

108TH CONGRESS
2D SESSION

H. R. 4053

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2004

Received; read twice and referred to the Committee on Foreign Relations

AN ACT

To improve the workings of international organizations and
multilateral institutions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States Inter-
3 national Leadership Act of 2004”.

4 **TITLE I—UNITED STATES**
5 **INTERNATIONAL LEADERSHIP**

6 **SEC. 101. FINDINGS.**

7 The Congress makes the following findings:

8 (1) Decisions at many international organiza-
9 tions and other multilateral institutions, including
10 membership and key positions, remain subject to de-
11 terminations made by regional groups where demo-
12 cratic states are often in the minority and where
13 there is intensive cooperation among repressive re-
14 gimes. As a result, the United States has often been
15 blocked in its attempts to take action in these insti-
16 tutions to advance its goals and objectives, including
17 at the United Nations Human Rights Commission
18 (where a representative of Libya was elected as
19 chairman and the United States temporarily lost a
20 seat).

21 (2) In order to address these shortcomings, the
22 United States must actively work to improve the
23 workings of international organizations and multilat-
24 eral institutions, particularly by creating a caucus of
25 democratic countries that will advance United States
26 interests. In the second Ministerial Conference of

1 the Community of Democracies in Seoul, Korea, on
2 November 10–20, 2002, numerous countries rec-
3 ommended working together as a democracy caucus
4 in international organizations such as the United
5 Nations and ensuring that international and regional
6 institutions develop and apply democratic standards
7 for member states.

8 **SEC. 102. ESTABLISHMENT OF A DEMOCRACY CAUCUS.**

9 (a) IN GENERAL.—The President of the United
10 States, acting through the Secretary of State and the rel-
11 evant United States chiefs of mission, shall seek to estab-
12 lish a democracy caucus at the United Nations, the United
13 Nations Human Rights Commission, the United Nations
14 Conference on Disarmament, and at other broad-based
15 international organizations.

16 (b) PURPOSES OF THE CAUCUS.—A democracy cau-
17 cus at an international organization should—

18 (1) forge common positions, including, as ap-
19 propriate, at the ministerial level, on matters of con-
20 cern before the organization and work within and
21 across regional lines to promote agreed positions;

22 (2) work to revise an increasingly outmoded
23 system of regional voting and decision making; and

24 (3) set up a rotational leadership scheme to
25 provide member states an opportunity, for a set pe-

1 riod of time, to serve as the designated president of
2 the caucus, responsible for serving as its voice in
3 each organization.

4 **SEC. 103. ANNUAL DIPLOMATIC MISSIONS ON MULTILAT-**
5 **ERAL ISSUES.**

6 The Secretary of State, acting through the principal
7 officers responsible for advising the Secretary on inter-
8 national organizations, shall ensure that a high-level dele-
9 gation from the United States Government, on an annual
10 basis, is sent to consult with key foreign governments in
11 every region in order to promote the United States agenda
12 at key international fora, such as the United Nations Gen-
13 eral Assembly, United Nations Human Rights Commis-
14 sion, the United Nations Education, Science, and Cultural
15 Organization, and the International Whaling Commission.

16 **SEC. 104. LEADERSHIP AND MEMBERSHIP OF INTER-**
17 **NATIONAL ORGANIZATIONS.**

18 (a) UNITED STATES POLICY.—The President, acting
19 through the Secretary of State and the relevant United
20 States chiefs of mission, shall use the voice, vote, and in-
21 fluence of the United States to—

22 (1) where appropriate, reform the criteria for
23 leadership and, in appropriate cases for membership,
24 at all United Nations bodies and at other inter-
25 national organizations and multilateral institutions

1 to which the United States is a member so as to ex-
2 clude nations that violate the principles of the spe-
3 cific organization;

4 (2) make it a policy of the United Nations and
5 other international organizations and multilateral in-
6 stitutions, of which the United States is a member,
7 that a member state may not stand in nomination
8 or be in rotation for a leadership position in such
9 bodies if the member state is subject to sanctions
10 imposed by the United Nations Security Council;
11 and

12 (3) work to ensure that no member state stand
13 in nomination or be in rotation for a leadership posi-
14 tion in such organizations, or for membership of the
15 United Nations Security Council, if the member
16 state is subject to a determination under section
17 620A of the Foreign Assistance Act of 1961, section
18 40 of the Arms Export Control Act, or section 6(j)
19 of the Export Administration Act.

20 (b) REPORT TO CONGRESS.—Not later than 15 days
21 after a country subject to a determination under section
22 620A of the Foreign Assistance Act of 1961, section 40
23 of the Arms Export Control Act, or section 6(j) of the
24 Export Administration Act of 1979 is selected for a lead-
25 ership post in an international organization of which the

1 United States is a member or a membership of the United
2 Nations Security Council, the Secretary of State shall sub-
3 mit to the appropriate congressional committees a report
4 on any steps taken pursuant to subsection (a)(3).

5 **SEC. 105. INCREASED TRAINING IN MULTILATERAL DIPLO-**
6 **MACY.**

7 (a) TRAINING PROGRAMS.—Section 708 of the For-
8 eign Service Act of 1980 (22 U.S.C. 4028) is amended
9 by adding after subsection (b) the following new sub-
10 section:

11 “(c) TRAINING IN MULTILATERAL DIPLOMACY.—

12 “(1) IN GENERAL.—The Secretary shall estab-
13 lish a series of training courses for officers of the
14 Service, including appropriate chiefs of mission, on
15 the conduct of diplomacy at international organiza-
16 tions and other multilateral institutions and at
17 broad-based multilateral negotiations of inter-
18 national instruments.

19 “(2) PARTICULAR PROGRAMS.—The Secretary
20 shall ensure that the training described in paragraph
21 (1) is provided at various stages of the career of
22 members of the service. in particular, the Secretary
23 shall ensure that after January 1, 2006—

24 “(A) officers of the Service receive training
25 on the conduct of diplomacy at international or-

ganizations and other multilateral institutions and at broad-based multilateral negotiations of international instruments as part of their training upon entry of the Service; and

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

(b) TRAINING FOR CIVIL SERVICE EMPLOYEES.—

The Secretary shall ensure that employees of the Department of State that are members of the civil service and that are assigned to positions described in section 708(c) of the Foreign Service Act of 1980 (as amended by this subtitle) have training described in such section.

1 (c) CONFORMING AMENDMENTS.—Section 708 of
 2 such Act is further amended—

3 (1) In subsection (a) by striking “(a) The” and
 4 inserting “(a) TRAINING ON HUMAN RIGHTS.—
 5 The”; and

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

9 **SEC. 106. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
 10 **ORGANIZATIONS.**

11 (a) PROMOTIONS.—

12 (1) IN GENERAL.—Section 603(b) of the For-
 13 eign Service Act of 1980 (22 U.S.C. 4003) is
 14 amended by striking the period at the end and in-
 15 serting: “, and shall consider whether the member of
 16 the Service has served in a position whose primary
 17 responsibility is to formulate policy towards or rep-
 18 resent the United States at an international organi-
 19 zation, a multilateral institution, or a broad-based
 20 multilateral negotiation of an international instru-
 21 ment.”.

22 (2) EFFECTIVE DATE.—The amendment made
 23 by paragraph (1) shall take effect January 1, 2011.

24 (b) ESTABLISHMENT OF A MULTILATERAL DIPLO-
 25 MACY CONE IN THE FOREIGN SERVICE.—

1 (1) FINDINGS.—Congress finds the following:

2 (A) The Department of State maintains a
3 number of United States missions both within
4 the United States and abroad that are dedi-
5 cated to representing the United States to
6 international organizations and multilateral in-
7 stitutions, including missions in New York,
8 Brussels, Geneva, Rome, Montreal, Nairobi, Vi-
9 enna, and Paris, and which are responsible for
10 United States representation to the United Na-
11 tions Economics, Scientific and Cultural Orga-
12 nization (UNESCO) and the Organization on
13 Economic Cooperation and Development
14 (OECD).

15 (B) In offices at the Harry S. Truman
16 Building, the Department maintains a signifi-
17 cant number of positions in bureaus that are ei-
18 ther dedicated, or whose primary responsibility
19 is, to represent the United States to such orga-
20 nizations and institutions or at multilateral ne-
21 gotiations.

22 (C) Given the large number of positions in
23 the United States and abroad that are dedi-
24 cated to multilateral diplomacy, the Department
25 of State may be well served in developing per-

1 sons with specialized skills necessary to become
2 experts in this unique form of diplomacy.

3 (2) REPORT.—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary
5 shall submit to the appropriate congressional com-
6 mittees a report—

7 (A) evaluating whether a new cone should
8 be established for the Foreign Service that con-
9 centrates on members of the Service that serve
10 at international organizations and multilateral
11 institutions or are primarily responsible for par-
12 ticipation in broad-based multilateral negotia-
13 tions of international instruments; and

14 (B) provides alternative mechanisms for
15 achieving the objective of developing a core
16 group of United States diplomats and other
17 government employees who have expertise and
18 broad experience in conducting multilateral di-
19 plomacy.

20 **SEC. 107. IMPLEMENTATION AND ESTABLISHMENT OF OF-**
21 **FICE ON MULTILATERAL NEGOTIATIONS.**

22 (a) ESTABLISHMENT OF OFFICE.—The Secretary of
23 State is authorized to establish, within the Bureau of
24 International Organizational Affairs, an Office on Multi-
25 lateral Negotiations to be headed by a Special Representa-

1 tive for Multilateral Negotiations (in this section referred
2 to as the “special representative”).

3 (b) APPOINTMENT.—The special representative shall
4 be appointed by the President with the advice and consent
5 of the Senate and shall have the rank of Ambassador-at-
6 Large. At the discretion of the President another official
7 at the Department may serve as the special representative.
8 The President may direct that the special representative
9 report to the Assistant Secretary for International Organi-
10 zations.

11 (c) STAFFING.—The special representative shall have
12 a staff of foreign service and civil service officers skilled
13 in multilateral diplomacy.

14 (d) DUTIES.—The special representative shall have
15 the following responsibilities:

16 (1) IN GENERAL.—The primary responsibility
17 of the special representative shall be to assist in the
18 organization of, and preparation for, United States
19 participation in multilateral negotiations, including
20 the advocacy efforts undertaken by the Department
21 of State and other United States agencies.

22 (2) ADVISORY ROLE.—The special representa-
23 tive shall advise the President and the Secretary of
24 State, as appropriate, regarding advocacy at inter-
25 national organizations and multilateral institutions

1 and negotiations and, in coordination with the as-
2 sistant Secretary of State for international organiza-
3 tional affairs, shall make recommendations regard-
4 ing—

5 (A) effective strategies (and tactics) to
6 achieve United States policy objectives at multi-
7 lateral negotiations;

8 (B) the need for and timing of high level
9 intervention by the President, the Secretary of
10 State, the Deputy Secretary of State, and other
11 United States officials to secure support from
12 key foreign government officials for the United
13 States position at such organizations, institu-
14 tions, and negotiations;

15 (C) the composition of United States dele-
16 gations to multilateral negotiations; and

17 (D) liaison with Congress, international or-
18 ganizations, nongovernmental organizations,
19 and the private sector on matters affecting mul-
20 tilateral negotiations.

21 (3) DEMOCRACY CAUCUS.—The special rep-
22 resentative, in coordination with the Assistant Sec-
23 retary for International Organizational Affairs, shall
24 ensure the establishment of a democracy caucus.

1 (4) ANNUAL DIPLOMATIC MISSIONS OF MULTI-
2 LATERAL ISSUES.—The special representative, in co-
3 ordination with the Assistant Secretary for Inter-
4 national Organizational Affairs, shall organize an-
5 nual diplomatic missions to appropriate foreign
6 countries to conduct consultations between principal
7 officers responsible for advising the Secretary of
8 State on international organizations and high-level
9 representatives of the governments of such foreign
10 countries to promote the United States agenda at
11 the United Nations General Assembly and other key
12 international fora (such as the United Nations
13 Human Rights Commission).

14 (5) LEADERSHIP AND MEMBERSHIP OF INTER-
15 NATIONAL ORGANIZATIONS.—The special representa-
16 tive, in coordination with the Assistant Secretary of
17 International Organizational Affairs, shall direct the
18 efforts of the United States Government to reform
19 the criteria for leadership and membership of inter-
20 national organizations as described in section 104.

21 (6) PARTICIPATION IN MULTILATERAL NEGO-
22 TIATIONS.—The special representative, or members
23 of the special representative's staff, may, as required
24 by the President or the Secretary of State, serve on

1 a United States delegation to any multilateral nego-
2 tiation.

3 (e) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Secretary of State shall
5 submit a plan to establish a democracy caucus to the ap-
6 propriate congressional committees. The report required
7 by section 106(b)(2) may be submitted together with the
8 report under this subsection.

9 **SEC. 108. DEFINITION.**

10 In this title, the term “appropriate congressional
11 committees” means the Committee on International Rela-
12 tions of the House of Representatives and the Committee
13 on Foreign Relations of the Senate.

14 **TITLE II—MISCELLANEOUS**
15 **PROVISIONS**

16 **SEC. 201. REPORTS RELATING TO MAGEN DAVID ADOM SO-**
17 **CIETY.**

18 (a) FINDINGS.—Section 690(a) of the Foreign Rela-
19 tions Authorization Act, Fiscal Year 2003 (Public Law
20 107–228) is amended by adding at the end the following:

21 “(5) Since the founding of the Magen David
22 Adom in 1930, the American Red Cross has re-
23 garded it as a sister national society forging close
24 working ties between the two societies and has con-
25 sistently advocated recognition and membership of

1 the Magen David Adom in the International Red
2 Cross and Red Crescent Movement.

3 “(6) The American Red Cross and Magen
4 David Adom signed an important memorandum of
5 understanding in November 2002, outlining areas
6 for strategic collaboration, and the American Red
7 Cross will encourage other societies to establish simi-
8 lar agreements with Magen David Adom.”.

9 (b) SENSE OF CONGRESS.—Section 690(b) of such
10 Act is amended—

11 (1) in paragraph (3) after the semicolon by
12 striking “and”;

13 (2) by redesignating paragraph (4) as para-
14 graph (5); and

15 (3) by inserting after paragraph (3) the fol-
16 lowing new paragraph:

17 “(4) the High Contracting Parties to the Gene-
18 va Conventions of August 12, 1949, should adopt
19 the October 12, 2000, draft additional protocol
20 which would accord international recognition to an
21 additional distinctive emblem; and”.

22 (c) REPORT.—Section 690 of such Act is further
23 amended by adding at the end the following:

24 “(c) REPORT.—Not later than 60 days after the date
25 of the enactment of the United States International Lead-

1 ership Act of 2004, and annually thereafter, the Secretary
2 of State shall submit a report, on a classified basis if nec-
3 essary, to the appropriate congressional committees de-
4 scribing—

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

8 “(2) efforts by the International Committee of
9 the Red Cross to obtain full membership for the
10 Magen David Adom in the International Red Cross
11 Movement;

12 “(3) efforts of the High Contracting Parties to
13 the Geneva Convention of 1949 to adopt the October
14 12, 2000, draft additional protocol; and

15 “(4) the extent to which the Magen David
16 Adom of Israel is participating in the activities of
17 the International Red Cross and Red Crescent Move-
18 ment.”.

19 **SEC. 202. VOLUNTARY CONTRIBUTION TO ORGANIZATION**
20 **OF AMERICAN STATES.**

21 There are authorized to be appropriated \$2,000,000
22 for a United States voluntary contribution to the Organi-
23 zation of American States for the Inter-American Com-
24 mittee Against Terrorism (CICTE) to identify and develop
25 a port in the Latin American and Caribbean region into

1 a model of best security practices and appropriate tech-
2 nologies for improving port security in the Western Hemi-
3 sphere. Amounts authorized to be appropriated under this
4 section are authorized to remain available until expended
5 and are in addition to amounts otherwise available to
6 carry out section 301 of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2221).

8 **SEC. 203. COMBATTING THE PIRACY OF UNITED STATES**
9 **COPYRIGHTED MATERIALS.**

10 (a) **AUTHORIZATION OF APPROPRIATIONS.**—In addi-
11 tion to such amounts as may otherwise be authorized to
12 be appropriated for such purpose, there are authorized to
13 be appropriated for the Department of State, \$10,000,000
14 to carry out the following activities in countries that are
15 not members of the Organization for Economic Coopera-
16 tion and Development (OECD):

17 (1) Provision of equipment and training for for-
18 eign law enforcement, including in the interpretation
19 of intellectual property laws.

20 (2) Training for judges and prosecutors, includ-
21 ing in the interpretation of intellectual property
22 laws.

23 (3) Assistance in complying with obligations
24 under appropriate international copyright and intel-
25 lectual property treaties and agreements.

1 (b) CONSULTATION WITH WORLD INTELLECTUAL
2 PROPERTY ORGANIZATION.—In carrying out subsection
3 (a), the Department of State should make every effort to
4 consult with, and provide appropriate assistance to, the
5 World Intellectual Property Organization to promote the
6 integration of non-OECD countries into the global intel-
7 lectual property system.

Passed the House of Representatives June 23, 2004.

Attest:

JEFF TRANDAHL,

Clerk.