

Calendar No. 390

108TH CONGRESS
1ST SESSION**S. 1864**

To enhance the security of the United States and United States allies.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14 (legislative day, NOVEMBER 12), 2003

Mr. LUGAR (for himself and Mr. BIDEN) introduced the following bill; which
was read the first time

NOVEMBER 17, 2003

Read the second time and placed on the calendar

A BILL

To enhance the security of the United States and United
States allies.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Security Enhancement Act of 2003”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—DEFENSE TRADE COOPERATION

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Definitions.
- Sec. 104. Exception to bilateral agreement requirements for transfers of defense items within Australia and the United Kingdom.
- Sec. 105. Certifications for the United Kingdom and Australia.
- Sec. 106. Notification of regulations permitting bilateral licensing exemptions.
- Sec. 107. Report on issues raised in consultations pursuant to bilateral agreements with Australia and the United Kingdom.
- Sec. 108. Special reports on unauthorized end-use or diversion.

TITLE II—RADIOLOGICAL TERRORISM THREAT REDUCTION

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Definitions.
- Sec. 204. International storage facilities for radioactive sources.
- Sec. 205. Discovery, inventory, and recovery of radioactive sources.
- Sec. 206. Radioisotope thermal generator power units in the independent states of the former Soviet Union.
- Sec. 207. Foreign first responders.
- Sec. 208. Threat assessment reports.
- Sec. 209. Availability of funds.

TITLE III—GLOBAL PATHOGEN SURVEILLANCE

- Sec. 301. Short title.
- Sec. 302. Findings; purposes.
- Sec. 303. Definitions.
- Sec. 304. Priority for certain countries.
- Sec. 305. Restriction.
- Sec. 306. Fellowship program.
- Sec. 307. In-country training in laboratory techniques and syndrome surveillance.
- Sec. 308. Assistance for the purchase and maintenance of public health laboratory equipment.
- Sec. 309. Assistance for improved communication of public health information.
- Sec. 310. Assignment of public health personnel to United States missions and international organizations.
- Sec. 311. Expansion of certain United States Government laboratories abroad.
- Sec. 312. Assistance for regional health networks and expansion of foreign epidemiology training programs.
- Sec. 313. Availability of funds.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Authority to transfer naval vessels to certain foreign countries.
- Sec. 402. Transfer of certain obsolete or surplus defense articles in the war reserve stockpiles for allies to Israel.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 2 TEES.—The term “appropriate congressional com-
 3 mittees” means the Committee on Foreign Relations
 4 of the Senate and the Committee on International
 5 Relations of the House of Representatives.

6 (2) DEFENSE ARTICLES.—The term “defense
 7 articles” has the meaning given the term in section
 8 47 of the Arms Export Control Act (22 U.S.C.
 9 2794).

10 (3) DEFENSE SERVICES.—The term “defense
 11 services” has the meaning given the term in section
 12 47 of the Arms Export Control Act (22 U.S.C.
 13 2794).

14 (4) SECRETARY.—Unless otherwise provided,
 15 the term “Secretary” means the Secretary of State.

16 **TITLE I—DEFENSE TRADE** 17 **COOPERATION**

18 **SEC. 101. SHORT TITLE.**

19 This title may be cited as the “Defense Trade Co-
 20 operation Act of 2003”.

21 **SEC. 102. FINDINGS.**

22 Congress makes the following findings:

23 (1) Close defense cooperation between the
 24 United States and each of the United Kingdom and

1 Australia requires interoperability among the armed
2 forces.

3 (2) The need for interoperability must be bal-
4 anced with the need for the appropriate and effective
5 regulation of trade in defense articles and defense
6 services.

7 (3) The Arms Export Control Act (22 U.S.C.
8 2751 et seq.) represents a delegation to the execu-
9 tive branch of the constitutional power of Congress
10 to regulate commerce with foreign nations.

11 (4) Agreements to gain exemption from the
12 International Traffic in Arms Regulations must be
13 submitted to Congress for review.

14 **SEC. 103. DEFINITION OF INTERNATIONAL TRAFFIC IN**
15 **ARMS REGULATIONS.**

16 In this title, the term “International Traffic in Arms
17 Regulations” means the regulations maintained under sec-
18 tions 120 through 130 of title 22, Code of Federal Regula-
19 tions, or any successor regulations.

20 **SEC. 104. EXCEPTIONS TO BILATERAL AGREEMENT RE-**
21 **QUIREMENTS FOR AUSTRALIA AND THE**
22 **UNITED KINGDOM.**

23 (a) EXCEPTIONS.—Subsection (j) of section 38 of the
24 Arms Export Control Act (22 U.S.C. 2778) is amended—

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

3 (2) by inserting after paragraph (3) the fol-
4 lowing new paragraph (4):

5 “(4) EXCEPTIONS FROM BILATERAL AGREE-
6 MENT REQUIREMENTS.—

7 “(A) AUSTRALIA.—Subject to the provi-
8 sions of the Defense Trade Cooperation Act of
9 2003, the requirements for a bilateral agree-
10 ment described in paragraph (2)(A) shall not
11 apply to such a bilateral agreement between the
12 United States Government and the Government
13 of Australia with respect to transfers or
14 changes in end use within Australia of defense
15 items that will remain subject to the licensing
16 requirements of this Act after such agreement
17 enters into force.

18 “(B) UNITED KINGDOM.—Subject to the
19 provisions of the Defense Trade Cooperation
20 Act of 2003, the requirements for a bilateral
21 agreement described in paragraphs (1)(A)(ii),
22 (2)(A)(i), and (2)(A)(ii) shall not apply to such
23 a bilateral agreement between the United
24 States Government and the Government of the

1 United Kingdom for an exemption from the li-
2 censing requirements of this Act.”.

3 (b) CONFORMING AMENDMENT.—Paragraph (2) of
4 such subsection is amended in the matter preceding sub-
5 paragraph (A) by striking “A bilateral agreement” and
6 inserting “Except as provided in paragraph (4), a bilateral
7 agreement”.

8 **SEC. 105. CERTIFICATIONS FOR THE UNITED KINGDOM**
9 **AND AUSTRALIA.**

10 Not later than 30 days before authorizing an exemp-
11 tion from the licensing requirements of the International
12 Traffic in Arms Regulations in accordance with any bilat-
13 eral agreement entered into with the United Kingdom or
14 Australia under section 38(j) of the Arms Export Control
15 Act (22 U.S.C. 2778(j)), as amended by section 104 of
16 this Act, the President shall certify to the appropriate con-
17 gressional committees that such agreement—

18 (1) is in the national interest of the United
19 States and will not in any way affect the goals and
20 policy of the United States as outlined in section 1
21 of the Arms Export Control Act (22 U.S.C. 2751);

22 (2) does not adversely affect the ability of the
23 International Traffic in Arms Regulations to provide
24 consistent and adequate controls for licensed exports
25 of United States defense items; and

1 (3) will not adversely affect the duties or re-
2 quirements of the Secretary under the Arms Export
3 Control Act.

4 **SEC. 106. NOTIFICATION OF REGULATIONS PERMITTING**
5 **BILATERAL LICENSING EXEMPTIONS.**

6 Not later than 30 days before authorizing an exemp-
7 tion from the licensing requirements of the International
8 Traffic in Arms Regulations in accordance with any bilat-
9 eral agreement entered into with the United Kingdom or
10 Australia under section 38(j) of the Arms Export Control
11 Act (22 U.S.C. 2778(j)), as amended by section 104 of
12 this Act, the President shall submit to the appropriate
13 congressional committees the text of the regulations that
14 authorize such a licensing exemption.

15 **SEC. 107. REPORT ON ISSUES RAISED IN CONSULTATIONS**
16 **PURSUANT TO BILATERAL AGREEMENTS**
17 **WITH AUSTRALIA AND THE UNITED**
18 **KINGDOM.**

19 Not later than one year after the date of the enact-
20 ment of this Act and annually thereafter for each of the
21 following 5 years, the President shall submit to the appro-
22 priate congressional committees a report on issues raised
23 during the previous year in consultations conducted under
24 the terms of any bilateral agreement with Australia, or
25 under the terms of any bilateral agreement with the

1 United Kingdom, for exemption from the licensing re-
2 quirements of the Arms Export Control Act (22 U.S.C.
3 2751 et seq.). Each report shall contain detailed informa-
4 tion—

5 (1) on any notifications or consultations be-
6 tween the United States and the United Kingdom
7 under the terms of any agreement with the United
8 Kingdom, or between the United States and Aus-
9 tralia under the terms of any agreement with Aus-
10 tralia, concerning the modification, deletion, or addi-
11 tion of defense items on the United States Munitions
12 List, the United Kingdom Military List, or the Aus-
13 tralian Defense and Strategic Goods List;

14 (2) listing all United Kingdom or Australia per-
15 sons and entities that have been designated as quali-
16 fied persons eligible to receive United States origin
17 defense items exempt from the licensing require-
18 ments of the Arms Export Control Act under the
19 terms of such agreements, and listing any modifica-
20 tion, deletion, or addition to such lists, pursuant to
21 the requirements of any agreement with the United
22 Kingdom or any agreement with Australia;

23 (3) on consultations or steps taken pursuant to
24 any agreement with the United Kingdom or any
25 agreement with Australia concerning cooperation

1 and consultations with either government on the ef-
2 fectiveness of the defense trade control systems of
3 such government;

4 (4) on provisions and procedures undertaken
5 pursuant to—

6 (A) any agreement with the United King-
7 dom with respect to the handling of United
8 States origin defense items exempt from the li-
9 censing requirements of the Arms Export Con-
10 trol Act by persons and entities qualified to re-
11 ceive such items in the United Kingdom; and

12 (B) any agreement with Australia with re-
13 spect to the handling of United States origin
14 defense items exempt from the licensing re-
15 quirements of the Arms Export Control Act by
16 persons and entities qualified to receive such
17 items in Australia;

18 (5) on any new understandings, including the
19 text of such understandings, between the United
20 States and the United Kingdom concerning re-
21 transfer of United States origin defense items made
22 pursuant to any agreement with the United King-
23 dom to gain exemption from the licensing require-
24 ments of the Arms Export Control Act;

1 (6) on consultations with the Government of the
2 United Kingdom or the Government of Australia
3 concerning the legal enforcement of any such agree-
4 ments;

5 (7) on United States origin defense items with
6 respect to which the United States has provided an
7 exception under the Memorandum of Understanding
8 between the United States and the United Kingdom
9 and any agreement between the United States and
10 Australia from the requirement for United States
11 Government re-export consent that was not provided
12 for under United States laws and regulations in ef-
13 fect on the date of the enactment of this Act; and

14 (8) on any significant concerns that have arisen
15 between the Government of Australia or the Govern-
16 ment of the United Kingdom and the United States
17 Government concerning any aspect of any bilateral
18 agreement between such country and the United
19 States to gain exemption from the licensing require-
20 ments of the Arms Export Control Act.

21 **SEC. 108. SPECIAL REPORTS ON UNAUTHORIZED END-USE**
22 **OR DIVERSION.**

23 The Secretary shall notify the appropriate congres-
24 sional committees, in a manner consistent with ongoing
25 efforts to investigate and bring civil or criminal charges

1 regarding such matters, not later than 90 days after re-
 2 ceiving any credible information regarding the unauthor-
 3 ized end-use or diversion of United States exports made
 4 pursuant to any agreement with a country to gain exemp-
 5 tion from the licensing requirements of the Arms Export
 6 Control Act. Such notification may be made in classified
 7 or unclassified form and shall include—

- 8 (1) a description of the good or service;
- 9 (2) the United States origin of the good or
 10 service;
- 11 (3) the authorized recipient of the good or serv-
 12 ice;
- 13 (4) a detailed description of the unauthorized
 14 end-use or diversion of the good or service, including
 15 any knowledge by the United States exporter of such
 16 unauthorized end-use or diversion;
- 17 (5) any enforcement action taken by the Gov-
 18 ernment of the United States; and
- 19 (6) any enforcement action taken by the gov-
 20 ernment of the recipient nation.

21 **TITLE II—RADIOLOGICAL TER-** 22 **RORISM THREAT REDUCTION**

23 **SEC. 201. SHORT TITLE.**

24 This title may be cited as the “Radiological Ter-
 25 rorism Threat Reduction Act of 2003”.

1 **SEC. 202. FINDINGS.**

2 Congress makes the following findings:

3 (1) It is feasible for terrorists to obtain and dis-
4 seminate radioactive material by using a radiological
5 dispersion device (RDD) or by emplacing discrete
6 radioactive sources in major public places.

7 (2) An attack made in the United States or
8 against United States interests by terrorists using
9 radiological material could cause catastrophic eco-
10 nomic and social damage, although it might kill few,
11 if any, Americans.

12 (3) The first line of defense against radiological
13 terrorism is preventing the acquisition of radioactive
14 material by terrorists.

15 **SEC. 203. DEFINITIONS.**

16 In this title:

17 (1) **BYPRODUCT MATERIAL.**—The term “by-
18 product material” has the meaning given the term in
19 section 11 e. of the Atomic Energy Act of 1954 (42
20 U.S.C. 2014(e)).

21 (2) **IAEA.**—The term “IAEA” means the
22 International Atomic Energy Agency.

23 (3) **INDEPENDENT STATES OF THE FORMER SO-**
24 **VIET UNION.**—The term “independent states of the
25 former Soviet Union” has the meaning given the

1 term in section 3 of the FREEDOM Support Act
2 (22 U.S.C. 5801).

3 (4) RADIOACTIVE MATERIAL.—The term “ra-
4 dioactive material” means—

5 (A) source material and special nuclear
6 material, but does not include natural or de-
7pleted uranium;

8 (B) nuclear byproduct material;

9 (C) material made radioactive by bombard-
10ment in an accelerator; and

11 (D) all refined isotopes of radium.

12 (5) RADIOACTIVE SOURCE.—The term “radio-
13 active source” means radioactive material that is
14 permanently sealed in a capsule or closely bonded
15 and includes any radioactive material released if the
16 source is leaking or stolen, but does not include any
17 material within the nuclear fuel cycle of a research
18 or power reactor.

19 (6) RADIOISOTOPE THERMAL GENERATOR.—
20 The term “radioisotope thermal generator” means
21 an electrical generator which derives its power from
22 the heat produced by the decay of a radioactive
23 source by the emission of alpha, beta, or gamma ra-
24 diation. The term does not include nuclear reactors

1 deriving their energy from the fission or fusion of
 2 atomic nuclei.

3 (7) SOURCE MATERIAL.—The term “source ma-
 4 terial” has the meaning given the term in section 11
 5 z. of the Atomic Energy Act of 1954 (42 U.S.C.
 6 2014(z)).

7 (8) SPECIAL NUCLEAR MATERIAL.—The term
 8 “special nuclear material” has the meaning given
 9 the term in section 11 aa. of the Atomic Energy Act
 10 of 1954 (42 U.S.C. 2014(aa)).

11 **SEC. 204. INTERNATIONAL STORAGE FACILITIES FOR RA-**
 12 **DIOACTIVE SOURCES.**

13 (a) AGREEMENTS ON TEMPORARY SECURE STOR-
 14 AGE.—The Secretary is authorized to propose that the
 15 IAEA conclude agreements with up to 8 countries under
 16 which agreement each country would provide temporary
 17 secure storage for orphaned, unused, surplus, or other ra-
 18 dioactive sources (other than special nuclear material, nu-
 19 clear fuel, or spent nuclear fuel). Such agreements shall
 20 be consistent with the IAEA Code of Conduct on the Safe-
 21 ty and Security of Radioactive Sources, and shall address
 22 the need for storage of such radioactive sources in coun-
 23 tries or regions of the world where convenient access to
 24 secure storage of such radioactive sources does not exist.

1 (b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHOR-
2 IZED.—

3 (1) IN GENERAL.—The Secretary is authorized
4 to make voluntary contributions to the IAEA for use
5 by the Department of Nuclear Safety of the IAEA
6 to fund the United States share of the costs of ac-
7 tivities associated with or under agreements under
8 subsection (a).

9 (2) UNITED STATES SHARE IN FISCAL YEAR
10 2004.—The United States share of the costs of ac-
11 tivities under agreements under subsection (a) in fis-
12 cal year 2004 may be 100 percent of the costs of
13 such activities in that fiscal year.

14 (c) TECHNICAL ASSISTANCE.—The Secretary is au-
15 thorized to provide the IAEA and other countries with
16 technical assistance to carry out activities under agree-
17 ments under subsection (a) in a manner that meets the
18 standards of the IAEA Code of Conduct on the Safety
19 and Security of Radioactive Sources.

20 (d) APPLICABILITY OF ENVIRONMENTAL LAWS.—

21 (1) INAPPLICABILITY OF NEPA TO FACILITIES
22 OUTSIDE UNITED STATES.—The National Environ-
23 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
24 shall not apply with respect to any temporary secure

1 storage facility constructed outside the United
2 States under an agreement under subsection (a).

3 (2) APPLICABILITY OF FOREIGN ENVIRON-
4 MENTAL LAWS.—The construction and operation of
5 a facility described in paragraph (1) shall be gov-
6 erned by any applicable environmental laws of the
7 country in which the facility is constructed.

8 **SEC. 205. DISCOVERY, INVENTORY, AND RECOVERY OF RA-**
9 **DIOACTIVE SOURCES.**

10 (a) AUTHORITY.—The Secretary is authorized to pro-
11 vide assistance, including through voluntary contributions
12 to the IAEA under subsection (b), to support a program
13 of the Division of Radiation and Waste Safety of the De-
14 partment of Nuclear Safety of the IAEA to promote the
15 discovery, inventory, and recovery of radioactive sources
16 in member nations of the IAEA.

17 (b) VOLUNTARY CONTRIBUTIONS TO IAEA AUTHOR-
18 IZED.—The Secretary is authorized to make voluntary
19 contributions to the IAEA to fund the United States share
20 of the program described in subsection (a).

21 (c) TECHNICAL ASSISTANCE.—The Secretary is au-
22 thorized to provide the IAEA and other countries with
23 technical assistance to carry out the program described
24 in subsection (a).

1 **SEC. 206. RADIOISOTOPE THERMAL GENERATOR POWER**
2 **UNITS IN THE INDEPENDENT STATES OF THE**
3 **FORMER SOVIET UNION.**

4 (a) SUBSTITUTION WITH OTHER POWER UNITS.—

5 (1) IN GENERAL.—The Secretary is authorized
6 to assist the Government of the Russian Federation
7 to substitute solar (or other non-nuclear) power
8 sources for radioisotope thermal power units oper-
9 ated by the Russian Federation and other inde-
10 pendent states of the former Soviet Union in appli-
11 cations such as lighthouses in the Arctic, remote
12 weather stations, and for providing electricity in re-
13 mote locations.

14 (2) TECHNOLOGY REQUIREMENT.—Any power
15 unit utilized as a substitute power unit under para-
16 graph (1) shall, to the maximum extent practicable,
17 be based upon tested technologies that have operated
18 for at least one full year in the environment where
19 the substitute power unit will be used.

20 (b) CONSULTATION.—The Secretary shall consult
21 with the Secretary of Energy to ensure that substitute
22 power sources provided under this section are for facilities
23 from which the radioisotope thermal generator power units
24 have been or are being removed.

25 (c) ACTIVITIES OUTSIDE FORMER SOVIET UNION.—
26 The Secretary may use not more than 20 percent of the

1 funds available for carrying out this section in any fiscal
2 year to replace dangerous radioisotope thermal power fa-
3 cilities that are similar to the facilities described in sub-
4 section (a) in countries other than the independent states
5 of the former Soviet Union.

6 **SEC. 207. FOREIGN FIRST RESPONDERS.**

7 (a) IN GENERAL.—The Secretary is authorized to as-
8 sist foreign countries, or to propose that the IAEA assist
9 foreign countries, in the development of appropriate na-
10 tional response plans and the training of first responders
11 to—

12 (1) detect, identify, and characterize radioactive
13 material;

14 (2) understand the hazards posed by radioactive
15 contamination;

16 (3) understand the risks encountered at various
17 dose rates;

18 (4) enter contaminated areas safely and speed-
19 ily; and

20 (5) evacuate persons within a contaminated
21 area.

22 (b) CONSIDERATIONS.—In carrying out activities
23 under subsection (a), the Secretary shall take into account
24 the findings of the threat assessment report required by

1 section 208 and the location of any storage facilities for
2 radioactive sources described in section 204.

3 **SEC. 208. THREAT ASSESSMENT REPORTS.**

4 (a) **REPORTS REQUIRED.**—The Secretary shall, at
5 the times specified in subsection (c), submit to the appro-
6 priate congressional committees a report—

7 (1) detailing the preparations made at United
8 States diplomatic missions abroad to detect and
9 mitigate a radiological attack on United States mis-
10 sions and other United States facilities under the
11 control of the Secretary;

12 (2) setting forth a rank-ordered list of the Sec-
13 retary’s priorities for improving radiological security
14 and consequence management at United States mis-
15 sions; and

16 (3) providing a rank-ordered list of the missions
17 where such improvement is most important.

18 (b) **BUDGET REQUEST.**—Each report under sub-
19 section (a) shall also include a proposed budget to carry
20 out the improvements listed in such report pursuant to
21 subsection (a)(2).

22 (c) **TIMING.**—

23 (1) **FIRST REPORT.**—The first report under
24 subsection (a) shall be submitted not later than 180
25 days after the date of the enactment of this Act.

1 (2) SUBSEQUENT REPORTS.—Subsequent re-
 2 ports under subsection (a) shall be submitted with
 3 the budget justification materials submitted by the
 4 Secretary to Congress in support of the budget of
 5 the President for the fiscal year (as submitted under
 6 section 1105(a) of title 31, United States Code) for
 7 each fiscal year after fiscal year 2005.

8 (d) FORM.—Each report shall be submitted in un-
 9 classified form, but may include a classified annex.

10 **SEC. 209. AVAILABILITY OF FUNDS.**

11 (a) IN GENERAL.—Of the funds appropriated to the
 12 Department of State for fiscal year 2004, up to
 13 \$15,000,000 may be used to carry out this title.

14 (b) ALLOCATION OF FUNDS.—Of the amounts made
 15 available under subsection (a)—

16 (1) \$4,000,000 may be used to carry out sec-
 17 tion 204;

18 (2) \$4,000,000 may be used to carry out sec-
 19 tion 205;

20 (3) \$5,000,000 may be used to carry out sec-
 21 tion 206; and

22 (4) \$2,000,000 may be used to carry out sec-
 23 tion 207.

1 **TITLE III—GLOBAL PATHOGEN**
2 **SURVEILLANCE**

3 **SEC. 301. SHORT TITLE.**

4 This title may be cited as the “Global Pathogen Sur-
5 veillance Act of 2003”.

6 **SEC. 302. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) Bioterrorism poses a grave national security
10 threat to the United States. The insidious nature of
11 the threat, the likely delayed recognition in the event
12 of an attack, and the underpreparedness of the do-
13 mestic public health infrastructure may produce cat-
14 astrophic consequences following a biological weap-
15 ons attack upon the United States.

16 (2) A contagious pathogen engineered as a bio-
17 logical weapon and developed, tested, produced, or
18 released in another country can quickly spread to
19 the United States. Given the realities of inter-
20 national travel, trade, and migration patterns, a
21 dangerous pathogen released anywhere in the world
22 can spread to United States territory in a matter of
23 days, before any effective quarantine or isolation
24 measures can be implemented.

1 (3) To effectively combat bioterrorism and en-
2 sure that the United States is fully prepared to pre-
3 vent, diagnose, and contain a biological weapons at-
4 tack, measures to strengthen the domestic public
5 health infrastructure and improve domestic surveil-
6 lance and monitoring, while absolutely essential, are
7 not sufficient.

8 (4) The United States should enhance coopera-
9 tion with the World Health Organization, regional
10 health organizations, and individual countries, in-
11 cluding data sharing with appropriate United States
12 departments and agencies, to help detect and quickly
13 contain infectious disease outbreaks or bioterrorism
14 agents before they can spread.

15 (5) The World Health Organization has done
16 an impressive job in monitoring infectious disease
17 outbreaks around the world, including the recent
18 emergence of the Severe Acute Respiratory Syn-
19 drome (SARS) epidemic, particularly with the estab-
20 lishment in April 2000 of the Global Outbreak Alert
21 and Response network.

22 (6) The capabilities of the World Health Orga-
23 nization are inherently limited by the quality of the
24 data and information it receives from member coun-
25 tries, the narrow range of diseases (plague, cholera,

1 and yellow fever) upon which its disease surveillance
 2 and monitoring is based, and the consensus process
 3 it uses to add new diseases to the list. Developing
 4 countries in particular often cannot devote the nec-
 5 essary resources to build and maintain public health
 6 infrastructures.

7 (7) In particular, developing countries could
 8 benefit from—

9 (A) better trained public health profes-
 10 sionals and epidemiologists to recognize disease
 11 patterns;

12 (B) appropriate laboratory equipment for
 13 diagnosis of pathogens;

14 (C) disease reporting that is based on
 15 symptoms and signs (known as “syndrome sur-
 16 veillance”) and affords the earliest possible op-
 17 portunity to conduct an effective response;

18 (D) a narrowing of the existing technology
 19 gap in syndrome surveillance capabilities and
 20 real-time information dissemination to public
 21 health officials; and

22 (E) appropriate communications equip-
 23 ment and information technology to efficiently
 24 transmit information and data within national
 25 and regional health networks, including inex-

1 pensive, Internet-based Geographic Information
2 Systems (GIS) and relevant telephone-based
3 systems for early recognition and diagnosis of
4 diseases.

5 (8) An effective international capability to mon-
6 itor and quickly diagnose infectious disease out-
7 breaks will offer dividends not only in the event of
8 biological weapons development, testing, production,
9 and attack, but also in the more likely cases of natu-
10 rally occurring infectious disease outbreaks that
11 could threaten the United States. Furthermore, a
12 robust surveillance system will serve to deter ter-
13 rorist use of biological weapons, as early detection
14 will help mitigate the intended effects of such malev-
15 olent uses.

16 (b) PURPOSE.—The purposes of this title are as fol-
17 lows:

18 (1) To enhance the capability and cooperation
19 of the international community, including the World
20 Health Organization and individual countries,
21 through enhanced pathogen surveillance and appro-
22 priate data sharing, to detect, identify, and contain
23 infectious disease outbreaks, whether the cause of
24 those outbreaks is intentional human action or nat-
25 ural in origin.

1 (2) To enhance the training of public health
2 professionals and epidemiologists from eligible devel-
3 oping countries in advanced Internet-based and
4 other electronic syndrome surveillance systems, in
5 addition to traditional epidemiology methods, so that
6 they may better detect, diagnose, and contain infec-
7 tious disease outbreaks, especially those due to
8 pathogens most likely to be used in a biological
9 weapons attack.

10 (3) To provide assistance to developing coun-
11 tries to purchase appropriate public health labora-
12 tory equipment necessary for infectious disease sur-
13 veillance and diagnosis.

14 (4) To provide assistance to developing coun-
15 tries to purchase appropriate communications equip-
16 ment and information technology, including, as ap-
17 propriate, relevant computer equipment, Internet
18 connectivity mechanisms, and telephone-based appli-
19 cations to effectively gather, analyze, and transmit
20 public health information for infectious disease sur-
21 veillance and diagnosis.

22 (5) To make available greater numbers of
23 United States Government public health profes-
24 sionals to international health organizations, re-

1 regional health networks, and United States diplo-
2 matic missions where appropriate.

3 (6) To establish “lab-to-lab” cooperative rela-
4 tionships between United States public health lab-
5 oratories and established foreign counterparts.

6 (7) To expand the training and outreach activi-
7 ties of overseas United States laboratories, including
8 Centers for Disease Control and Prevention and De-
9 partment of Defense entities, to enhance the disease
10 surveillance capabilities of developing countries.

11 (8) To provide appropriate technical assistance
12 to existing regional health networks and, where ap-
13 propriate, seed money for new regional networks.

14 **SEC. 303. DEFINITIONS.**

15 In this title:

16 (1) BIOLOGICAL WEAPONS CONVENTION.—The
17 term “Biological Weapons Convention” means the
18 Convention on the Prohibition of the Development,
19 Production and Stockpiling of Bacteriological (Bio-
20 logical) and Toxin Weapons and on Their Destruc-
21 tion, signed at Washington, London, and Moscow
22 April 10, 1972.

23 (2) ELIGIBLE DEVELOPING COUNTRY.—The
24 term “eligible developing country” means any devel-
25 oping country that—

1 (A) has agreed to the objective of fully
2 complying with requirements of the World
3 Health Organization on reporting public health
4 information on outbreaks of infectious diseases;

5 (B) has not been determined by the Sec-
6 retary, for purposes of section 40 of the Arms
7 Export Control Act (22 U.S.C. 2780), section
8 620A of the Foreign Assistance Act of 1961
9 (22 U.S.C. 2371), or section 6(j) of the Export
10 Administration Act of 1979 (50 U.S.C. App.
11 2405), to have repeatedly provided support for
12 acts of international terrorism, unless the Sec-
13 retary exercises a waiver certifying that it is in
14 the national interest of the United States to
15 provide assistance under the provisions of this
16 Act;

17 (C) is a state party to the Biological
18 Weapons Convention; and

19 (D) is determined by the United States
20 Government not to have an offensive biological
21 weapons program.

22 (3) ELIGIBLE NATIONAL.—The term “eligible
23 national” means any citizen or national of an eligible
24 developing country who—

1 (A) is eligible to receive a visa under the
2 provisions of the Immigration and Nationality
3 Act (8 U.S.C. 1101 et seq.); and

4 (B) is not currently or previously affiliated
5 with or employed by a laboratory or entity de-
6 termined by the United States Government to
7 be involved in offensive biological weapons ac-
8 tivities.

9 (4) INTERNATIONAL HEALTH ORGANIZATION.—

10 The term “international health organization” in-
11 cludes the World Health Organization and the Pan
12 American Health Organization.

13 (5) LABORATORY.—The term “laboratory”

14 means a facility for the biological, microbiological,
15 serological, chemical, immuno-hematological,
16 hematological, biophysical, cytological, pathological,
17 or other examination of materials derived from the
18 human body for the purpose of providing informa-
19 tion for the diagnosis, prevention, or treatment of
20 any disease or impairment of, or the assessment of
21 the health of, human beings.

22 (6) SELECT AGENT.—The term “select agent”

23 has the meaning applied in the administration of
24 section 72.6 of title 42, Code of Federal Regula-
25 tions.

1 (7) SYNDROME SURVEILLANCE.—The term
2 “syndrome surveillance” means the recording of
3 symptoms (patient complaints) and signs (derived
4 from physical examination) combined with simple ge-
5 ographic locators to track the emergence of a disease
6 in a population.

7 **SEC. 304. PRIORITY FOR CERTAIN COUNTRIES.**

8 Priority in the provision of United States assistance
9 for eligible developing countries under all the provisions
10 of this title shall be given to those countries that permit
11 personnel from the World Health Organization and the
12 Centers for Disease Control and Prevention to investigate
13 outbreaks of infectious diseases on their territories, pro-
14 vide early notification of disease outbreaks, and provide
15 pathogen surveillance data to appropriate United States
16 departments and agencies in addition to international
17 health organizations.

18 **SEC. 305. RESTRICTION.**

19 Notwithstanding any other provision of this title, no
20 foreign national participating in programs authorized
21 under this title shall have access, during the course of such
22 participation, to select agents that may be used as, or in,
23 a biological weapon, except in a supervised and controlled
24 setting.

1 **SEC. 306. FELLOWSHIP PROGRAM.**

2 (a) ESTABLISHMENT.—There is established a fellow-
3 ship program (hereafter in this section referred to as the
4 “program”) under which the Secretary, in consultation
5 with the Secretary of Health and Human Services and
6 subject to the availability of appropriations, shall award
7 fellowships to eligible nationals to pursue public health
8 education or training, as follows:

9 (1) MASTER OF PUBLIC HEALTH DEGREE.—
10 Graduate courses of study leading to a master of
11 public health degree with a concentration in epidemi-
12 ology from an institution of higher education in the
13 United States with a Center for Public Health Pre-
14 paredness, as determined by the Centers for Disease
15 Control and Prevention.

16 (2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY
17 TRAINING.—Advanced public health training in epi-
18 demiology to be carried out at the Centers for Dis-
19 ease Control and Prevention (or equivalent State fa-
20 cility), or other Federal facility (excluding the De-
21 partment of Defense or United States National Lab-
22 oratories), for a period of not less than 6 months or
23 more than 12 months.

24 (b) SPECIALIZATION IN BIOTERRORISM.—In addition
25 to the education or training specified in subsection (a),
26 each recipient of a fellowship under this section (hereafter

1 in this section referred to as a “fellow”) may take courses
2 of study at the Centers for Disease Control and Preven-
3 tion or at an equivalent facility on diagnosis and contain-
4 ment of likely bioterrorism agents.

5 (c) FELLOWSHIP AGREEMENT.—

6 (1) IN GENERAL.—In awarding a fellowship
7 under the program, the Secretary, in consultation
8 with the Secretary of Health and Human Services,
9 shall require the recipient to enter into an agree-
10 ment under which, in exchange for such assistance,
11 the recipient—

12 (A) will maintain satisfactory academic
13 progress (as determined in accordance with reg-
14 ulations issued by the Secretary and confirmed
15 in regularly scheduled updates to the Secretary
16 from the institution providing the education or
17 training on the progress of the recipient’s edu-
18 cation or training);

19 (B) will, upon completion of such edu-
20 cation or training, return to the recipient’s
21 country of nationality or last habitual residence
22 (if it is an eligible developing country) and com-
23 plete at least four years of employment in a
24 public health position in the government or a
25 nongovernmental, not-for-profit entity in that

1 country or, with the approval of the Secretary,
2 complete part or all of this requirement through
3 service with an international health organiza-
4 tion without geographic restriction; and

5 (C) agrees that, if the recipient is unable
6 to meet the requirements described in subpara-
7 graph (A) or (B), the recipient will reimburse
8 the United States for the value of the assist-
9 ance provided to the recipient under the fellow-
10 ship, together with interest at a rate deter-
11 mined in accordance with regulations issued by
12 the Secretary but not higher than the rate gen-
13 erally applied in connection with other Federal
14 loans.

15 (2) WAIVER AUTHORITY.—The Secretary may
16 waive the application of subparagraphs (B) and (C)
17 of paragraph (1) if the Secretary determines that it
18 is in the national interest of the United States to do
19 so.

20 (d) IMPLEMENTATION.—The Secretary, in consulta-
21 tion with the Secretary of Health and Human Services,
22 is authorized to enter into an agreement with any eligible
23 developing country under which the country agrees—

1 (1) to establish a procedure for the nomination
 2 of eligible nationals for fellowships under this sec-
 3 tion;

4 (2) to guarantee that a fellow will be offered a
 5 professional public health position within the country
 6 upon completion of his studies; and

7 (3) to certify to the Secretary when a fellow has
 8 concluded the minimum period of employment in a
 9 public health position required by the fellowship
 10 agreement, with an explanation of how the require-
 11 ment was met.

12 (e) PARTICIPATION OF UNITED STATES CITIZENS.—
 13 On a case-by-case basis, the Secretary may provide for the
 14 participation of United States citizens under the provi-
 15 sions of this section if the Secretary determines that it
 16 is in the national interest of the United States to do so.
 17 Upon completion of education or training as a fellow under
 18 this section, a United States citizen shall complete at least
 19 5 years of employment in a public health position in an
 20 eligible developing country or an international health orga-
 21 nization.

22 **SEC. 307. IN-COUNTRY TRAINING IN LABORATORY TECH-**
 23 **NIQUES AND SYNDROME SURVEILLANCE.**

24 (a) IN GENERAL.—In conjunction with the Centers
 25 for Disease Control and Prevention and the Department

1 of Defense, the Secretary shall, subject to the availability
2 of appropriations, support short training courses in-coun-
3 try (not in the United States) for laboratory technicians
4 and other public health personnel from eligible developing
5 countries in laboratory techniques relating to the identi-
6 fication, diagnosis, and tracking of pathogens responsible
7 for possible infectious disease outbreaks. Training under
8 this section may be conducted in overseas facilities of the
9 Centers for Disease Control and Prevention or in Overseas
10 Medical Research Units of the Department of Defense, as
11 appropriate. The Secretary shall coordinate such training
12 courses, where appropriate, with the existing programs
13 and activities of the World Health Organization.

14 (b) TRAINING IN SYNDROME SURVEILLANCE.—In
15 conjunction with the Centers for Disease Control and Pre-
16 vention and the Department of Defense, the Secretary
17 shall, subject to the availability of appropriations, estab-
18 lish and support short training courses in-country (not in
19 the United States) for public health personnel from eligi-
20 ble developing countries in techniques of syndrome surveil-
21 lance reporting and rapid analysis of syndrome informa-
22 tion using Geographic Information System (GIS) and
23 other Internet-based tools. Training under this subsection
24 may be conducted via the Internet or in appropriate facili-
25 ties as determined by the Secretary. The Secretary shall

1 coordinate such training courses, where appropriate, with
2 the existing programs and activities of the World Health
3 Organization.

4 **SEC. 308. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY**
5 **EQUIPMENT.**
6

7 (a) AUTHORIZATION.—The President is authorized,
8 on such terms and conditions as the President may deter-
9 mine, to furnish assistance to eligible developing countries
10 to purchase and maintain public health laboratory equip-
11 ment described in subsection (b).

12 (b) EQUIPMENT COVERED.—Equipment described in
13 this subsection is equipment that is—

14 (1) appropriate, where possible, for use in the
15 intended geographic area;

16 (2) necessary to collect, analyze, and identify
17 expeditiously a broad array of pathogens, including
18 mutant strains, which may cause disease outbreaks
19 or may be used as a biological weapon;

20 (3) compatible with general standards set forth,
21 as appropriate, by the World Health Organization
22 and the Centers for Disease Control and Prevention,
23 to ensure interoperability with regional and inter-
24 national public health networks;

1 (4) necessary to secure and monitor pathogen
2 collections containing select agents; and

3 (5) not defense articles or defense services.

4 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
5 tion shall be construed to exempt the exporting of goods
6 and technology from compliance with applicable provisions
7 of the Export Administration Act of 1979 (50 U.S.C. App.
8 2401 et seq.) (or successor statutes).

9 (d) LIMITATION.—Funds made available to carry out
10 this section shall not be made available for the purchase
11 from a foreign country of equipment that, if made in the
12 United States, would be subject to the Arms Export Con-
13 trol Act (22 U.S.C. 2751 et seq.) or likely be barred or
14 subject to special conditions under the Export Administra-
15 tion Act of 1979 (50 U.S.C. App. 2401 et seq.) (or suc-
16 cessor statutes).

17 (e) HOST COUNTRY’S COMMITMENTS.—The assist-
18 ance provided under this section shall be contingent upon
19 the host country’s commitment to provide the resources,
20 infrastructure, and other assets required to house, main-
21 tain, support, secure, monitor, and maximize use of this
22 equipment and appropriate technical personnel.

1 **SEC. 309. ASSISTANCE FOR IMPROVED COMMUNICATION**
2 **OF PUBLIC HEALTH INFORMATION.**

3 (a) ASSISTANCE FOR PURCHASE OF COMMUNICATION
4 EQUIPMENT AND INFORMATION TECHNOLOGY.—The
5 President is authorized to provide, on such terms and con-
6 ditions as the President may determine, assistance to eligi-
7 ble developing countries for the purchase and maintenance
8 of communications equipment and information technology
9 described in subsection (b), and supporting equipment,
10 necessary to effectively collect, analyze, and transmit pub-
11 lic health information.

12 (b) COVERED EQUIPMENT.—Equipment (and infor-
13 mation technology) described in this subsection is equip-
14 ment that—

15 (1) is suitable for use under the particular con-
16 ditions of the area of intended use;

17 (2) meets appropriate World Health Organiza-
18 tion standards to ensure interoperability with like
19 equipment of other countries and international
20 health organizations; and

21 (3) is not defense articles or defense services.

22 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to exempt the exporting of goods
24 and technology from compliance with applicable provisions
25 of the Export Administration Act of 1979 (50 U.S.C. App.
26 2401 et seq.) (or successor statutes).

1 (d) LIMITATION.—Funds made available to carry out
2 this section shall not be made available for the purchase
3 from a foreign country of equipment that, if made in the
4 United States, would be subject to the Arms Export Con-
5 trol Act or likely be barred or subject to special conditions
6 under the Export Administration Act of 1979 (50 U.S.C.
7 App. 2401 et seq.) (or successor statutes).

8 (e) ASSISTANCE FOR STANDARDIZATION OF REPORT-
9 ING.—The President is authorized to provide, on such
10 terms and conditions as the President may determine,
11 technical assistance and grant assistance to international
12 health organizations to facilitate standardization in the re-
13 porting of public health information between and among
14 developing countries and international health organiza-
15 tions.

16 (f) HOST COUNTRY’S COMMITMENTS.—The assist-
17 ance provided under this section shall be contingent upon
18 the host country’s commitment to provide the resources,
19 infrastructure, and other assets required to house, sup-
20 port, maintain, secure, and maximize use of this equip-
21 ment and appropriate technical personnel.

1 **SEC. 310. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO**
2 **UNITED STATES MISSIONS AND INTER-**
3 **NATIONAL ORGANIZATIONS.**

4 (a) IN GENERAL.—Upon the request of a United
5 States chief of diplomatic mission or an international
6 health organization, and with the concurrence of the Sec-
7 retary, the head of a Federal agency may assign to the
8 respective United States mission or organization any offi-
9 cer or employee of the agency occupying a public health
10 position within the agency for the purpose of enhancing
11 disease and pathogen surveillance efforts in developing
12 countries.

13 (b) REIMBURSEMENT.—The costs incurred by a Fed-
14 eral agency by reason of the detail of personnel under sub-
15 section (a) may be reimbursed to that agency out of the
16 applicable appropriations account of the Department of
17 State if the Secretary determines that the relevant agency
18 may otherwise be unable to assign such personnel on a
19 non-reimbursable basis.

20 **SEC. 311. EXPANSION OF CERTAIN UNITED STATES GOV-**
21 **ERNMENT LABORATORIES ABROAD.**

22 (a) IN GENERAL.—Subject to the availability of ap-
23 propriations, the Centers for Disease Control and Preven-
24 tion and the Department of Defense shall each—

25 (1) increase the number of personnel assigned
26 to laboratories of the Centers or the Department, as

1 appropriate, located in eligible developing countries
2 that conduct research and other activities with re-
3 spect to infectious diseases; and

4 (2) expand the operations of those laboratories,
5 especially with respect to the implementation of on-
6 site training of foreign nationals and regional out-
7 reach efforts involving neighboring countries.

8 (b) COOPERATION AND COORDINATION BETWEEN
9 LABORATORIES.—Subsection (a) shall be carried out in
10 such a manner as to foster cooperation and avoid dupli-
11 cation between and among laboratories.

12 (c) RELATION TO CORE MISSIONS AND SECURITY.—
13 The expansion of the operations of overseas laboratories
14 of the Centers or the Department under this section shall
15 not—

16 (1) detract from the established core missions
17 of the laboratories; or

18 (2) compromise the security of those labora-
19 tories, as well as their research, equipment, exper-
20 tise, and materials.

1 **SEC. 312. ASSISTANCE FOR REGIONAL HEALTH NETWORKS**
2 **AND EXPANSION OF FOREIGN EPIDEMI-**
3 **LOGY TRAINING PROGRAMS.**

4 (a) **AUTHORITY.**—The President is authorized, on
5 such terms and conditions as the President may deter-
6 mine, to provide assistance for the purposes of—

7 (1) enhancing the surveillance and reporting ca-
8 pabilities of the World Health Organization and ex-
9 isting regional health networks; and

10 (2) developing new regional health networks.

11 (b) **EXPANSION OF FOREIGN EPIDEMIOLOGY TRAIN-**
12 **ING PROGRAMS.**—The Secretary of Health and Human
13 Services is authorized to establish new country or regional
14 Foreign Epidemiology Training Programs in eligible devel-
15 oping countries.

16 **SEC. 313. AVAILABILITY OF FUNDS.**

17 (a) **IN GENERAL.**—Of the funds appropriated to the
18 Department of State for fiscal year 2004, up to
19 \$35,000,000 may be used to carry out this title.

20 (b) **ALLOCATION OF FUNDS.**—Of the amounts made
21 available under subsection (a)—

22 (1) \$25,000,000 may be used to carry out sec-
23 tions 306, 307, 308, and 309;

24 (2) \$500,000 may be used to carry out section
25 310;

1 (3) \$2,500,000 may be used to carry out sec-
2 tion 311; and

3 (4) \$7,000,000 may be used to carry out sec-
4 tion 312.

5 (c) REPORTING REQUIREMENT.—Not later than 120
6 days after the date of the enactment of this Act, the Sec-
7 retary shall, in conjunction with the Secretary of Health
8 and Human Services and the Secretary of Defense, submit
9 to the appropriate congressional committees a report con-
10 taining—

11 (1) a description of the implementation of pro-
12 grams under this title that has been undertaken or
13 is planned; and

14 (2) an estimate of the level of funding required
15 to carry out those programs at a sufficient level.

16 **TITLE IV—MISCELLANEOUS** 17 **PROVISIONS**

18 **SEC. 401. AUTHORITY TO TRANSFER NAVAL VESSELS TO** 19 **CERTAIN FOREIGN COUNTRIES.**

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

1 (1) The OLIVER HAZARD PERRY class
2 guided missile frigate USS GEORGE PHILIP
3 (FFG 12) to the Government of Bahrain.

4 (2) The OLIVER HAZARD PERRY class
5 guided missile frigate USS SIDES (FFG 14) to the
6 Government of Portugal.

7 (b) AUTHORITY TO TRANSFER BY SALE.—The Presi-
8 dent is authorized to transfer the SPRUANCE class de-
9 stroyer FLETCHER (DD 992) to the Government of
10 Chile on a sales basis under section 21 of the Arms Export
11 Control Act (22 U.S.C. 2761).

12 (c) GRANTS NOT COUNTED AGAINST AGGREGATE
13 VALUE OF TRANSFERRED EXCESS DEFENSE ARTI-
14 CLES.—The value of a vessel transferred to another coun-
15 try on a grant basis under section 516 of the Foreign As-
16 sistance Act of 1961 (22 U.S.C. 2321j) pursuant to au-
17 thority provided by subsection (a) shall not be counted for
18 the purposes of subsection (g) of that section in the aggre-
19 gate value of excess defense articles transferred to coun-
20 tries under that section in any fiscal year.

21 (d) COSTS OF TRANSFERS.—Any expense incurred by
22 the United States in connection with a transfer authorized
23 to be made on a grant basis under subsection (a) shall
24 be charged to the recipient (notwithstanding section

1 516(e)(1) of the Foreign Assistance Act of 1961 (2 U.S.C.
2 2321j(e)(1))).

3 (e) REPAIR AND REFURBISHMENT IN UNITED
4 STATES SHIPYARDS.—To the maximum extent prac-
5 ticable, the President shall require, as a condition of the
6 transfer of a vessel under this section, that the country
7 to which the vessel is transferred have such repair or re-
8 furbishment of the vessel as is needed, before the vessel
9 joins the naval forces of that country, performed at a ship-
10 yard located in the United States, including a United
11 States Navy shipyard.

12 (f) EXPIRATION OF AUTHORITY.— The authority to
13 transfer a vessel under this section shall expire at the end
14 of the 2-year period beginning on the date of the enact-
15 ment of this Act.

16 **SEC. 402. TRANSFER OF CERTAIN OBSOLETE OR SURPLUS**
17 **DEFENSE ARTICLES IN THE WAR RESERVE**
18 **STOCKPILES FOR ALLIES TO ISRAEL.**

19 (a) TRANSFERS FOR CONCESSIONS.—

20 (1) AUTHORITY.—Notwithstanding section 514
21 of the Foreign Assistance Act of 1961 (22 U.S.C.
22 2321h), the President may transfer to Israel, in ex-
23 change for concessions to be negotiated by the Sec-
24 retary of Defense, with the concurrence of the Sec-

1 retary, any or all of the items described in para-
2 graph (2).

3 (2) COVERED ITEMS.—The items referred to in
4 paragraph (1) are armor, artillery, automatic weap-
5 ons ammunition, missiles, and other munitions
6 that—

7 (A) are obsolete or surplus items;

8 (B) are in the inventory of the Department
9 of Defense;

10 (C) are intended for use as reserve stocks
11 for Israel; and

12 (D) as of the date of enactment of this
13 Act, are located in a stockpile in Israel.

14 (b) VALUE OF CONCESSIONS.—The value of conces-
15 sions negotiated pursuant to subsection (a) shall be at
16 least equal to the fair market value of the items trans-
17 ferred. The concessions may include cash compensation,
18 services, waiver of charges otherwise payable by the
19 United States, and other items of value.

20 (c) ADVANCE NOTIFICATION OF TRANSFERS.—Not
21 later than 30 days before making a transfer under the
22 authority of this section, the President shall transmit a
23 notification of the proposed transfer to the Committees on
24 Foreign Relations and Armed Services of the Senate and
25 the Committees on International Relations and Armed

1 Services of the House of Representatives. The notification
2 shall identify the items to be transferred and the conces-
3 sions to be received.

4 (d) EXPIRATION OF AUTHORITY.—No transfer may
5 be made under the authority of this section more than 5
6 years after the date of the enactment of this Act.

Calendar No. 390

108TH CONGRESS
1ST SESSION

S. 1864

A BILL

To enhance the security of the United States and
United States allies.

NOVEMBER 17, 2003

Read the second time and placed on the calendar