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S. 3016

To promote freedom, economic growth, and security in Asia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2004

Mr. McCONNELL (for himself and Mr. LUGAR) introduced the following bill;
which was read twice and referred to the Committee on Foreign Relations

A BILL

To promote freedom, economic growth, and security in Asia,
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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Asia Freedom Act of
5 2004”.

6 **SEC. 2. STATEMENT OF POLICY.**

7 Liberty is a universal and inalienable right, and, in
8 light of the progress of the people of North and South
9 East Asia in achieving political, economic, and legal re-
10 forms, the advancement of democracy, human rights, the

1 rule of law, and economic freedom in North and South
2 East Asia is and will remain a central objective of United
3 States foreign policy.

4 **SEC. 3. DEFINITION OF NORTH AND SOUTH EAST ASIA.**

5 In this Act, the term “North and South East Asia”
6 means Burma, Cambodia, the Democratic Republic of
7 Timor-Leste, Hong Kong, Indonesia, Laos, Macau, Malay-
8 sia, Mongolia, the People’s Republic of China, the Phil-
9ippines, the Republic of Korea, Singapore, Brunei, Papua
10 New Guinea, the Socialist Republic of Vietnam, Thailand,
11 Taiwan, the Republic of the Fiji Islands, the Independent
12 State of Samoa, the Solomon Islands, the Kingdom of
13 Tonga, Tuvalu, the Republic of Nauru, the Republic of
14 the Marshall Islands, the Federated States of Micronesia,
15 the Republic of Vanuatu, and Tibet.

16 **SEC. 4. PURPOSE.**

17 The purpose of this Act is to promote regional peace
18 and stability in North and South East Asia and enhance
19 the security of the United States by—

- 20 (1) fostering improved living conditions for, and
21 the economic well-being of, the people of North and
22 South East Asia;
- 23 (2) supporting freedom, human rights, and jus-
24 tice in North and South East Asia;

1 (3) countering international terrorism and re-
2 gional narcotics trafficking in North and South East
3 Asia; and

4 (4) expanding free markets in North and South
5 East Asia.

6 **SEC. 5. ASSISTANCE FOR NORTH AND SOUTH EAST ASIA.**

7 The President is authorized to provide assistance to
8 North and South East Asia for the following purposes:

9 (1) HUMANITARIAN NEEDS.—Meeting humani-
10 tarian needs arising from manmade or natural disas-
11 ters and crises.

12 (2) DEMOCRACY, HUMAN RIGHTS, AND THE
13 RULE OF LAW.—Establishing and facilitating demo-
14 cratic and free societies, including by—

15 (A) fostering political, social, and economic
16 pluralism;

17 (B) fostering respect for internationally
18 recognized human rights and the rule of law,
19 including the rights of people with disabilities;

20 (C) encouraging the development of insti-
21 tutions of democratic governance, including
22 electoral, legislative, and judicial processes;

23 (D) fostering the institution and improve-
24 ment of public administration at the national,
25 intergovernmental, regional, and local levels;

1 (E) assisting in the development of, and
2 providing ongoing support to, grassroots and
3 nongovernmental organizations that promote
4 democracy, the rule of law, human rights, and
5 accountability and transparency in the political
6 process;

7 (F) encouraging international exchanges,
8 other forms of public diplomacy, and the use of
9 the Internet to promote greater understanding
10 and appreciation of democracy, the rule of law,
11 human rights, the public policy process, market
12 institutions, and the role of an independent ju-
13 diciary in democratic societies;

14 (G) supporting political parties and coal-
15 itions that are committed to promoting democ-
16 racy, human rights, the rule of law, and eco-
17 nomic reforms;

18 (H) fostering the growth of civic organiza-
19 tions that are committed to promoting and de-
20 fending human rights;

21 (I) promoting respect for human rights
22 and civil liberties in military and security
23 forces;

24 (J) promoting the development of effective
25 control by elected civilian officials over, and the

development of, a nonpolitical officer corps in military and security forces;

(K) fostering strengthened administration of justice through programs and activities carried out by nongovernmental organizations, civic organizations, and political parties; and

(L) supporting the development and promulgation of laws and regulations that increase accountability and transparency in governance, including asset disclosure for senior public officials and candidates for political office.

(3) FREE AND INDEPENDENT MEDIA.—Developing free and independent media, including—

(A) supporting all forms of independent media reporting, including print, radio, and television;

(B) providing special support for, and public access to, nongovernmental Internet-based sources of information, dissemination, and reporting, including the provision of technical and other support for web-based radio services and the provision of computers and other necessary resources and training related to the Internet;

(C) providing training in journalism, including investigative journalism techniques that

1 educate the public on the costs of corruption;
2 and

3 (D) establishing exchange programs for
4 journalists, including journalists affiliated with
5 democratic political parties.

6 (4) FREE MARKET SYSTEMS.—Creating and
7 supporting private enterprise and free market sys-
8 tems based on the principles of private ownership of
9 property, including through support for—

10 (A) the development of private coopera-
11 tives, credit unions, labor unions, and micro-
12 finance lending institutions;

13 (B) the improvement of the collection and
14 analysis of statistical information;

15 (C) the reform and restructuring of bank-
16 ing and financial systems;

17 (D) the protection of intellectual property
18 rights;

19 (E) the development of protocols and safe-
20 guards against money laundering and other il-
21 licit financial activities, including those relating
22 to regional terrorism and the production and
23 trafficking of narcotics; and

24 (F) the promotion of trade and investment.

1 (5) SECURITY.—Developing professional mili-
2 tary and police forces capable of countering ter-
3 rorism, narcotics, and other illicit activities, and en-
4 suring civilian control and oversight of military and
5 police forces.

6 (6) SOCIAL PROGRAMS.—Investing in education,
7 health, and other social programs, including for
8 disenfranchised communities.

9 (7) ENVIRONMENT.—Promoting the sustainable
10 use of natural resources and protecting the environ-
11 ment in both urban and rural areas.

12 (8) POLITICAL OPPOSITION.—Safeguarding and
13 supporting democratic and viable political opposition.

14 (9) PARLIAMENTARY EXCHANGES.—Promoting
15 exchanges between democratic legislators and re-
16 formers in North and South East Asia and members
17 of Congress.

18 (10) MIGRATION.—Protecting and caring for
19 refugees, displaced persons, and other migrants, ad-
20 dressing the root causes of migration, and promoting
21 the development of appropriate immigration and
22 emigration laws and procedures.

23 **SEC. 6. COORDINATION OF ASSISTANCE.**

24 (a) COORDINATOR OF ASSISTANCE.—

1 (1) ESTABLISHMENT OF POSITION.—Congress
2 strongly urges the President to designate, within the
3 Department of State, a coordinator of assistance,
4 and within the United States Agency for Inter-
5 national Development, a deputy coordinator of as-
6 sistance, to be responsible for—

7 (A) designing an overall strategy to ad-
8 vance the mutual interests of the United States
9 and North and South East Asia;

10 (B) ensuring program and policy coordina-
11 tion among agencies of the United States gov-
12 ernment in carrying out assistance activities
13 under this Act;

14 (C) pursuing coordination with other coun-
15 tries and international organizations with re-
16 spect to assistance to North and South East
17 Asia; and

18 (D) ensuring that United States assistance
19 programs for North and South East Asia are
20 established and carried out in a manner con-
21 sistent with this Act.

22 (2) RANK AND STATUS.—An individual des-
23 ignated as coordinator of assistance under para-
24 graph (1) shall have the rank and status of ambas-
25 sador.

1 (b) COORDINATION OF ACTIVITIES.—The coordinator
2 of assistance under subsection (a) shall carry out activities
3 described in that subsection in coordination and consulta-
4 tion with officials as follows:

5 (1) EXPORT PROMOTION ACTIVITIES.—In the
6 case of activities relating to the promotion of exports
7 of United States goods and services to North and
8 South East Asia, the Secretary of Commerce who, in
9 the role of Chair of the Trade Promotion Coordina-
10 tion Committee, shall retain primary responsibility
11 for the coordination of such activities.

12 (2) INTERNATIONAL ECONOMIC ACTIVITIES.—
13 In the case of activities relating to United States
14 participation in international financial institutions,
15 and to organization of multilateral efforts aimed at
16 currency stabilization, currency convertibility, debt
17 reduction, and comprehensive economic reform pro-
18 grams, with respect to North and South East Asia,
19 the Secretary of the Treasury who, in the role of
20 Chair of the National Advisory Council on Inter-
21 national Monetary and Financial Policies and as the
22 United States governor of international financial in-
23 stitutions, shall retain primary responsibility for the
24 coordination of such activities.

1 (3) MILLENNIUM CHALLENGE CORPORATION.—

2 In the case of activities relating to the provision of
 3 United States assistance for North and South East
 4 Asia through the Millennium Challenge Corporation,
 5 the Secretary of State who, in the role of Chair of
 6 the Millennium Challenge Corporation, shall retain
 7 primary responsibility for the coordination of such
 8 activities.

9 (4) HIV/AIDS.—In the case of activities relat-
 10 ing to the provision of United States assistance for
 11 HIV/AIDS prevention and related activities for
 12 North and South East Asia, the Coordinator for
 13 United States Government Activities to Combat
 14 HIV/AIDS Globally who shall retain primary respon-
 15 sibility for the coordination of such activities.

16 (5) TIBET.—In the case of activities relating to
 17 Tibet, the Special Coordinator for Tibetan Issues.

18 **SEC. 7. ELIGIBILITY FOR ASSISTANCE.**

19 (a) IN GENERAL.—In carrying out the responsibil-
 20 ities described in section 6, including the providing of as-
 21 sistance, the coordinator of assistance designated under
 22 that section shall take into account the extent to which
 23 the central governments in North and South East Asia
 24 are—

1 (1) making progress toward, and is committed
2 to the comprehensive implementation of, a demo-
3 cratic system of government based on the rule of
4 law, individual freedoms, and representative govern-
5 ment determined by free and fair elections;

6 (2) making progress toward, and is committed
7 to the comprehensive implementation of, economic
8 reform based on market principles, private owner-
9 ship, and integration in the global economy, includ-
10 ing the implementation of the legal and policy
11 frameworks necessary for such reform (including
12 protection of intellectual property rights and respect
13 for contracts);

14 (3) respecting internationally recognized human
15 rights, including the rights of minorities and the
16 rights of freedom of religion and of emigration;

17 (4) denying support for acts of international
18 terrorism and cooperating with the United States to
19 combat international terrorism;

20 (5) respecting international law and obligations,
21 refraining from the threat of use of force, and dem-
22 onstrating a commitment to settling disputes peace-
23 fully;

24 (6) cooperating in seeking peaceful resolution of
25 ethnic and regional conflicts;

1 (7) implementing responsible security policies,
2 including—

3 (A) reducing military forces and expendi-
4 tures to a level consistent with legitimate de-
5 fense requirements;

6 (B) working to eliminate the proliferation
7 of nuclear, biological, or chemical weapons, and
8 related delivery systems and technologies; and

9 (C) restraining conventional arms trans-
10 fers; and

11 (8) taking constructive actions to protect the
12 international environment, prevent significant
13 transnational pollution, and promote the sustainable
14 use of natural resources.

15 (b) DETERMINATION OF INELIGIBILITY.—

16 (1) RESTRICTIONS.—Except as described under
17 paragraph (2), no funds authorized to be appro-
18 priated to carry out the provisions of this Act may
19 be made available for assistance for any central gov-
20 ernment in North and South East Asia if the Sec-
21 retary of State determines that such government—

22 (A) is engaged in a consistent pattern of
23 violations of internationally recognized human
24 rights or international law;

1 (B) has, on or after the date of the enact-
2 ment of this Act, knowingly provided financial
3 or other support to terrorist groups, terrorists,
4 or narcotics traffickers; or

5 (C) has, on or after the date of the enact-
6 ment of this Act, transferred any material,
7 equipment, or technology that the government
8 knew or had reason to know would be used by
9 any country or international terrorist group to
10 manufacture any weapon of mass destruction,
11 including nuclear, chemical, or biological weap-
12 ons.

13 (2) EXCEPTION.—The restrictions described
14 under paragraph (1) do not apply to funds made
15 available for the promotion of democracy, human
16 rights, and exchanges.

17 (c) OTHER RESTRICTIONS.—None of the funds au-
18 thorized to be appropriated by this Act may be made avail-
19 able for assistance for any central government in North
20 and South East Asia that is otherwise prohibited from re-
21 ceiving such assistance.

22 (d) SUSPENSION OR TERMINATION OF ASSISTANCE
23 FOR NATIONAL SECURITY REASONS.—The Secretary of
24 State may suspend or terminate assistance under this Act
25 in whole or in part to a country or entity in North and

1 South East Asia if the Secretary determines that the
2 country or entity is engaged in activities that are contrary
3 to the national security interests of the United States.

4 **SEC. 8. SECURITY ASSISTANCE.**

5 There are authorized to be appropriated such sums
6 as may be necessary to carry out the provisions of section
7 23 of the Arms Export Control Act (22 U.S.C. 2763) and
8 section 541 of the Foreign Assistance Act of 1961 (22
9 U.S.C. 2347) to enhance security in Asia, including in
10 Cambodia, Brunei, the Democratic Republic of Timor-
11 Leste, Indonesia, Malaysia, Mongolia, the Philippines,
12 Singapore, Thailand, and Taiwan.

13 **SEC. 9. INSTITUTE FOR REFORM IN ASIA.**

14 Notwithstanding any other provision of law, there are
15 authorized to be appropriated such sums as may be nec-
16 essary for assistance for an institute for reform in Asia,
17 which shall be located in Hong Kong, for the purpose of
18 advancing democracy, human rights, and the rule of law
19 in North and South East Asia in cooperation with an in-
20 digenous organization in that region that is committed to
21 the principles of freedom and justice.

22 **SEC. 10. ADDITIONAL AUTHORITIES AND LIMITATIONS.**

23 (a) LAW ENFORCEMENT.—Notwithstanding section
24 660 of the Foreign Assistance Act of 1961 (22 U.S.C.
25 2420), and except as otherwise provided for in this Act,

1 assistance for law enforcement forces under this Act may
2 be provided for police, counterterrorism, and other law en-
3 forcement forces in North and South East Asia.

4 (b) PROMOTION OF COMPETITIVE ELECTIONS.—

5 (1) IN GENERAL.—Assistance may be provided
6 under this Act to foreign political parties or organi-
7 zations for the purpose of increasing competition in
8 elections in countries in North and South East Asia
9 where a nondemocratic, ruling political party con-
10 trols or exercises significant influence over national
11 or local electoral bodies, print and electronic media,
12 the judiciary, or national and local security forces,
13 including the police and military, to the detriment of
14 a democratic opposition.

15 (2) LIMITS ON ASSISTANCE.—None of the
16 funds provided to a foreign political party or organi-
17 zation pursuant to paragraph (1) may be used as—

18 (A) a cash grant;

19 (B) payment for salaries, fees, or hono-
20 raria to any candidate, political party leader, or
21 campaign official during the campaign period;
22 or

23 (C) payment to individuals for the purpose
24 of influencing votes.

1 (c) POLITICAL TRANSITIONS.—The Secretary of
 2 State shall make available additional assistance under this
 3 Act for countries and entities in North and South East
 4 Asia that successfully complete the transition from an au-
 5 thoritarian regime or government to a democratic govern-
 6 ment.

7 (d) TAIWAN AND THE REPUBLIC OF KOREA.—
 8 Amounts made available under this Act for assistance for
 9 Taiwan and the Republic of Korea for the purposes of fur-
 10 thering political and legal reforms shall only be made
 11 available to the extent that such amounts are matched by
 12 funds from sources other than the United States Govern-
 13 ment.

14 **SEC. 11. ACCOUNTABILITY FOR FUNDS.**

15 Any agency managing and implementing an assist-
 16 ance program for North and South East Asia under this
 17 Act shall maintain an accounting of any funds made avail-
 18 able to it for such program.

19 **SEC. 12. ANNUAL REPORTS.**

20 (a) SUMMARY OF ACTIVITIES.—Not later than Janu-
 21 ary 31, 2005, and annually thereafter, the coordinator of
 22 assistance designated under section 6 shall submit to the
 23 appropriate congressional committees a report con-
 24 taining—

1 (1) a list of activities undertaken by the De-
2 partment of State, the United States Agency for
3 International Development, and the Department of
4 the Treasury to advance democracy, human rights,
5 the rule of law, and economic freedom in North and
6 South East Asia;

7 (2) a description of assistance provided by
8 international financial institutions and countries, in-
9 cluding the European Union, the United Nations,
10 Japan, Australia, and New Zealand, to advance de-
11 mocracy, human rights, and the rule of law in North
12 and South East Asia;

13 (3) an analysis, on a country-by-country basis,
14 of obstacles to the advancement of democracy,
15 human rights, the rule of law, and economic growth
16 and freedom in North and South East Asia, includ-
17 ing barriers to increased popular participation in po-
18 litical and economic decisionmaking; and

19 (4) an analysis of actions undertaken by the
20 Government of the People's Republic of China, in-
21 cluding the People's Liberation Army, to exert its
22 political and economic influence throughout the re-
23 gion.

24 (b) POLITICAL PRISONERS.—Not later than January
25 31, 2005, and annually thereafter, the Assistant Secretary

1 of State for Democracy, Human Rights, and Labor shall
2 submit to the appropriate congressional committees a re-
3 port setting forth the names and locations of known polit-
4 ical prisoners, on a country-by-country basis, in North and
5 South East Asia.

6 (c) CHILD SOLDIERS.—Not later than January 31,
7 2005, and annually thereafter, the coordinator of assist-
8 ance shall submit to the appropriate congressional com-
9 mittees a report—

10 (1) describing the use of child soldiers in North
11 and South East Asia; and

12 (2) detailing the efforts of the United States
13 Government to raise and debate in the United Na-
14 tions Security Council the issue of the use of child
15 soldiers.

16 **SEC. 13. DENIAL OF VISAS.**

17 (a) IN GENERAL.—The Secretary of Homeland Secu-
18 rity may deny visas and entry to the following individuals:

19 (1) Any public official or former public official,
20 including any military or police official, who has
21 been credibly alleged to have solicited or accepted
22 any article of monetary value or other benefit in ex-
23 change for any act or omission in their performance
24 of their public functions, which has had a serious
25 adverse effect on the advancement of democracy,

1 human rights, the rule of law, and economic freedom
2 in North and South East Asia.

3 (2) Any person whose provision of, or offer to
4 provide, an article of monetary value or other benefit
5 to any public official, including military and police
6 officials, in exchange for any act or omission in the
7 performance of such official's public functions has
8 had a serious adverse effect on democracy, human
9 rights, the rule of law, and economic freedom in
10 North and South East Asia.

11 (3) Any public official, former public official, or
12 other person who has been credibly alleged to have
13 misappropriated funds or interfered with the judi-
14 cial, electoral, or other public processes, which has
15 had a serious adverse effect on the advancement of
16 democracy, human rights, the rule of law, and eco-
17 nomic freedom in North and South East Asia.

18 (4) Any spouse, child, or dependent household
19 member of a person described in paragraph (1), (2),
20 or (3) of this subsection who is the direct beneficiary
21 of any article of monetary value or other benefit ob-
22 tained by such person.

23 (b) DATABASE.—The Secretary of State shall main-
24 tain and regularly update a database of individuals who
25 may be denied visas under subsection (a).

1 **SEC. 14. SENSE OF CONGRESS ON DEMOCRACY FUNDS.**

2 It is the sense of Congress that any democracy fund
 3 established by the United Nations in response to the Sep-
 4 tember 21, 2004, speech by President George W. Bush
 5 to the United Nations General Assembly should be known
 6 as the “Daw Aung San Suu Kyi Democracy Fund”.

7 **SEC. 15. ASSISTANCE AUTHORITIES.**

8 There are authorized to be appropriated for fiscal
 9 year 2005 such sums as may be necessary to carry out
 10 the purposes of this Act.

11 **SEC. 16. OTHER DEFINITIONS.**

12 In this Act:

13 (1) APPROPRIATE CONGRESSIONAL COMMIT-
 14 TEES.—The term “appropriate congressional com-
 15 mittees” means the Committees on Foreign Rela-
 16 tions and Appropriations of the Senate and the
 17 Committees on International Relations and Appro-
 18 priations of the House of Representatives.

19 (2) CHILD SOLDIER.—The term “child soldier”
 20 means a person below the age of 18 years (unless,
 21 under the law applicable to the person, majority is
 22 attained earlier) that is part of an armed group af-
 23 filiated with, or the armed forces of, a national gov-
 24 ernment.

