 and \$56,221,000 for the fiscal year 1987] *There are authorized to be appropriated to the President to carry out the purposes of this chapter \$86,744,000 for the fiscal year 2006 and such sums as may be necessary for fiscal year 2007.*

\* \* \* \* \*

SEC. 551. GENERAL AUTHORITY.—The President is authorized to furnish assistance to friendly countries and international organizations, on such terms and conditions as he may determine, for peacekeeping operations and other programs carried out in furtherance of the national security interests of the United States. [Such assistance may include reimbursements]

(1) *Reimbursements* to the Department of Defense for expenses incurred pursuant to section 7 of the United Nations Participation Act of 1945, except that such reimbursements

may not exceed \$5,000,000 in any fiscal year unless a greater amount is specifically authorized by this section.

*(2) Demining activities, clearance of unexploded ordnance, destruction of small arms, and related activities, notwithstanding any other provision of law.*

\* \* \* \* \*

SEC. 552. AUTHORIZATION OF APPROPRIATIONS.—(a) **【**There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, \$37,000,000 for the fiscal year 1986 and \$37,000,000 for the fiscal year 1987**】** *There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, \$195,800,000 for the fiscal year 2006 and such sums as may be necessary for fiscal year 2007.*

\* \* \* \* \*

SEC 614. SPECIAL AUTHORITIES.—

(a) Furnishing of assistance and arms export sales, credits, and guaranties upon determination and notification of Congress of importance and vitality of such action to security interests and national security interests of United States; policy justification; fiscal year limitations; transfers between accounts.

**【**(1) The President may authorize the furnishing of assistance under this Act without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under this Act, in furtherance of any of the purposes of this Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is important to the security interests of the United States.

**【**(2) The President may make sales, extend credit, and issue guaranties under the Arms Export Control Act, without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.**】**

*(1) The President may authorize any assistance, sale, or other action under this Act, the Arms Export Control Act (22 U.S.C. 2751 et seq.), or any other law that authorizes the furnishing of foreign assistance or the appropriation of funds for foreign assistance, without regard to any of the provisions described in subsection (b) if the President determines, and notifies the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives in writing—*

(A) *with respect to assistance or other actions under chapter 2 or 5 of part II of this Act, or sales or other actions under the Arms Export Control Act, that to do so is vital to the national security interests of the United States; and*  
 (B) *with respect to other assistance or actions, that to do so is important to the security interests of the United States.*

[(3)](2) Before exercising the authority granted in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

[(4)](3)(A) The authority of this subsection may not be used in any fiscal year to authorize—

- (i) more than \$750,000,000 in sales to be made under the Arms Export Control Act;
- (ii) the use of more than \$250,000,000 of funds made available for use under this Act or the Arms Export Control Act; and
- (iii) the use of more than \$100,000,000 of foreign currencies accruing under this Act or any other law.

(B) If the authority of this subsection is used both to authorize a sale under the Arms Export Control Act and to authorize funds to be used under the Arms Export Control Act or under this Act with respect to the financing of that sale, then the use of the funds shall be counted against the limitation in subparagraph (A)(ii) and the portion, if any, of the sale which is not so financed shall be counted against the limitation in subparagraph (A)(i).

(C) Not more than ~~[\$50,000,000]~~ *\$75,000,000 of the \$250,000,000 limitation provided in subparagraph (A)(ii) may be allocated to any one country in any fiscal year unless that country is a victim of active aggression, and not more than \$500,000,000 of the aggregate limitation of \$1,000,000,000 provided in subparagraphs (A)(i) and (A)(ii) may be allocated to any one country in any fiscal year.*

[(5)](4) The authority of this section may not be used to waive the limitations on transfers contained in section 610(a) of this Act [22 USCS 2360(a)].

[(b) United States obligations in West Germany. Whenever the President determines it to be important to the national interest, he may use funds available for the purposes of chapter 4 of part I in order to meet the responsibilities or objectives of the United States in Germany, including West Berlin, and without regard to such provisions of law as he determines should be disregarded to achieve this purpose.

[(c) Certification by President of inadvisability to specify nature of use of funds; reports to Congress. The President is authorized to use amounts not to exceed \$50,000,000 of the funds made available under this Act pursuant to his certification that it is inadvisable to specify the nature of the use of such funds, which certification shall be deemed to be a sufficient voucher for such amounts. The President shall fully inform the chairman and ranking minority

member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority member of the Committee on Foreign Relations of the Senate of each use of funds under this subsection prior to the use of such funds.】

(b) *INAPPLICABLE OR WAIVABLE LAWS.*—*The provisions referred to in subsection (a) are those set forth in any of the following:*

(1) *Any provision of this Act.*

(2) *Any provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.).*

(3) *Any provision of law that authorizes the furnishing of foreign assistance or appropriates funds for foreign assistance.*

(4) *Any other provision of law that restricts assistance, sales or leases, or other action under a provision of law referred to in paragraph (1), (2), or (3).*

(5) *Any provision of law that relates to receipts and credits accruing to the United States.*

\* \* \* \* \*

**SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.**

(a) *AUTHORITY.*—*If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis.*

(b) *SPECIAL AUTHORITIES.*—*To provide assistance authorized in subsection (a), the President may exercise the authorities contained in sections 552(c)(2), 610, and 614 of this Act without regard to the percentage and aggregate dollar limitations contained in such sections.*

(c) *AUTHORIZATION OF FUNDING.*—

(1) *INITIAL AUTHORIZATION.*—*There is authorized to be appropriated, without fiscal year limitation, \$100,000,000 in funds that may be used to provide assistance authorized in subsection (a).*

(2) *REPLENISHMENT.*—*There is authorized to be appropriated each fiscal year such sums as may be necessary to replenish funds expended as provided under paragraph (1). Funds authorized to be appropriated under this paragraph shall be available without fiscal year limitation for the same purpose and under the same conditions as are provided under paragraph (1).*

\* \* \* \* \*

**SEC. 620. PROHIBITIONS AGAINST FURNISHING ASSISTANCE.—(a) \***

\* \* \* \* \*

(1) \* \* \*

(m)(1) *No assistance may be furnished under this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the government of a country if the duly elected head of government for such country*

*is deposed by decree or military coup. The prohibition in the preceding sentence shall cease to apply to a country if the President determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that after the termination of assistance a democratically elected government for such country has taken office.*

*(2) Paragraph (1) does not apply to assistance to promote democratic elections or public participation in democratic processes.*

*(3) The President may waive the application of paragraph (1), and any comparable provision of law, to a country upon determining that it is important to the national security interest of the United States to do so.*

\* \* \* \* \*  
 SEC. 624. STATUTORY OFFICERS.—(a) \* \* \*

\* \* \* \* \*  
 (c) \* \* \*

*(d) Whenever the President submits to the Senate a nomination of an individual for appointment to a position authorized under subsection (a), the President shall designate the particular position in the agency for which the individual is nominated.*

\* \* \* \* \*  
 SEC 634A. NOTIFICATION OF PROGRAM CHANGES.—(a) \* \* \*

(b) The notification requirement of this section does not apply to the reprogramming—

(1) of funds to be used for an activity, program, or project under chapter 1 of part I (22 USC 2151 et seq.) if the amounts to be obligated for that activity, program, or project for that fiscal year do not exceed by more than 10 percent the amount justified to the Congress for that activity, program, or project for that fiscal year; **[or]**

(2) of less than \$25,000 to be used under chapter 8 of part I (22 USC 2291 et seq.), or under chapter 5 of part II (22 USC 2347 et seq.), for a country for which a program under that chapter (22 USC 2347 et seq.) for that fiscal year was justified to the Congress**【.】**;

(3) of funds if the advance notification would pose a substantial risk to human health or welfare, but such notification shall be provided to the committees of Congress named in subsection (a) not later than 3 days after the action is taken; or

(4) of funds made available under section 23 of the Arms Export Control Act (22 U.S.C. 2763) for the provision of major defense equipment (other than conventional ammunition), aircraft, ships, missiles, or combat vehicles in quantities not in excess of 20 percent of the quantities previously justified under section 25 of such Act (22 U.S.C. 2765).

\* \* \* \* \*  
 SEC. 635. GENERAL AUTHORITIES.—(a) \* \* \*

\* \* \* \* \*  
 (h) A contract or agreement which entails commitments for the expenditure of funds **【**available under chapter 1 (22 USC 2151 et seq.) (except development loans) and title II of chapter 2 of part I

(22 USC 2171 et seq.) and under part II may,] *made available under the Act may*, subject to any future action of the Congress, extend at any time for not more than five years.

[(i) Settlement and arbitration of claims arising under investment guaranty operations. Claims arising as a result of investment guaranty operations may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the President may direct. Payment made pursuant to any such settlement, or as a result of arbitration award, shall be final and conclusive notwithstanding any other provision of law.]

*(i) Notwithstanding any other provision of law, claims arising as a result of operations under this Act may be settled (including by use of alternative dispute resolution procedures) or arbitrated with the consent of the parties. Payment made pursuant to any such settlement or arbitration shall be final and conclusive.*

\* \* \* \* \*  
 636. AVAILABILITY OF FUNDS.—(a) \* \* \*  
 (1) \* \* \*

\* \* \* \* \*  
 (3) contracting with individuals for personal services abroad: Provided, That such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the [Civil Service Commission] *Office of Personnel Management*;

(4) \* \* \*

[(5) purchase and hire of passenger motor vehicles: Provided, That, except as may otherwise be provided in an appropriation or other Act, passenger motor vehicles for administrative purposes outside the United States may be purchased for replacement only, and such vehicles may be exchanged or sold and replaced by an equal number of such vehicles, and the cost, including exchange allowance, of each such replacement shall not exceed the current market price in the United States of a mid-sized sedan or station wagon meeting the requirements established by the General Services Administration for a Class III vehicle of United States manufacture (or, if the replacement vehicle is a right-hand drive vehicle, 120 percent of that price) in the case of an automobile for the chief of any special mission or staff outside the United States established under section 631 (22 USC 2391): Provided further, That passenger motor vehicles, other than one for the official use of the head of the agency primarily responsible for administering part I, may be purchased for use in the United States only as may be specifically provided in an appropriation or other Act;]

*(5) purchase and hire of passenger motor vehicles;*

\* \* \* \* \*  
 (10) rent or lease outside the United States [for not to exceed ten years] of offices, buildings, grounds, and quarters, including living quarters to house personnel, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or

rented by the United States Government or made available for use to the United States Government outside the United States; and costs of fuel, water, and utilities for such properties;

\* \* \* \* \*

(c) Notwithstanding any other law, [not to exceed \$6,000,000 of the] funds available for assistance under this Act may be used in any fiscal year (in addition to funds available for such use under other authorities in this Act) to construct or otherwise acquire outside the United States (1) essential living quarters, office space, and necessary supporting facilities for use of personnel carrying out activities authorized by this Act, and (2) schools (including dormitories and boarding facilities) and hospitals for use of personnel carrying out activities authorized by this Act, United States Government personnel, and their dependents. In addition, funds made available for assistance under this Act may be used, notwithstanding any other law, to equip, staff, operate, and maintain such schools and hospitals.

(d) [Not to exceed \$2,500,000 of funds] Funds available for assistance under this Act may be used in any fiscal year to provide assistance, on such terms and conditions as are deemed appropriate, to schools established, or to be established, outside the United States whenever it is determined that such action would be more economical or would best serve the interests of the United States in providing for the education of dependents of personnel carrying out activities authorized by this Act and dependents of United States Government personnel, in lieu of acquisition or construction pursuant to subsection (c) of this section.

\* \* \* \* \*

**SEC. 655. ANNUAL MILITARY ASSISTANCE REPORT.**

(a) REPORT REQUIRED. \* \* \*

\* \* \* \* \*

[(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. 660. POLICE TRAINING PROHIBITION.—(a) \* \* \***

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

(1) \* \* \*

\* \* \* \* \*

(4) 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) with respect to assistance, including training, relating to sanctions monitoring and enforcement;

(6) with respect to assistance 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]** *including any regional, district, municipal, or other subnational entity emerging from instability;*

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

*(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, including training in internationally recognized standards of human rights, the rule of law, and the promotion of civilian police roles that support democracy; or*

*(10) with respect to assistance to combat trafficking in persons. Notwithstanding clause (2), subsection (a) shall apply to any renewal or extension of any contract referred to in such paragraph entered into on or after such date of enactment.*

(c) Country with longstanding democratic tradition, etc. Subsection (a) shall not apply with respect to a country which has a longstanding democratic tradition, does not have standing armed forces, and does not engage in a consistent pattern of gross violations of internationally recognized human rights.

**【(d) Assistance to Honduras or El Salvador. 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 (22 USC 2394-1), 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 nonviolent 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.】**

*(d) Subsection (a) shall not apply to assistance for law enforcement forces for which the President, on a case-by-case basis, determines that it is important to the national interest of the United States to furnish such assistance and submits to the committees of*

*the Congress referred to in subsection (a) of section 634A of this Act an advance notification of the obligation of funds for such assistance in accordance with such section 634A.*

\* \* \* \* \*

**SEC. 667. OPERATING [EXPENSES] EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**—(a) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

**[(1) \$387,000,000 for the fiscal year 1986 and \$387,000,000 for the fiscal year 1987 for necessary operating expenses of the agency primarily responsible for administering part I of this Act, of which \$21,750,000 for the fiscal year 1987 is authorized for the necessary operating expenses of the Office of the Inspector General of the Agency for International Development and the remaining amount for the fiscal year is authorized for other necessary operating expenses of that agency and]**

*(1) \$623,400,000 for the fiscal year 2005 for necessary operating expenses of the United States Agency for International Development; and*

*(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such [agency] Agency.*

*(b) There are authorized to be appropriated to the President, in addition to funds available under subsection (a) or any other provision of law for such purposes—*

*(1) \$36,400,000 for fiscal year 2005 for necessary operating expenses of the Office of Inspector General of the United States Agency for International Development; and*

*(2) such amounts as may be necessary for increases in pay, retirement, and other employee benefits authorized by law for the employees of such Office, and for other nondiscretionary costs of such Office.*

**[(b)](c)** Amounts appropriated under this section are authorized to remain available until expended.

\* \* \* \* \*

## **PART VI—SPECIAL DEBT RELIEF FOR THE POOREST COUNTRIES**

### **SEC. 901. SPECIAL DEBT RELIEF FOR THE POOREST COUNTRIES.**

*(a) AUTHORITY.—Subject to subsections (b) and (c), the President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of any of the following transactions:*

*(1) Concessional loans extended under part I or chapter 4 of part II, or antecedent foreign economic assistance laws.*

*(2) Guarantees issued under sections 221 and 222.*

*(3) Credits extended or guarantees issued under the Arms Export Control Act (22 U.S.C. 2751 et seq.).*

*(4) Any obligation, or portion of such obligation, to pay for purchases of United States agricultural commodities guaran-*

ted by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to—

(A) section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f));

(B) section 201(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5621(b)); or

(C) section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622).

(b) GENERAL LIMITATIONS.—

(1) EXCLUSIVE CONDITIONS.—The authority provided in subsection (a) may be exercised—

(A) only to implement multilateral official debt relief and referendum agreements, commonly referred to as ‘Paris Club Agreed Minutes’;

(B) only in such amounts or to such extent as is provided in advance in appropriations Acts; and

(C) only with respect to countries with heavy debt burdens that—

(i) are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ‘IDA-only’ countries; and

(ii) are not determined ineligible under subsection (c).

(2) ADVANCE NOTIFICATION OF CONGRESS.—The authority provided by subsection (a) shall be subject to the requirements of section 634A.

(c) ELIGIBILITY LIMITATIONS.—The authority provided by subsection (a) may be exercised only with respect to a country the government of which, as determined by the President—

(1) does not make an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) does not engage, through its military or security forces or by other means, in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance under section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 2370a).

(d) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) may not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided in subsection (a) may be exercised notwithstanding section 620(r) of this Act or section 321 of the International Development and Food Assistance Act of 1975 (22 U.S.C. 2220a note).

\* \* \* \* \*

## Foreign Service Act of 1980

\* \* \* \* \*

SEC. 301. GENERAL PROVISIONS RELATING TO APPOINTMENTS.—(a) Only citizens of the United States may be appointed to the Service, other than for service abroad as a consular agent or as a foreign national employee.

(b) The Secretary shall prescribe, as appropriate, written, oral, physical, foreign language, and other examinations for appointment to the Service (other than as a chief of mission or ambassador at large). *At the time of entry into the Service, each member of the Service must be worldwide available, as determined by the Secretary of State through appropriate medical examinations, unless the Secretary determines that a waiver of the worldwide availability requirement is required to fulfill a compelling Service need.*

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

\* \* \* \* \*  
(B)(i) \* \* \*

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

(I)–(III) \* \* \*

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

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

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

\* \* \* \* \*  
[(d) The Secretary shall by regulation establish a recertification process for members of the Senior Foreign Service that is equivalent to the recertification process for the Senior Executive Service under section 3993a of title 5, United States Code.] *Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is repealed.*

\* \* \* \* \*  
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) and (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) as a consular agent;
- (2) in accordance with section 311(a);

[(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 under 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 when 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) in order to settle a grievance, claim, or complaint not otherwise provided for in this section.

(c)(1) Non-career specialist employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment, provided that there is a one-year break in service between each appointment.

(2) The requirement for a one-year break in service may be waived by the Secretary of State in cases of special need.

\* \* \* \* \*

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

(1) in a non-Foreign Service (including Senior Executive Service) position in the Department or another agency, or with an international organization, international commission, or other international body, or with a foreign government under section 506 or 507;

\* \* \* \* \*

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

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

(c) In this section:

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

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

(2) The term “designated entity” means—

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

SEC. 507. SECURITY OFFICERS EXCHANGE.—(a) The Secretary is authorized to establish the Security Officers Exchange Program. Under the program, the Secretary may assign a member of the service, for not more than a total of 3 years, to a position with the Government of Australia or the United Kingdom if such Government permits an employee of such Government to be assigned to a position with the Department.

(b) The salary and benefits of the members of the service shall be paid as described in section 503(b) during a period in which such officer is participating in the Security Officers Exchange Program. The salary and benefits of an employee of the Government of Australia or the United Kingdom participating in such program shall be paid by such country during the period in which such employee is participating in the program.

\* \* \* \* \*

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

\* \* \* \* \*

(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 Service.

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

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

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

(4) In the case of a grievance filed under paragraph (3)—

- (A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the reasonable cause requirement has been fulfilled and whether there is a connection between the conduct and the efficiency of the Service; and
- (B) the Foreign Service Grievance Board may not exercise the authority provided under section 1106(8).

(5) In this subsection:

(A) The term “reasonable time” means—

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

(B) The term “suspend” or “suspension” means the placing of a member of the Service in a temporary status without duties and pay.

\* \* \* \* \*

SEC. 701. INSTITUTION FOR TRAINING .—(a) INSTITUTION OR CENTER FOR TRAINING.— \* \* \*

\* \* \* \* \*

(g) STABILIZATION AND RECONSTRUCTION CURRICULUM.—

(1) ESTABLISHMENT AND MISSION.—The Secretary, in cooperation with the Secretary of Defense and the Secretary of the Army, is authorized to establish a stabilization and reconstruction curriculum for use in programs of the Foreign Service Institute, the National Defense University, and the United States Army War College.

(2) CURRICULUM CONTENT.—The curriculum shall include the following:

(A) An overview of the global security environment, including an assessment of transnational threats and an analysis of United States policy options to address such threats.

(B) A review of lessons learned from previous United States and international experiences in stabilization and reconstruction activities.

(C) An overview of the relevant responsibilities, capabilities, and limitations of various Executive agencies (as that term is defined in section 105 of title 5, United States Code) and the interactions among them.

(D) A discussion of the international resources available to address stabilization and reconstruction requirements, including resources of the United Nations and its specialized agencies, nongovernmental organizations, private and voluntary organizations, and foreign governments, together with an examination of the successes and failures experienced by the United States in working with such entities.

(E) A study of the United States interagency system.

(F) Foreign language training.

(G) Training and simulation exercises for joint civilian-military emergency response operations.

[(g)] (h) The authorities of section 704 shall apply to training and instruction provided under this section.

\* \* \* \* \*

SEC. 824. REEMPLOYMENT.—(a) \* \* \*

\* \* \* \* \*

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

(g)(1) *The Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—*

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

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

(2) *An annuitant for whom a waiver has been granted under paragraph (1) shall not be deemed to be a member of the Service for purposes of this chapter.*

(3) *The authority of the Secretary of State under paragraph (1)(B) to waive the application of subsections (a) through (d) shall expire on September 30, 2007.*

\* \* \* \* \*

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

(1) \* \* \*

\* \* \* \* \*

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

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

(B) locations in the United States;

except that, unless the Secretary otherwise specifies in extraordinary circumstances, travel expenses under this paragraph shall be limited to the cost for a member of the Service, and for each member of the family of the member, of 1 round trip during any 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 Secretary 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. 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. 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.

\* \* \* \* \*

**Arms Export Control Act**

\* \* \* \* \*  
 SEC. 3. ELIGIBILITY.—(a) \* \* \*  
 \* \* \* \* \*

(d)(1) **Subject to paragraph (5), the** *The* President may not give his consent under paragraph (2) of subsection (a) or under the third sentence of such subsection, or under section 505(a)(1) or 505(a)(4)

of the Foreign Assistance Act of 1961, to a transfer of any major defense equipment valued (in terms of its original acquisition cost) at **[\$14,000,000]** *\$50,000,000* or more, or any defense article or related training or other defense **[service valued (in terms of its original acquisition cost) at \$50,000,000]** *service valued (in terms of its original acquisition cost) at \$100,000,000* or more, unless the President submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a written certification with respect to such proposed transfer containing—

\* \* \* \* \*

(3)(A) **[Subject to paragraph (5), the]** *The* President may not give his consent to the transfer of any major defense equipment valued (in terms of its original acquisition cost) at **[\$14,000,000]** *\$50,000,000* or more, or of any defense article or defense **[service valued (in terms of its original acquisition cost) at \$50,000,000]** *service valued (in terms of its original acquisition cost) at \$100,000,000* or more, the export of which has been licensed or approved under section 38 of this Act, unless before giving such consent the President submits to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate a certification containing the information specified in subparagraphs (A) through (E) of paragraph (1). Such certification shall be submitted—

\* \* \* \* \*

**[(5) In the case of a transfer 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 consent of the President set forth in paragraphs (1) and (3)(A) shall apply only if the transfer is—**

**[(A) a transfer of major defense equipment valued (in terms of its original acquisition cost) at \$25,000,000 or more; or**

**[(B) a transfer of defense articles or defense services valued (in terms of its original acquisition cost) at \$100,000,000 or more).]**

\* \* \* \* \*

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

\* \* \* \* \*

(h)(1) \* \* \*

\* \* \* \* \*

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

\* \* \* \* \*

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

\* \* \* \* \*

(b)(1) **【Subject to paragraph (6), in】** *In* the case of any letter of offer to sell any defense articles or services under this **【Act for \$50,000,000】** *Act for \$100,000,000* or more, any design and construction **【services for \$200,000,000】** *services for \$350,000,000* or more, or any major defense equipment for **【\$14,000,000】** *\$50,000,000* or more, *and in other cases if the President determines it is appropriate*, before such letter of offer is issued, 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 numbered certification with respect to such offer to sell containing the information specified in clauses (i) through (iv) of subsection (a), or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a), and a description, containing the information specified in paragraph (8) of subsection (a), of any contribution, gift, commission, or fee paid or offered or agreed to be paid in order to solicit, promote, or otherwise to secure such letter of offer. Such numbered certifications shall also contain an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles, defense services, or design and construction services proposed to be sold, and a detailed justification of the reasons necessitating the sale of such articles or services in view of the sensitivity of such technology. 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. Each such numbered certification shall contain an item indicating whether any offset agreement is proposed to be entered into in connection with such letter of offer to sell (if known on the date of transmittal of such certification). 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—

\* \* \* \* \*

(5)(A) \* \* \*

\* \* \* \* \*

(C) **【Subject to paragraph (6), if】** *If* the enhancement or upgrade in the sensitivity of technology or the capability of major defense equipment, defense articles, defense services, or design and construction services described in a numbered certification submitted under this subsection **【costs \$14,000,000】** *costs \$50,000,000* or more in the case of any major defense **【equipment, \$50,000,000】** *equipment, \$100,000,000* or more in the case of defense articles or defense services, **【or \$200,000,000】** *or \$350,000,000* or more in the case of design or construction services, *and in other cases if the*

*President determines it is appropriate*, then the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a new numbered certification which relates to such enhancement or upgrade and which shall be considered for purposes of this subsection as if it were a separate letter of offer to sell defense equipment, articles, or services, subject to all of the requirements, restrictions, and conditions set forth in this subsection. For purposes of this subparagraph, references in this subsection to sales shall be deemed to be references to enhancements or upgrades in the sensitivity of technology or the capability of major defense equipment, articles, or services, as the case may be.

[(6) The limitation in paragraph (1) and the requirement in paragraph (5)(C) shall apply in the case of a letter of offer to sell 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 only if the letter of offer involves—

[(A) the sale of major defense equipment under this Act for, or the enhancement or upgrade of major defense equipment at a cost of, \$25,000,000 or more, as the case may be; and

[(B) the sale of defense articles or services for, or the enhancement or upgrade of defense articles or services at a cost of, \$100,000,000 or more, as the case may be; or

[(C) the sale of design and construction services for, or the enhancement or upgrade of design and construction services at a cost of, \$300,000,000 or more, as the case may be.]

\* \* \* \* \*

(c)(1) [Subject to paragraph (5), in] *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]~~ *\$50,000,000* or more or of defense articles or defense ~~[services sold under a contract in the amount of \$50,000,000]~~ *services sold under a contract in the amount of \$100,000,000* 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) *and in other cases if the President determines it is appropriate*, 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 and a description from the person who has submitted the license application of any offset agreement proposed to be entered into in connection with such export (if known on the date of transmittal of such statement). In a case in which such articles or services are listed on the Missile Technology Control Regime Annex and 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 Organization 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;

(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) 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.

If the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, thus waiving the requirements of subparagraphs [(A) and (B)] (A), (B), and (C) of this paragraph, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the export license and a discussion of the national security interests involved.

\* \* \* \* \*

[(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) shall apply only if the license is for export of—

[(A) major defense equipment sold under a contract in the amount of \$25,000,000 or more; or

[(B) defense articles or defense services sold under a contract in the amount of \$100,000,000 or more.]

\* \* \* \* \*

(d)(1)(A) In the case of an approval under section 38 of this Act of a United States commercial technical assistance or manufacturing licensing agreement which involves the manufacture abroad of any item of significant combat equipment on the United States Munitions List, before such approval is given, the President shall submit a certification with respect to such proposed commercial agreement in a manner similar to the certification required under subsection (c)(1) containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to [this subsection] *this subparagraph*.

*(B) Notwithstanding section 27(g), in the case of a comprehensive authorization described in section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation) for the proposed export of defense articles or defense services in an amount that exceeds a limitation set forth in subsection (c)(1), before the comprehensive authorization is approved or the addition of a foreign government or other foreign partner to the comprehensive authorization is approved, the President shall submit a certification with respect to the comprehensive authorization in a manner similar to the certification required under subsection (c)(1) of this section and containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to this subparagraph.*

(2) \* \* \*

\* \* \* \* \*

(4) [Approval for an agreement subject to paragraph (1) may not be given under section 38] *Approval for an agreement subject to paragraph (1)(A), or for a comprehensive authorization subject to paragraph (1)(B), may not be given under section 38 or section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation), as the case may be, if the Congress, within the 15-day or 30-day period specified in paragraph (2)(A) or (B), as the case may be, enacts a joint resolution prohibiting such approval.*

\* \* \* \* \*

**State Department Basic Authorities Act of 1956**

\* \* \* \* \*

SECTION 1. (a) SECRETARY OF STATE.—

\* \* \* \* \*

(f) HIV/AIDS RESPONSE COORDINATOR.—

(1) IN GENERAL.— \* \* \*

(2) AUTHORITIES AND DUTIES; DEFINITIONS.—

\* \* \* \* \*

(B) DUTIES.— \* \* \*

\* \* \* \* \*

(ii) SPECIFIC DUTIES.— \* \* \*

\* \* \* \* \*

(VII) Directly approving all activities of the United States (including funding) relating to combatting HIV/AIDS in each of Botswana, Cote d'Ivoire, Ethiopia, Guyana, Haiti, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Tanzania, Uganda, Zambia, *Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic*, and other countries designated by the President, which other designated countries may include those countries in which the United States is implementing HIV/AIDS programs as of the date of the enactment of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

\* \* \* \* \*

SEC. 4. (a) The Secretary of State is authorized to—

\* \* \* \* \*

(b)(1) Expenditures described under subsection (a) shall be made only for such activities as—

\* \* \* \* \*

(2) Activities described in paragraph (1) include—

\* \* \* \* \*

(I) investigations and apprehension of groups or individuals involved in fraudulent issuance of United States passports and visas; **[and]**

(J) gifts of nominal value given by the President, Vice President, or Secretary of State to a foreign dignitary**[.]**; *and*

(K) *assistance to crime victims under section 213 of the Foreign Relations Authorization Act, Fiscal Years 2006 and 2007.*

\* \* \* \* \*

SEC. 24. (a) There are authorized to be appropriated for the Department of State, in addition to amounts otherwise authorized to be appropriated for the Department, such sums as may be necessary for any fiscal year for increases in salary, pay, retirement, and other employee benefits authorized by law.

(b)(1) In order to maintain the levels of program activity for the Department of State provided for each fiscal year by the annual authorizing legislation, there are authorized to be appropriated for the Department of State such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or overseas wage and price changes, which occur after November 30 of the earlier of—

\* \* \* \* \*

(7)(A) Subject to the limitations contained in this paragraph, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for an account under “Administration of Foreign Affairs”, the Secretary of State may transfer any unobligated balance of such funds to the Buying Power Maintenance account.

(B) The balance of the Buying Power Maintenance account may not exceed \$100,000,000 as a result of any transfer under this paragraph.

(C) Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 34 and shall be available for obligation or expenditure only in accordance with the procedures under such section.

[(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.]

\* \* \* \* \*

SEC. 37. (a) GENERAL AUTHORITY.—Under such regulations as the Secretary of State may prescribe, special agents of the Department of State and the Foreign Service may—

\* \* \* \* \*

(d) ADMINISTRATIVE SUBPOENAS.—

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

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

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

(2) REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

(2) carry firearms; and

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

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

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

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

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

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

*in transit between training facilities and Department of State weapons and munitions vaults.*

(f) *ATTORNEY GENERAL APPROVAL.—The powers granted to officers designated under this section shall be exercised in accordance with guidelines approved by the Attorney General.*

(g) *RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to affect the authority of the Secretary of Homeland Security, the Administrator of General Services, or any Federal law enforcement agency.*

(h) *LAW ENFORCEMENT OFFICER STATUS.—The use of the term “law enforcement officer” in this section shall not be construed to qualify a person so designated under this section as a law enforcement officer, as that term is defined in section 8401(17) of title 5, United States Code, for purposes of chapter 84 of such title.”*

\* \* \* \* \*

SEC. 38. (a) INTERNATIONAL AGREEMENTS.— \* \* \*

\* \* \* \* \*

(d) INTERNATIONAL LITIGATION FUND.—

(1) ESTABLISHMENT.— \* \* \*

\* \* \* \* \*

(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.

\* \* \* \* \*

**SEC. 61. GRANT AUTHORITIES.**

*The Secretary of State is authorized to support, by grants, cooperative agreements, or contract, the following activities:*

(1) *Outreach and public diplomacy activities regarding the benefits of agricultural biotechnology, science-based regulatory systems, and the application of such technology for trade and development.*

(2) *Training and technical assistance projects regarding protection of intellectual property rights.*

**SEC. 62. THE UNITED STATES DIPLOMACY CENTER.**

(a) *ACTIVITIES.—*

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

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

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

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

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

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

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

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

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

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

**SEC. 63. RECONSTRUCTION AND STABILIZATION.**

(a) *OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.*—

(1) *ESTABLISHMENT.*—The Secretary shall establish within the Department of State an Office of the Coordinator for Reconstruction and Stabilization.

(2) *COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.*—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the Secretary, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary and shall have the rank and status of Ambassador-at-Large.

(3) *FUNCTIONS.*—The functions of the Office of the Coordinator for Reconstruction and Stabilization include the following:

(A) Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are in, or are in transition from, conflict or civil strife.

(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises.

(C) Planning to address requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises.

(D) Coordinating with relevant Executive agencies (as that term is defined in section 105 of title 5, United States Code) to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises.

(E) Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2005.

(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps or the Response Readiness Reserve established under subsection (b) or to otherwise participate in or contribute to stabilization and reconstruction activities.

(G) Ensuring that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands.

(H) Sharing information and coordinating plans for stabilization and reconstruction activities with the United Nations and its specialized agencies, the North Atlantic Treaty Organization, nongovernmental organizations, and other foreign national and international organizations.

(I) Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities.

(J) Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.

(b) RESPONSE TO STABILIZATION AND RECONSTRUCTION CRISIS.— If the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the President may designate the Coordinator, or such other individual as the President may determine appropriate, as the coordinator of the United States response. The individual so designated, or, in the event the President does not make such a designation, the Coordinator for Reconstruction and Stabilization, shall—

(1) assess the immediate and long-term need for resources and civilian personnel;

(2) identify and mobilize non-military resources to respond to the crisis; and

(3) coordinate the activities of the other individuals or management team, if any, designated by the President to manage the United States response.

(c) **RESPONSE READINESS CORPS.—**(1) **RESPONSE READINESS ACTIVE DUTY PERSONNEL.—**

(A) **ESTABLISHMENT AND PURPOSE.**—*The Secretary, in consultation with the Administrator of the United States Agency for International Development, is authorized to establish a Response Readiness Corps (hereafter referred to in this section as the ‘Corps’) to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are in, or are in transition from, conflict or civil strife.*

(B) **COMPOSITION.**—*The Secretary and Administrator of the United States Agency for International Development should coordinate in the recruitment, hiring, and training of—*

(i) *up to 250 personnel to serve in the active duty Corps; and*

(ii) *such other personnel as the Secretary, in consultation with the Administrator, may designate as members of the Corps from among employees of the Department of State and the United States Agency for International Development.*

(C) **TRAINING.**—*The Secretary shall train the members of the Corps to perform services necessary to carry out the purpose of the Corps under subparagraph (A).*

(D) **COMPENSATION.**—*Members of the Corps hired under subparagraph (B)(i) shall be compensated in accordance with the appropriate salary class for the Foreign Service, as set forth in sections 402 and 403 of the Foreign Service Act of 1980 (22 U.S.C. 3962 and 22 U.S.C. 3963), or in accordance with the relevant authority under sections 3101 and 3392 of title 5, United States Code.*

(2) **RESPONSE READINESS RESERVE DUTY PERSONNEL.—**

(A) **ESTABLISHMENT AND PURPOSE.**—*The Secretary, in consultation with the heads of other relevant Executive agencies, is authorized to establish and maintain a roster of personnel who are trained and available as needed to perform services necessary to carry out the purpose of the Corps under paragraph (1)(A). The personnel listed on the roster shall constitute a reserve component of the Response Readiness Corps.*

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

(i) *have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities; and*

(ii) *have volunteered for deployment to carry out stabilization and reconstruction activities.*

(C) **NON-FEDERAL PERSONNEL.**—*The Response Readiness reserve component should also include at least 500 per-*

sonnel, which may include retired employees of the Federal Government, contractor personnel, nongovernmental organization personnel, and State and local government employees, who—

(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities; and

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

(3) *USE OF RESPONSE READINESS CORPS.—*

(A) *RESPONSE READINESS ACTIVE DUTY COMPONENT.—*

The members of the active duty Corps shall be available—

(i) if responding in support of stabilization and reconstruction activities pursuant to a determination by the President regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, for deployment in support of such activities; and

(ii) if not responding as described in clause (i), for assignment in the United States, United States diplomatic missions, and United States Agency for International Development missions.

(B) *RESPONSE READINESS RESERVE COMPONENT.—*The Secretary may deploy members of the reserve component under paragraph (2) in support of stabilization and reconstruction activities in a foreign country or region if the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961.

\* \* \* \* \*

**Millennium Challenge Act of 2003**

\* \* \* \* \*

**SEC. 616. ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.**

(a) *AUTHORIZATION.—* \* \* \*

\* \* \* \* \*

(d) *FUNDING.—*Not more than 10 percent of the amount appropriated pursuant to the authorization of appropriations under section 619(a) for **【fiscal year 2004】** a fiscal year is authorized to be made available to carry out this section.

\* \* \* \* \*

**SEC. 619. AUTHORIZATION OF APPROPRIATIONS.**

(a) *AUTHORIZATION OF APPROPRIATIONS.—*There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 2004 and 2005**【.】**, \$3,000,000,000 for fiscal year 2006, and such sums as may be necessary for fiscal year 2007.

\* \* \* \* \*

## The Peace Corps Act

\* \* \* \* \*

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

(b)(1) There are authorized to be appropriated to carry out the purposes of this Act **[\$270,000,000 for fiscal year 2000, \$298,000,000 for fiscal year 2001, \$327,000,000 for fiscal year 2002, and \$365,000,000 for fiscal year 2003]** *\$345,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007, of which not less than \$2,000,000 should be made available for Greece in each year.*

(2) Amounts authorized to be appropriated under paragraph (1) for a fiscal year are authorized to remain available for that fiscal year and the subsequent fiscal year.

\* \* \* \* \*

## United Nations Participation Act of 1945

\* \* \* \* \*

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

**[(1)** Make available to the Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations living quarters leased or rented by the United States (for periods not exceeding ten years) and allowances for unusual expenses incident to the operation and maintenance of such living quarters similar to those and to be considered for all purposes as authorized by section 22 of the Administrative Expenses Act of 1946, as amended by section 311 of the Overseas Differentials and Allowances Act.

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

Department of State for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State for such lease or rental or to the appropriation, fund, or account currently available for such purpose.

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

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

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

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

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

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

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

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

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

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

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

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

- (1) by chapter 9 of title I of the Foreign Service Act of 1980; and
- (2) by section 5913 of title 5, United States Code.

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

## United States Code

### TITLE 1

\* \* \* \* \*

#### SEC. 112b.—UNITED STATES INTERNATIONAL AGREEMENTS; TRANSMISSION TO CONGRESS.

(a) The Secretary of State shall transmit to the **【Congress】** *Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives* the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. **【However, any】** *Any* such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States **【shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives】** *shall be transmitted* under an appropriate injunction of secrecy to be removed only upon due notice from the President. Any department or agency of the United States Government which enters into any international agreement on behalf of the United States shall transmit to the Department of State the text of such agreement not later than twenty days after such agreement has been signed.

(b) Not later than March 1, 1979, and at yearly intervals thereafter, **【the President shall, under his own signature,】** *the Secretary shall* transmit to the **【Speaker of the House of Representatives and the chairman of the】** *Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives* a report with respect to each international agreement which, during the preceding year, was transmitted to the **【Congress】** *such Committees* after the expiration of the 60-day period referred to in the first sentence of subsection (a), describing fully and completely the reasons for the late transmittal.

\* \* \* \* \*

### TITLE 5

\* \* \* \* \*

**SEC. 5753. RECRUITMENT AND RELOCATION BONUSES.**

(a)(1) This section may be applied to—

\* \* \* \* \*

(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

(A) a position, *other than as a member of the Foreign Service*, to which an individual is appointed by the President, by and with the advice and consent of the Senate;

**SEC. 5754. RETENTION BONUSES.**

(a)(1) This section may be applied to—

\* \* \* \* \*

(2) A bonus may not be paid under this section to an individual who is appointed to or who holds—

(A) a position, *other than as a member of the Foreign Service*, to which an individual is appointed by the President, by and with the advice and consent of the Senate;

\* \* \* \* \*

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

**SEC. 5913. OFFICIAL RESIDENCE EXPENSES.**

(a) For the purpose of this section, “agency” has the meaning given it by section 5721 of this title.

(b) Under such regulations as the President may prescribe, funds available to an agency for administrative expenses may be allotted to posts in foreign countries to defray the unusual expenses incident to the operation and maintenance of official residences suitable for—

(1) the chief representatives of the United States at the posts; and

(2) such other senior officials of the Government of the United States as the President may designate.

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

\* \* \* \* \*

**SEC. 5924. COST-OF-LIVING ALLOWANCES.**

\* \* \* \* \*

(A) An allowance not to exceed the cost of obtaining such kindergarten, elementary and secondary educational services as are ordinarily provided without charge by the public schools in the United States (including *activities required for successful completion of a grade or course* and such educational services as are provided by the States under the Individuals with Disabilities Education Act), plus, in those cases when adequate schools are not available at the post of the employee, board and room, and periodic transportation between that post and the school chosen by the employee, [not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available] *subject to the approval of the head of the agency involved*, without regard to section 3324(a) and (b) of title 31. When travel

from school to post is infeasible, travel may be allowed between the school attended and the home of a designated relative or family friend or to join a parent at any location, with the allowable travel expense not to exceed the cost of travel between the school and the post. The amount of the allowance granted shall be determined on the basis of the educational facility used.

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

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

\* \* \* \* \*

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

*to transport the baggage with the dependent in connection with the annual trip, and such payment or reimbursement shall be in lieu of transportation of the baggage.*

\* \* \* \* \*

**SEC. 5925. POST DIFFERENTIALS.**

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

\* \* \* \* \*

**SEC. 5928. DANGER PAY ALLOWANCE.**

An employee serving in a foreign area may be granted a danger pay allowance on the basis of civil insurrection, civil war, terrorism, or wartime conditions which threaten physical harm or imminent danger to the health or well-being of the employee. A danger pay allowance may not exceed [25 percent 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.

\* \* \* \* \*

**SEC. 8332. CREDITABLE SERVICE.**

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

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

\* \* \* \* \*

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

\* \* \* \* \*

TITLE 18

\* \* \* \* \*

**SEC. 117. INTERFERENCE WITH CERTAIN PROTECTIVE FUNCTIONS.**

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

\* \* \* \* \*

**Foreign Assistance Act of 1969**

\* \* \* \* \*

SEC. 401. INTER-AMERICAN FOUNDATION.—(a) There is created as an agency of the United States of America a body corporate to be known as the Inter-American Foundation (hereinafter in this section referred to as the “Foundation”).

(b) \* \* \*

\* \* \* \* \*

[(s)(1) Notwithstanding any other provision of law, not to exceed an aggregate amount of \$50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

[(2) There are authorized to be appropriated \$28,800,000 for the fiscal year 1992 and \$31,000,000 for the fiscal year 1993 to carry out this section.]

*(s) There are authorized to be appropriated \$17,826,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007, to carry out this section. Amounts appropriated pursuant to the au-*

*thorization in this subsection are authorized to remain available until expended.*

\* \* \* \* \*

**Security Assistance Act of 2000**

\* \* \* \* \*

**SEC. 513. ASSISTANCE FOR ISRAEL.**

(a) DEFINITIONS.—In this section:

(1) ESF ASSISTANCE.—The term “ESF assistance” means 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.

\* \* \* \* \*

(b) ESF ASSISTANCE.—

(1) IN GENERAL.—Of the amounts made available for each of the fiscal years **[2002 and 2003]** *2006 and 2007* for ESF assistance, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Israel. Such funds are authorized to be made available on a grant basis as a cash transfer.

\* \* \* \* \*

**SEC. 514. ASSISTANCE FOR EGYPT.**

(a) DEFINITIONS.—In this section:

(1) ESF ASSISTANCE.—The term “ESF assistance” means 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.

\* \* \* \* \*

(b) ESF ASSISTANCE.—

(1) IN GENERAL.—Of the amounts made available for each of the fiscal years **[2002 and 2003]** *2006 and 2007* for ESF assistance, the amount specified in paragraph (2) for each such fiscal year is authorized to be made available for Egypt.

\* \* \* \* \*

**International Security and Development Cooperation Act of 1980**

\* \* \* \* \*

SEC. 510. There are authorized to be appropriated to carry out this title, in addition to amounts otherwise available for that purpose, **[\$3,872,000 for fiscal year 1986 and \$3,872,000 for fiscal year 1987]** *\$18,850,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007*. Funds appropriated under this section are authorized to remain available until expended.

\* \* \* \* \*

**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) FISCAL YEAR 2002 AND PRIOR FISCAL YEARS.—

\* \* \* \* \*

[(b) FISCAL YEAR 2005.—

[(1) WAIVER.—The President is authorized to waive, with respect to Pakistan, any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2005 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) would facilitate the transition to democratic rule in Pakistan; and

[(B) is important to United States efforts to respond to, deter, or prevent acts of international terrorism.

[(2) PRIOR CONSULTATION REQUIRED.—Not less than 5 days prior to the exercise of the waiver authority under paragraph (1), the President shall consult with the appropriate congressional committees with respect to such waiver. ]

(b) FISCAL YEAR 2006.—

(1) WAIVER.—*The President is authorized to waive, with respect to Pakistan, any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2006 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) would facilitate the transition to democratic rule in Pakistan; and*

*(B) is important to United States efforts to respond to, deter, or prevent acts of international terrorism.”.*

\* \* \* \* \*

**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) Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)).*

*[(2) Such provision of the annual foreign operations, export financing, and related programs appropriations Acts for fiscal years, 2002, 2003, 2004 and 2005, 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). ]*

(2) *Such provisions of annual foreign operations, export financing, and related programs appropriations Act for fiscal years 2005 and 2006, 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, 2005.]**

*Except as otherwise provided in section 1 or 3, the provisions of this Act shall terminate on October 1, 2006.*

\* \* \* \* \*

**Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999**

\* \* \* \* \*

SEC. 616. (a) None of the funds appropriated or otherwise made available in this Act shall be used to issue visas to any person who—

\* \* \* \* \*

(c) **REPORTING REQUIREMENT.**—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees **[not later than 3 months after the date of enactment of this Act]** *as part of the annual report submitted under paragraph (4) of this subsection.*

(3) The Secretary of State shall submit to the appropriate congressional committees a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees, *as part of the annual report submitted under paragraph (4) of this subsection,* a list of aliens refused entry to the United States as a result of this provision.

\* \* \* \* \*

**Immigration and Nationality Act**

\* \* \* \* \*

**SEC. 214. ADMISSION OF NON-IMMIGRANTS.—(a) \* \* \***

\* \* \* \* \*

**(g) TEMPORARY WORKERS AND TRAINEES; LIMITATION ON NUMBERS.—(1) \* \* \***

\* \* \* \* \*

(5) The numerical limitations contained in paragraph (1)(a) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 1101(a)(15)(h)(i)(b) of this title who—

(A) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 1001(a) of Title 20), or a related or affiliated nonprofit entity;

[(B) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization; or]

*“(B) is employed (or has received an offer of employment) by or at the Broadcasting Board of Governors or one of its grantees, a nonprofit research organization, or a governmental research organization; or*

(C) has earned a master’s or higher degree from a United States institution of higher education (as defined in section 1101(a) of Title 20), until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.

\* \* \* \* \*

**United States International Broadcasting Act of 1994**

\* \* \* \* \*

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

(a) CONTINUED EXISTENCE WITHIN EXECUTIVE BRANCH.—

\* \* \* \* \*

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

\* \* \* \* \*

**SEC. 305. AUTHORITIES OF THE BOARD.**

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

\* \* \* \* \*

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

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

\* \* \* \* \*

(17) To, in its discretion—

(A) pay the expenses of primary and secondary schooling for dependents of personnel stationed in the Commonwealth of the Northern Mariana Islands at a cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Broadcasting Board of Governors that schools available in the locality are unable to provide adequately for the education of such dependents; and

(B) provide transportation of those dependents between their place of residence and schools serving the area, which those dependents would normally attend within the local area, when the Broadcasting Board of Governors determines that such schools are not accessible by public means of transportation.

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

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

\* \* \* \* \*

(c) BROADCASTING BUDGETS.—

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

\* \* \* \* \*

**SEC. 307. INTERNATIONAL BROADCASTING BUREAU.**

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

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

(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future

of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, *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) **AUTHORITY.**—

\* \* \* \* \*

(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 Radio Free Asia unless the headquarters of Radio Free Asia and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability to the Board.

(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] 2015**.

\* \* \* \* \*

(f) **SUNSET PROVISION.**—The Board may not make any grant for the purpose of operating Radio Free Asia after September 30, **[2009] 2015**.

\* \* \* \* \*

**SEC. 310. MIDDLE EAST BROADCASTING NETWORKS.**

(a) **AUTHORITY.**—*Grants authorized under section 305 shall be available to make annual grants to 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 to the Middle East region 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 Broadcasting Board of Governors may not make any grant to the nonprofit 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; and*

(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.

(2) Any grant agreement under this section shall require that any contract entered into by Middle East Broadcasting Networks shall specify that obligations are assumed by Middle East Broadcasting Networks and not 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 that—

(A) requires that grant funds be used only for activities consistent with this section; and

(B) provides 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 among Middle East Broadcasting Networks (including Radio Sawa), RFE/RL, Incorporated, 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 Middle East Broadcasting Networks a Federal agency or instrumentality, nor shall the officers or employees of Middle East Broadcasting Networks be deemed to be officers or employees of the United States Government.

(e) AUDIT AND INSPECTION.—

(1) COMPTROLLER GENERAL OF THE UNITED STATES.—The Comptroller General of the United States may exercise, with respect to financial auditing of Middle East Broadcasting Networks corporation, the authorities provided by chapter 7 of title 31, United States Code, to the extent such authorities may apply with respect to corporations that are not Federal agencies or instrumentalities.

(2) INSPECTOR GENERAL.—The Inspector General of the Department of State and the Broadcasting Board of Governors may exercise with respect to Middle East Broadcasting Networks corporation the authorities granted by section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) and the Inspector General Act of 1978 (5 U.S.C. App.) to the extent such authorities may apply with respect to corporations that are not Federal agencies or instrumentalities.

\* \* \* \* \*

## 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】~~ *\$3,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal year 2007* to carry out the provisions of this title.

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

\* \* \* \* \*

## Diplomatic Security Act

\* \* \* \* \*

### SEC. 301. ACCOUNTABILITY REVIEW BOARDS.

(a) IN GENERAL.—

(1) CONVENING A BOARD.—Except as provided in ~~【paragraph (2)】~~ *paragraph (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.

(2) DEPARTMENT OF DEFENSE FACILITIES AND PERSONNEL.—The Secretary of State is not required to convene a Board in the case of an incident described in paragraph (1) that involves any facility, installation, or personnel of the Department of Defense with respect to which the Secretary has delegated operational control of overseas security functions to the Secretary of Defense pursuant to section 106 of this Act. In any such case, the Secretary of Defense shall conduct an appropriate inquiry. The Secretary of Defense shall report the findings and recommendations of such inquiry, and the action taken with respect to such recommendations, to the Secretary of State and Congress.

(3) *FACILITIES IN AFGHANISTAN AND IRAQ.*—

(A) *LIMITED EXEMPTION 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 such committees a report on the findings and recommendations related to such inquiry and the actions taken with respect to such recommendations.

\* \* \* \* \*

**SEC. 304. FINDINGS AND RECOMMENDATIONS BY A BOARD.**

(a) FINDINGS.—A Board convened in any case shall examine the facts and circumstances surrounding the serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad or surrounding the serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad (as the case may be) and shall make written findings determining—

- (1) the extent to which the incident or incidents with respect to which the Board was convened was security related;
- (2) whether the security systems and security procedures at that mission were adequate;
- (3) whether the security systems and security procedures were properly implemented;
- (4) the impact of intelligence and information availability; and
- (5) such other facts and circumstances which may be relevant to the appropriate security management of United States missions abroad.

(b) PROGRAM RECOMMENDATIONS.—A Board shall submit its findings (which may be classified to the extent deemed necessary by the Board) to the Secretary of [State,] *State and the appropriate congressional committees*, together with recommendations as appropriate to improve the security and efficiency of any program or operation which the Board has reviewed.

(c) PERSONNEL RECOMMENDATIONS.—Whenever a Board finds reasonable cause to believe that an individual described in section 303(a)(1)(B) has breached the duty of that individual, the Board shall—

- (1) notify the individual concerned,
- (2) transmit the finding of reasonable cause, together with all information relevant to such finding, to the head of the appropriate Federal agency or instrumentality, and
- (3) recommend that such agency or instrumentality initiate an appropriate investigatory or disciplinary action.

In determining whether an individual has breached a duty of that individual, the Board shall take into account any standard of con-

duct, law, rule, regulation, contract, or order which is pertinent to the performance of the duties of that individual.

(d) REPORTS.—

【(1) PROGRAM RECOMMENDATIONS.—In any case in which a Board transmits recommendations to the Secretary of State under subsection (b), the Secretary shall, not later than 90 days after the receipt of such recommendations, submit a report to the Congress on each such recommendation and the action taken with respect to that recommendation.】

*(1) PROGRAM RECOMMENDATIONS.—In any case in which a Board transmits recommendations under subsection (b) of this section, the Secretary of State shall, not later than 90 days after the receipt of such recommendations, submit a report to the appropriate congressional committees on each such recommendation and the action taken with respect to that recommendation.*

(2) PERSONNEL RECOMMENDATIONS.—In any case in which a Board transmits a finding of reasonable cause under subsection (c), the head of the Federal agency or instrumentality receiving the information shall review the evidence and recommendations and shall, not later than 30 days after the receipt of that finding, transmit to the 【Congress】 *appropriate congressional committees* a report specifying—

(A) the nature of the case and a summary of the evidence transmitted by the Board; and

(B) the decision by the Federal agency or instrumentality, to take disciplinary or other appropriate action against that individual or the reasons for deciding not to take disciplinary or other action with respect to that individual.

*(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.*

**Omnibus Diplomatic Security and Antiterrorism Act of 1986**

\* \* \* \* \*

**SEC. 406. EFFICIENCY IN CONTRACTING.**

(a)–(b) \* \* \*

(c) DISQUALIFICATION OF CONTRACTORS.—No person doing business with Libya may be eligible for any contract awarded pursuant to this Act.

*Section 406(c) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399) is repealed.*

\* \* \* \* \*

**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) for plans for a new facility and, if necessary, residences or other structures located in close physical proximity to such facility, in Taipei, Taiwan, for AIT to carry out its purposes under the Taiwan Relations Act; and

(2) for acquisition by purchase or construction of such facility, residences, or other structures.

\* \* \* \* \*

**Foreign Relations Authorization Act, Fiscal Years 1998 and 1999**

\* \* \* \* \*

Section 2311(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999 (22 U.S.C. 4010 note) is amended—

(1) by striking “Not later than 90 days after the date of enactment of this Act, the” and inserting “The”;

(2) by striking “5 percent” and inserting “2 percent”; and

(3) by striking “for 2 or more of the 5 years preceding the date of enactment of this Act” and inserting “at least twice in any 5-year period”.

**SEC. 2311. FOREIGN SERVICE REFORM.**

(a) \* \* \*

(b) EXPEDITED SEPARATION OUT.—

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

\* \* \* \* \*

**Radio Broadcasting to Cuba Act**

\* \* \* \* \*

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

**【(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 programming 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) (d) 【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”】 *Any service program of United States Government radio broadcasts to Cuba authorized by this section shall be designated “Radio Marti program”.*】

【(f) In the event broadcasting facilities located at Marathon, Florida, are rendered inoperable by natural disaster or by unlawful destruction, the Broadcasting Board of Governors 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.】

\* \* \* \* \*

**Microenterprise for Self-Reliance and International Anti-Corruption Act of 2000**

\* \* \* \* \*

**SEC. 102. FINDINGS AND DECLARATIONS OF POLICY.**

Congress makes the following findings and declarations:

(1) According to the World Bank, more than 1,200,000,000 people in the developing world, or one-fifth of the world's population, subsist on less than \$1 a day.

\* \* \* \* \*

(4)(A) The poor in the developing world, particularly women, generally lack stable employment and social safety nets.

*(B) Women displaced by armed conflict are particularly at risk, lacking access to traditional livelihoods and means for generating income.*

[(B)] *(C)* Many turn to self-employment to generate a substantial portion of their livelihood. In Africa, over 80 percent of employment is generated in the informal sector of the self-employed poor.

[(C)] *(D)* These poor entrepreneurs are often trapped in poverty because they cannot obtain credit at reasonable rates to build their asset base or expand their otherwise viable self-employment activities.

[(D)] *(E)* Many of the poor are forced to pay interest rates as high as 10 percent per day to money lenders.

\* \* \* \* \*

(13)(A) In order to reach tens of millions of the poorest with microcredit, it is crucial to expand and replicate successful microfinance institutions.

*(B) Particular efforts should be made to expand the availability of microcredit programs to internally displaced persons, who historically have not had access to such programs.*

[(B)] *(C)* These institutions need assistance in developing their institutional capacity to expand their services and tap commercial sources of capital.

\* \* \* \* \*

### Foreign Relations Authorization Act, Fiscal Year 2003

\* \* \* \* \*

#### SEC. 224. ADVISORY COMMITTEE ON CULTURAL DIPLOMACY.

(a) ESTABLISHMENT.— \* \* \*

\* \* \* \* \*

(j) TERMINATION.—The Advisory Committee shall terminate September 30, [2005] 2007.

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

(a)–(e) \* \* \*

(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. 504. PERSONAL SERVICES CONTRACTING PILOT PROGRAM.]**

**SEC. 504. PERSONAL SERVICES CONTRACTING 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] *broadcasters 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) The Director determines that existing personnel resources are insufficient and the need is not of permanent duration.

(2) The Director approves each employment of a personal services contractor.

(3) The contract length, including options, may not exceed 2 years, unless the Director makes a finding that exceptional circumstances justify an extension of up to one additional year.

(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.]

\* \* \* \* \*

**SEC. 694. REPORTS ON ACTIVITIES IN COLOMBIA.**

(a) REPORT ON REFORM ACTIVITIES.— \* \* \*

\* \* \* \* \*

(b) REPORT ON CERTAIN COUNTERNARCOTICS ACTIVITIES.—

(1) DECLARATION OF POLICY.— \* \* \*

\* \* \* \* \*

(c) REPORT CONSOLIDATION.—*The Secretary may satisfy the annual reporting requirements of this section by incorporating the required information with the annual report submitted pursuant to section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)).*

\* \* \* \* \*

**Intelligence Reform and Terrorism Prevention Act of 2004**

\* \* \* \* \*

SUBTITLE E—TREATMENT OF ALIENS WHO COMMIT ACTS OF  
TORTURE, EXTRAJUDICIAL KILLINGS, OR OTHER ATROCITIES ABROAD  
\* \* \* \* \*

**SEC. 5506. REPORT ON IMPLEMENTATION.**

Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the Secretary of Homeland Security *and the Secretary of State*, shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on implementation of this subtitle that includes a description of—

- (1) the procedures used to refer matters to the Office of Special Investigations and other components within the Department of Justice and the Department of Homeland Security in a manner consistent with the amendments made by this subtitle;
- (2) the revisions, if any, made to immigration forms to reflect changes in the Immigration and Nationality Act made by the amendments contained in this subtitle; and
- (3) the procedures developed, with adequate due process protection, to obtain sufficient evidence to determine whether an alien may be inadmissible under the terms of the amendments made by this subtitle.

\* \* \* \* \*

**SEC. 7201. COUNTERTERRORIST TRAVEL INTELLIGENCE.**

(a) FINDINGS.— \* \* \*

\* \* \* \* \*

(c) FRONTLINE COUNTERTERRORIST TRAVEL TECHNOLOGY AND TRAINING.—

(1) TECHNOLOGY ACQUISITION AND DISSEMINATION PLAN.—

Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, in conjunction with the Secretary of State, shall submit to Congress a plan describing how the Department of Homeland Security and the Department of State can acquire and deploy, to the maximum extent feasible, to all consulates, ports of entry, and immigration benefits offices, technologies that facilitate document authentication and the detection of potential terrorist indicators on travel documents. To the extent possible, technologies acquired and deployed under this plan shall be compatible with systems used by the Department of Homeland Security *and the Department of State* to detect fraudulent documents and identify genuine documents.

\* \* \* \* \*

**SEC. 7209. TRAVEL DOCUMENTS.**

(a) FINDINGS.— \* \* \*

\* \* \* \* \*

[(d) TRANSIT WITHOUT VISA PROGRAM.—The Secretary of State shall not use any authorities granted under section 212(d)(4)(C) of such Act until the Secretary, in conjunction with the Secretary of Homeland Security, completely implements a security plan to fully

ensure secure transit passage areas to prevent aliens proceeding in immediate and continuous transit through the United States from illegally entering the United States.】

*(d) TRANSIT WITHOUT VISA PROGRAM.—The Secretary of Homeland Security and the Secretary of State shall not use any authorities granted under section 212(d)(4)(C) of such Act until the Secretary of Homeland Security completely implements a security plan to fully ensure secure transit passage areas to prevent aliens proceeding in immediate and continuous transit through the United States from illegally entering the United States.*

\* \* \* \* \*

**Secure Embassy Construction and Counterterrorism Act of 1999**

\* \* \* \* \*

**SEC. 605. OBLIGATIONS AND EXPENDITURES.**

(a) REPORT AND PRIORITY OF OBLIGATIONS.—

\* \* \* \* \*

(c) 【SEMIANNUAL】 ANNUAL 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
- (B) since the enactment of this Act;

(2) projected obligations and expenditures for the fiscal year in which the report is submitted and how these obligations and expenditures will improve security conditions of specific diplomatic facilities; and

(3) the status of ongoing acquisition and major security enhancement projects, including any significant changes in—

- (A) the budgetary requirements for such projects;
- (B) the schedule of such projects; and
- (C) the scope of the projects.

\* \* \* \* \*

**Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994**

\* \* \* \* \*

TITLE V—GENERAL PROVISIONS

\* \* \* \* \*

SEC. 560. (a) \* \* \*

\* \* \* \* \*

【(g) None of the funds appropriated by this Act shall be made available to any government of the New Independent States of the former Soviet Union if that government directs any action in viola-

tion of the territorial integrity or national sovereignty of any other New Independent State, such as those violations included in Principle Six of the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national interest of the United States: *Provided further*, That the restriction of this subsection shall not apply to the use of such funds for the provision of assistance for purposes of humanitarian, disaster and refugee relief: *Provided further*, That thirty days after the date of enactment of this Act, and then annually thereafter, the Secretary of State shall report to the Committees on Appropriations on steps taken by the governments of the New Independent States concerning violations referred to in this subsection: *Provided further*, That in preparing this report the Secretary shall consult with the United States Representative to the Conference on Security and Cooperation in Europe.】

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### Arms Control and Disarmament Act

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SEC. 306. (a) IN GENERAL.—In order to ensure that arms control, nonproliferation, and disarmament agreements can be verified, the Secretary of State shall report to Congress, on a timely basis, or upon request by an appropriate committee of the Congress—

(1) in the case of any arms control, nonproliferation, or disarmament agreement *or other formal commitment* that has been concluded by the United States, the determination of the Secretary of State as to the degree to which the components of such agreement *or other formal commitment* can be verified;

(2) in the case of any arms control, nonproliferation, or disarmament agreement that has entered into force, any significant degradation or alteration in the capacity of the United States to verify compliance of the components of such agreement *or other formal commitment*;

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【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—

【(1) a detailed statement concerning the arms control, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year;

【(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;

[(3) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;

[(4) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments, including the Missile Technology Control Regime, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements or commitments, and shall include, in the case of each agreement or commitment about which compliance questions exist—

[(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

[(B) an assessment of damage, if any, to the United States security and other interests; and

[(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems;

[(5) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994) by non-nuclear-weapon states (as defined in section 830(5) of that Act) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 830(8) of that Act), including—

[(A) a net assessment of the aggregate military significance of all such violations;

[(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

[(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with those commitments; and

[(6) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements with the United States.

[(b) CLASSIFICATION OF THE REPORT.—The report required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclu-

sions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.

[(c) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to the Congress under this section reports that any designated nation is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

[(d) Each report required by this section shall include a discussion of each significant issue described in subsection (a)(6) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the appropriate committees of Congress (as defined in section 1102(1) of the Arms Control, Non-Proliferation, and Security Assistance Act of 1999).]

*SEC. 403. (a) REPORT ON OBJECTIVES AND NEGOTIATIONS.—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, in consultation with the Secretary of Defense, the Secretary of Energy, the Director of National Intelligence, 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—*

*(1) a detailed statement concerning the arms control, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year; and*

*(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year.*

*(b) REPORT ON COMPLIANCE.—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 the Central Intelligence Agency 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 compliance. Such report shall include—*

*(1) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;*

(2) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments, including the Missile Technology Control Regime, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements or commitments, including, in the case of each agreement or commitment about which compliance questions exist—

(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

(B) an assessment of damage, if any, to United States security and other interests;

(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems; and

(D) for states that are not parties to such agreements or commitments, a description of activities of concern carried out by such states and efforts underway to bring such states into adherence with such agreements or commitments;

(3) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)) by non-nuclear-weapon states (as defined in section 830(5) of that Act (22 U.S.C. 6305(5)) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 830(8) of that Act (22 U.S.C. 6305(8))), including—

(A) a net assessment of the aggregate military significance of all such violations;

(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

(C) what actions, if any, the President has taken or proposes to take to bring any country committing such a violation into compliance with those commitments; and

(4) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements and other formal commitments with the United States.

(c) **CHEMICAL WEAPONS CONVENTION COMPLIANCE REPORT REQUIREMENT SATISFIED.**—The report submitted pursuant to subsection (b) shall include the information required under section 2(10)(C) of Senate Resolution 75, 105th Congress, agreed to April 24, 1997, advising and consenting to the ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris January 13, 1993 and entered into force April 29, 1997 (popularly known as the ‘Chemical Weapons Convention’; T.Doc. 103–21)

(d) *CLASSIFICATION OF REPORT.*—The reports required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The report portions described in paragraphs (2) and (3) of subsection (b) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other countries that are provided by United States intelligence agencies.

(e) *REPORTING CONSECUTIVE NONCOMPLIANCE.*—If the President in consecutive reports submitted to the Congress under subsection (b) reports that any country is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

(f) *ADDITIONAL REQUIREMENT.*—Each report required by subsection (b) shall include a discussion of each significant issue described in subsection (b)(4) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.”

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**Afghanistan Freedom Support Act of 2002**

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**SEC. 305. FORMULATION OF LONG-TERM STRATEGY FOR AFGHANISTAN.**

(a) *STRATEGY.*—

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(c) *CONSOLIDATION OF REPORTS.*—

(1) *AUTHORITY.*—In order to enhance efficient use of resources, the President may consolidate or combine into one submission for any year any of the following matters required to be submitted in or for that year:

- (A) The strategy under subsection (a).
- (B) An annual report under subsection (b).
- (C) An annual submission of the Afghanistan assistance plan required under section 104(c).
- (D) The semiannual report required under section 206(c), relating to the implementation of strategies for meeting the immediate and long-term security needs of Afghanistan.

(2) *COMBINED DISCUSSION.*—The authority under paragraph (1) includes authority to satisfy a requirement for addressing a factor or a criterion in a strategy, plan, or report referred to in that paragraph by addressing that factor or criterion once in the consolidated or combined submission for the purposes of all such requirements.

**Agricultural Trade Development and Assistance Act of 1954**

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**TITLE I—TRADE AND DEVELOPMENT ASSISTANCE**

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**SEC. 104. USE OF LOCAL CURRENCY PAYMENT.**

(a) **IN GENERAL.**—Agreements under this title may provide that the Secretary shall use payments made in local currencies by the developing country or private entity in accordance with this section.

(b) **SPECIAL ACCOUNT.**—Foreign currencies received by the Secretary under this title shall be deposited in a separate account, that may be interest-bearing, to the credit of the United States and such currencies and interest thereon shall be used as provided for in this section.

(c) **ACTIVITIES.**—The proceeds from the payments referred to in subsection (a) may be used in the appropriate developing country for the following:

(1) **TRADE DEVELOPMENT.**—To carry out programs to help develop markets for United States agricultural commodities on a mutually beneficial basis in the appropriate developing country.

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(8) **UNITED STATES OBLIGATIONS.**—To make payments of United States obligations (including obligations entered into pursuant to other laws).

(9) *SAFE WATER.*—To provide assistance under section 104D of the Foreign Assistance Act of 1961 to advance good health and promote economic development by improving the safety of water supplies, including programs related to drilling or maintaining wells.

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