

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR  
2003

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SEPTEMBER 23, 2002.—Ordered to be printed

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Mr. HYDE, from the committee of conference,  
submitted the following

CONFERENCE REPORT

[To accompany H.R. 1646]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1646), to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment to the text and an amendment to the title as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Year 2003”.*

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) *DIVISIONS.*—*This Act is organized into two divisions as follows:*

(1) *DIVISION A.*—*Department of State Authorization Act, Fiscal Year 2003.*

(2) *DIVISION B.*—*Security Assistance Act of 2002.*

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

*Sec. 1. Short title.*

*Sec. 2. Organization of Act into divisions; table of contents.*

*Sec. 3. Definitions.*

**DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEAR  
2003**

*Sec. 101. Short title.*

## TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

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- Sec. 111. *Administration of foreign affairs.*
- Sec. 112. *United States educational, cultural, and public diplomacy programs.*
- Sec. 113. *Contributions to international organizations.*
- Sec. 114. *International Commissions.*
- Sec. 115. *Migration and refugee assistance.*
- Sec. 116. *Grants to The Asia Foundation.*

### Subtitle B—United States International Broadcasting Activities

- Sec. 121. *Authorizations of appropriations.*

## TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

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- Sec. 202. *Special agent authorities.*
- Sec. 203. *International Litigation Fund.*
- Sec. 204. *State Department records of overseas deaths of United States citizens from nonnatural causes.*
- Sec. 205. *Foreign Relations Historical Series.*
- Sec. 206. *Expansion of eligibility for award of certain construction contracts.*
- Sec. 207. *International Chancery Center.*
- Sec. 208. *Travel to Great Lakes fisheries meetings.*
- Sec. 209. *Correction of Fishermen's Protective Act of 1967.*
- Sec. 210. *Use of funds received by the International Boundary and Water Commission.*
- Sec. 211. *Fee collections relating to intercountry adoptions and affidavits of support.*
- Sec. 212. *Annual reports on compliance with The Hague Convention on the Civil Aspects of International Child Abduction.*
- Sec. 213. *Repeal of provision regarding housing for Foreign Agricultural Attaches.*
- Sec. 214. *United States policy with respect to Jerusalem as the capital of Israel.*
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- Sec. 216. *Continuation of reporting requirements.*

### Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

- Sec. 221. *Fulbright-Hays Act authorities.*
- Sec. 222. *Extension of requirement for scholarships for Tibetans and Burmese.*
- Sec. 223. *Plan for achievement of public diplomacy objectives.*
- Sec. 224. *Advisory Committee on Cultural Diplomacy.*
- Sec. 225. *Allocation of funds for "American Corners" in the Russian Federation.*
- Sec. 226. *Report relating to Commission on Security and Cooperation in Europe.*
- Sec. 227. *Amendments to the Vietnam Education Foundation Act of 2000.*
- Sec. 228. *Ethical issues in international health research.*
- Sec. 229. *Conforming amendments.*

### Subtitle C—Consular Authorities

- Sec. 231. *Report on visa issuance to inadmissible aliens.*
- Sec. 232. *Denial of entry into United States of Chinese and other nationals engaged in coerced organ or bodily tissue transplantation.*
- Sec. 233. *Processing of visa applications.*
- Sec. 234. *Machine readable visas.*

### Subtitle D—Migration and Refugees

- Sec. 241. *Prohibition on funding the involuntary return of refugees.*
- Sec. 242. *United States membership in the International Organization for Migration.*
- Sec. 243. *Report on overseas refugee processing.*

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

### Subtitle A—Organizational Matters

- Sec. 301. *Comprehensive workforce plan.*
- Sec. 302. *"Rightsizing" overseas posts.*
- Sec. 303. *Qualifications of certain officers of the Department of State.*

*Subtitle B—Personnel Matters*

- Sec. 311. Thomas Jefferson Star for Foreign Service.*
- Sec. 312. Presidential rank awards.*
- Sec. 313. Foreign Service National Savings Fund.*
- Sec. 314. Clarification of separation for cause.*
- Sec. 315. Dependents on family visitation travel.*
- Sec. 316. Health education and disease prevention programs.*
- Sec. 317. Correction of time limitation for grievance filing.*
- Sec. 318. Training authorities.*
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- Sec. 320. Emergency medical advance payments.*
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- Sec. 322. Computation of Foreign Service retirement annuities as if Washington, D.C., locality-based comparability payments were made to overseas-stationed Foreign Service members.*
- Sec. 323. Plan for improving recruitment of veterans into the Foreign Service.*
- Sec. 324. Report concerning minority employment.*
- Sec. 325. Use of funds authorized for minority recruitment.*
- Sec. 326. Assignments and details of personnel to the American Institute in Taiwan.*
- Sec. 327. Annual reports on foreign language competence.*
- Sec. 328. Travel of children of members of the Foreign Service assigned abroad.*

**TITLE IV—INTERNATIONAL ORGANIZATIONS**

- Sec. 401. Payment of third installment of arrearages.*
- Sec. 402. Limitation on the United States share of assessments for United Nations peacekeeping operations in calendar years 2001 through 2004.*
- Sec. 403. Limitation on the United States share of assessments for United Nations regular budget.*
- Sec. 404. Promotion of sound financial practices by the United Nations.*
- Sec. 405. Reports to Congress on United Nations activities.*
- Sec. 406. Use of secret ballots within the United Nations.*
- Sec. 407. Sense of Congress relating to membership of the United States in UNESCO.*
- Sec. 408. United States membership on the United Nations Commission on Human Rights and International Narcotics Control Board.*
- Sec. 409. Plan for enhanced Department of State efforts to place United States citizens in positions of employment in the United Nations and its specialized agencies.*

**TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES**

- Sec. 501. Modification of limitation on grant amounts to RFE/RL, Incorporated.*
- Sec. 502. Pay parity for senior executives of RFE/RL, Incorporated.*
- Sec. 503. Authority to contract for local broadcasting services outside the United States.*
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**TITLE VI—MISCELLANEOUS PROVISIONS**

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- Sec. 601. Short title.*
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*Subtitle B—Tibet Policy*

- Sec. 611. Short title.*
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- Sec. 613. Tibet negotiations.*
- Sec. 614. Reporting on Tibet.*
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- Sec. 617. Release of prisoners and access to prisons.*
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- Sec. 619. Requirement for Tibetan language training.*

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*Subtitle C—East Timor Transition to Independence Act of 2002*

- Sec. 631. *Short title.*
- Sec. 632. *Bilateral assistance.*
- Sec. 633. *Multilateral assistance.*
- Sec. 634. *Trade and investment assistance.*
- Sec. 635. *Generalized System of Preferences.*
- Sec. 636. *Authority for radio broadcasting.*
- Sec. 637. *Security assistance for East Timor.*
- Sec. 638. *Reporting requirement.*

*Subtitle D—Clean Water for the Americas Partnership*

- Sec. 641. *Short title.*
- Sec. 642. *Definitions.*
- Sec. 643. *Establishment of program.*
- Sec. 644. *Environmental assessment.*
- Sec. 645. *Establishment of Technology America Centers.*
- Sec. 646. *Promotion of water quality, water treatment systems, and energy efficiency.*
- Sec. 647. *Grants for prefeasibility studies within a designated subregion.*
- Sec. 648. *Clean Water Technical Support Committee.*
- Sec. 649. *Authorization of appropriations.*
- Sec. 650. *Report.*
- Sec. 651. *Termination date.*
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*Subtitle E—Freedom Investment Act of 2002*

- Sec. 661. *Short title.*
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- Sec. 663. *Human rights activities at the Department of State.*
- Sec. 664. *Human Rights and Democracy Fund.*
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*Subtitle F—Elimination and Streamlining of Reporting Requirements*

- Sec. 671. *Elimination of certain reporting requirements.*
- Sec. 672. *Biennial reports on programs to encourage good governance.*

*Subtitle G—Other Matters*

- Sec. 681. *Amendments to the International Religious Freedom Act of 1998.*
- Sec. 682. *Amendments to the Victims of Trafficking and Violence Protection Act of 2000.*
- Sec. 683. *Annual human rights country reports on child soldiers.*
- Sec. 684. *Extension of authority for Caucus on International Narcotics Control.*
- Sec. 685. *Participation of South Asian countries in international law enforcement.*
- Sec. 686. *Payment of anti-terrorism judgments.*
- Sec. 687. *Reports on participation by small businesses in procurement contracts of USAID.*
- Sec. 688. *Program to improve building construction and practices in Latin American countries.*
- Sec. 689. *Sense of Congress relating to HIV/AIDS and United Nations peacekeeping operations.*
- Sec. 690. *Sense of Congress relating to Magen David Adom Society.*
- Sec. 691. *Sense of Congress regarding the location of Peace Corps offices abroad.*
- Sec. 692. *Sense of Congress relating to resolution of the Taiwan Strait issue.*
- Sec. 693. *Sense of Congress relating to display of the American flag at the American Institute in Taiwan.*
- Sec. 694. *Reports on activities in Colombia.*
- Sec. 695. *Report on United States-sponsored activities in Colombia.*
- Sec. 696. *Report on extradition policy and practice.*
- Sec. 697. *Special Court for Sierra Leone.*
- Sec. 698. *United States Envoy for Peace in Sudan.*
- Sec. 699. *Transfer of proscribed weapons to persons or entities in the West Bank and Gaza.*
- Sec. 700. *Sense of Congress relating to arsenic contamination in drinking water in Bangladesh.*
- Sec. 701. *Policing reform and human rights in Northern Ireland.*

- Sec. 702. Annual reports on United States-Vietnam human rights dialogue meetings.*
- Sec. 703. Sense of Congress regarding human rights violations in Indonesia.*
- Sec. 704. Report concerning the German Foundation "Remembrance, Responsibility, and the Future".*
- Sec. 705. Sense of Congress on return of portraits of holocaust victims to the artist Dina Babbitt.*
- Sec. 706. International drug control certification procedures.*

#### *DIVISION B—SECURITY ASSISTANCE ACT OF 2002*

##### *TITLE X—GENERAL PROVISIONS*

- Sec. 1001. Short title.*
- Sec. 1002. Definitions.*

##### *TITLE XI—VERIFICATION OF ARMS CONTROL AND NONPROLIFERATION AGREEMENTS*

- Sec. 1101. Verification and Compliance Bureau personnel.*
- Sec. 1102. Key Verification Assets Fund.*
- Sec. 1103. Revised verification and compliance reporting requirements.*

##### *TITLE XII—MILITARY AND RELATED ASSISTANCE*

###### *Subtitle A—Foreign Military Sales and Financing Authorities*

- Sec. 1201. Authorization of appropriations.*
- Sec. 1202. Relationship of Foreign Military Sales to United States nonproliferation interests.*
- Sec. 1203. Official reception and representation expenses.*
- Sec. 1204. Arms Export Control Act prohibition on transactions with countries that have repeatedly provided support for acts of international terrorism.*
- Sec. 1205. Congressional notification of small arms and light weapons license approvals; reports.*
- Sec. 1206. Treatment of Taiwan relating to transfers of defense articles and defense services.*

###### *Subtitle B—International Military Education and Training*

- Sec. 1211. Authorization of appropriations.*
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###### *Subtitle C—Assistance for Select Countries*

- Sec. 1221. Assistance for Israel and Egypt.*
- Sec. 1222. Security assistance for Greece and Turkey.*
- Sec. 1223. Security assistance for certain other countries.*
- Sec. 1224. Assistance for Lebanon.*

###### *Subtitle D—Excess Defense Article and Drawdown Authorities*

- Sec. 1231. Excess defense articles for certain countries.*
- Sec. 1232. Annual listing of possible excess defense articles.*
- Sec. 1233. Leases of defense articles for foreign countries and international organizations.*
- Sec. 1234. Priority with respect to transfer of excess defense articles.*

###### *Subtitle E—Other Political-Military Assistance*

- Sec. 1241. Destruction of surplus weapons stockpiles.*

###### *Subtitle F—Antiterrorism Assistance*

- Sec. 1251. Authorization of appropriations.*

###### *Subtitle G—Other Matters*

- Sec. 1261. Additions to United States War Reserve Stockpiles for Allies.*
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- Sec. 1263. Consultation with Congress with regard to Taiwan.*

### TITLE XIII—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

#### Subtitle A—General Provisions

- Sec. 1301. *Authorization of appropriations.*
- Sec. 1302. *Nonproliferation technology acquisition programs for friendly foreign countries.*
- Sec. 1303. *International nonproliferation and export control training.*
- Sec. 1304. *Relocation of scientists.*
- Sec. 1305. *International Atomic Energy Agency regular budget assessments and voluntary contributions.*
- Sec. 1306. *Amendments to the Iran Nonproliferation Act of 2000.*
- Sec. 1307. *Amendments to the North Korea Threat Reduction Act of 1999.*
- Sec. 1308. *Annual reports on the proliferation of missiles and essential components of nuclear, biological, chemical, and radiological weapons.*

#### Subtitle B—Russian Federation Debt Reduction for Nonproliferation

- Sec. 1311. *Short title.*
- Sec. 1312. *Findings and purposes.*
- Sec. 1313. *Definitions.*
- Sec. 1314. *Authority to reduce the Russian Federation's Soviet-era debt obligations to the United States.*
- Sec. 1315. *Russian Federation Nonproliferation Investment Agreement.*
- Sec. 1316. *Independent media and the rule of law.*
- Sec. 1317. *Restriction on debt reduction authority.*
- Sec. 1318. *Discussion of Russian Federation debt reduction for nonproliferation with other creditor states.*
- Sec. 1319. *Implementation of United States policy.*
- Sec. 1320. *Consultations with Congress.*
- Sec. 1321. *Annual reports to Congress.*

#### Subtitle C—Nonproliferation Assistance Coordination

- Sec. 1331. *Short title.*
- Sec. 1332. *Findings.*
- Sec. 1333. *Definitions.*
- Sec. 1334. *Establishment of Committee on Nonproliferation Assistance.*
- Sec. 1335. *Purposes and authority.*
- Sec. 1336. *Administrative support.*
- Sec. 1337. *Confidentiality of information.*
- Sec. 1338. *Statutory construction.*
- Sec. 1339. *Reporting and consultation.*

#### Subtitle D—Iran Nuclear Proliferation Prevention Act of 2002

- Sec. 1341. *Short title.*
- Sec. 1342. *Withholding of voluntary contributions to the International Atomic Energy Agency for programs and projects in Iran.*
- Sec. 1343. *Annual review by Secretary of State of programs and projects of the International Atomic Energy Agency; United States opposition to certain programs and projects of the Agency.*
- Sec. 1344. *Reporting requirements.*
- Sec. 1345. *Sense of Congress.*

### TITLE XIV—EXPEDITING THE MUNITIONS LICENSING PROCESS

- Sec. 1401. *License officer staffing.*
- Sec. 1402. *Funding for database automation.*
- Sec. 1403. *Information management priorities.*
- Sec. 1404. *Improvements to the Automated Export System.*
- Sec. 1405. *Adjustment of threshold amounts for congressional review purposes.*
- Sec. 1406. *Congressional notification of removal of items from the Munitions List.*

### TITLE XV—NATIONAL SECURITY ASSISTANCE STRATEGY

- Sec. 1501. *Briefing on the strategy.*
- Sec. 1502. *Security assistance surveys.*

### TITLE XVI—MISCELLANEOUS PROVISIONS

- Sec. 1601. *Nuclear and missile nonproliferation in South Asia.*
- Sec. 1602. *Real-time public availability of raw seismological data.*
- Sec. 1603. *Detailing United States governmental personnel to international arms control and nonproliferation organizations.*

Sec. 1604. *Diplomatic presence overseas.*

Sec. 1605. *Compliance with the Chemical Weapons Convention.*

#### **TITLE XVII—AUTHORITY TO TRANSFER NAVAL VESSELS**

Sec. 1701. *Authority to transfer naval vessels to certain foreign countries.*

#### **SEC. 3. DEFINITIONS.**

*In this Act:*

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—*The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.*

(2) **DEPARTMENT.**—*The term “Department” means the Department of State.*

(3) **SECRETARY.**—*Except as otherwise provided, the term “Secretary” means the Secretary of State.*

## ***DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEAR 2003***

#### **SEC. 101. SHORT TITLE.**

*This division may be cited as the “Department of State Authorization Act, Fiscal Year 2003”.*

## ***TITLE I—AUTHORIZATIONS OF APPROPRIATIONS***

### ***Subtitle A—Department of State***

#### **SEC. 111. ADMINISTRATION OF FOREIGN AFFAIRS.**

(a) **IN GENERAL.**—*The following amounts are authorized to be appropriated for the Department under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, and for other purposes authorized by law, including public diplomacy activities and the diplomatic security program:*

(1) **DIPLOMATIC AND CONSULAR PROGRAMS.**—

(A) **AUTHORIZATION OF APPROPRIATIONS.**—*For “Diplomatic and Consular Programs”, \$4,030,023,000 for the fiscal year 2003.*

(B) **WORLDWIDE SECURITY UPGRADES.**—*Of the amount authorized to be appropriated by subparagraph (A), \$564,000,000 for the fiscal year 2003 is authorized to be appropriated for worldwide security upgrades.*

(C) **BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.**—*Of the amount authorized to be appropriated by subparagraph (A), \$20,000,000 for the fiscal year 2003 is authorized to be appropriated for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor.*

(D) **RECRUITMENT OF MINORITY GROUPS.**—*Of the amount authorized to be appropriated by subparagraph (A), \$2,000,000 for the fiscal year 2003 is authorized to be appropriated for the recruitment of members of minority*

*groups for careers in the Foreign Service and international affairs.*

(2) *CAPITAL INVESTMENT FUND.—For “Capital Investment Fund”, \$200,000,000 for the fiscal year 2003.*

(3) *EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—*

*(A) IN GENERAL.—For “Embassy Security, Construction and Maintenance”, \$555,000,000 for the fiscal year 2003, in addition to amounts otherwise authorized to be appropriated for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–470).*

*(B) AMENDMENT OF THE NANCE-DONOVAN FOREIGN RELATIONS AUTHORIZATION ACT.—Section 604(a)(4) of that Act (113 Stat. 1501A–453) is amended by striking “\$900,000,000” and inserting “\$1,000,000,000”.*

(4) *REPRESENTATION ALLOWANCES.—For “Representation Allowances”, \$9,000,000 for the fiscal year 2003.*

(5) *PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For “Protection of Foreign Missions and Officials”, \$11,000,000 for the fiscal year 2003.*

(6) *EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the Diplomatic and Consular Service”, \$15,000,000 for the fiscal year 2003.*

(7) *REPATRIATION LOANS.—For “Repatriation Loans”, \$1,250,000 for the fiscal year 2003.*

(8) *PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—For “Payment to the American Institute in Taiwan”, \$18,817,000 for the fiscal year 2003.*

(9) *OFFICE OF THE INSPECTOR GENERAL.—For “Office of the Inspector General”, \$30,800,000 for the fiscal year 2003.*

*(b) AVAILABILITY OF FUNDS FOR PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—The amount appropriated pursuant to subsection (a)(5) is authorized to remain available through September 30, 2004.*

**SEC. 112. UNITED STATES EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY PROGRAMS.**

*The following amounts are authorized to be appropriated for the Department to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with such purposes:*

*(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—*

*(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—*

*(i) IN GENERAL.—For the “Fulbright Academic Exchange Programs” (other than programs described in subparagraph (B)), \$135,000,000 for the fiscal year 2003.*

(ii) *VIETNAM FULBRIGHT ACADEMIC EXCHANGE PROGRAM.*—Of the amount authorized to be appropriated by clause (i), \$5,000,000 for the fiscal year 2003 is authorized to be available to carry out the Vietnam scholarship program established by section 229 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (Public Law 102–138).

(iii) *NEW CENTURY SCHOLARS INITIATIVE—HIV/AIDS.*—Of the amount authorized to be appropriated under clause (i), \$1,000,000 for the fiscal year 2003 is authorized to be available for HIV/AIDS research and mitigation strategies under the Health Issues in a Border-Less World academic program of the New Century Scholars Initiative.

(B) *OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.*—

(i) *IN GENERAL.*—For other educational and cultural exchange programs authorized by law, \$125,000,000 for the fiscal year 2003.

(ii) *TIBETAN EXCHANGES.*—Of the amount authorized to be appropriated by clause (i), \$500,000 for the fiscal year 2003 is authorized to be available for “Ngawang Choephel Exchange Programs” (formerly known as “programs of educational and cultural exchange between the United States and the people of Tibet”) under section 103(a) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104–319).

(iii) *EAST TIMORESE SCHOLARSHIPS.*—Of the amount authorized to be appropriated by clause (i), \$500,000 for the fiscal year 2003 is authorized to be available for “East Timorese Scholarships”.

(iv) *MONTENEGRO PARLIAMENTARY DEVELOPMENT.*—Of the amount authorized to be appropriated by clause (i), \$500,000 for the fiscal year 2003 is authorized to be available for a program of parliamentary development and exchanges in Montenegro.

(v) *SOUTH PACIFIC EXCHANGES.*—Of the amount authorized to be appropriated under clause (i), \$750,000 for the fiscal year 2003 is authorized to be available for “South Pacific Exchanges”.

(vi) *ISRAEL-ARAB PEACE PARTNERS PROGRAM.*—Of the amount authorized to be appropriated under clause (i), \$750,000 for the fiscal year 2003 is authorized to be available for people-to-people activities (with a focus on young people) to support the Middle East peace process involving participants from Israel, the Palestinian Authority, Arab countries, and the United States, to be known as the “Israel-Arab Peace Partners Program”.

(vii) *SUDANESE SCHOLARSHIPS.*—Of the amount authorized to be appropriated under clause (i), \$500,000 for the fiscal year 2003 is authorized to be available for scholarships for students from southern Sudan for secondary or postsecondary education in the

*United States, to be known as “Sudanese Scholarships”.*

**(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—**

*(A) IN GENERAL.—For the “National Endowment for Democracy”, \$42,000,000 for the fiscal year 2003.*

*(B) REAGAN-FASCELL DEMOCRACY FELLOWS.—Of the amount authorized to be appropriated under subparagraph (A), \$1,000,000 for the fiscal year 2003 is authorized to be available for a fellowship program known as the “Reagan-Fascell Democracy Fellows”, for democracy activists and scholars from around the world at the International Forum for Democratic Studies in Washington, D.C., to study, write, and exchange views with other activists and scholars and with Americans.*

**(3) CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST.—***For the “Center for Cultural and Technical Interchange between East and West”, \$15,000,000 for the fiscal year 2003.*

**(4) DANTE B. FASCELL NORTH-SOUTH CENTER.—***For the “Dante B. Fascell North-South Center”, \$2,500,000 for the fiscal year 2003.*

**SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.**

**(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—**

**(1) AUTHORIZATION OF APPROPRIATIONS.—***There is authorized to be appropriated under the heading “Contributions to International Organizations” \$891,378,000 for the fiscal year 2003 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.*

**(2) AVAILABILITY OF FUNDS FOR CIVIL BUDGET OF NATO.—***Of the amount authorized to be appropriated under the heading “Contributions to International Organizations” for fiscal year 2003, and for each fiscal year thereafter, such sums as may be necessary are authorized for the United States assessment for the civil budget of the North Atlantic Treaty Organization.*

**(b) CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.—***There is authorized to be appropriated under the heading “Contributions for International Peacekeeping Activities” \$725,981,000 for the fiscal year 2003 for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.*

**(c) PROHIBITION ON FUNDING OTHER FRAMEWORK TREATY-BASED ORGANIZATIONS.—***None of the funds made available for the 2002–2003 biennium budget under subsection (a) for United States contributions to the regular budget of the United Nations may be available for the United States proportionate share of any framework treaty-based organization, including the Framework Convention on Global Climate Change, the International Seabed Authority, and the International Criminal Court.*

**(d) FOREIGN CURRENCY EXCHANGE RATES.—**

(1) *AUTHORIZATION OF APPROPRIATIONS.*—In addition to the amount authorized to be appropriated by subsection (a), there is authorized to be appropriated such sums as may be necessary for the fiscal year 2003 to offset adverse fluctuations in foreign currency exchange rates.

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

(e) *REFUND OF EXCESS CONTRIBUTIONS.*—The United States shall continue to insist that the United Nations and its specialized and affiliated agencies shall credit or refund to each member of the organization or agency concerned its proportionate share of the amount by which the total contributions to the organization or agency exceed the expenditures of the regular assessed budget of the organization or agency.

#### **SEC. 114. INTERNATIONAL COMMISSIONS.**

The following amounts are authorized to be appropriated under “International Commissions” for the Department to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international commissions, and for other purposes authorized by law:

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

(A) for “Salaries and Expenses”, \$28,387,000 for the fiscal year 2003; and

(B) for “Construction”, \$9,517,000 for the fiscal year 2003.

(2) *INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.*—For “International Boundary Commission, United States and Canada”, \$1,157,000 for the fiscal year 2003.

(3) *INTERNATIONAL JOINT COMMISSION.*—For “International Joint Commission”, \$7,544,000 for the fiscal year 2003.

(4) *INTERNATIONAL FISHERIES COMMISSIONS.*—For “International Fisheries Commissions”, \$19,780,000 for the fiscal year 2003.

#### **SEC. 115. MIGRATION AND REFUGEE ASSISTANCE.**

(a) *IN GENERAL.*—There is authorized to be appropriated for the Department for “Migration and Refugee Assistance” for authorized activities, \$820,000,000 for the fiscal year 2003.

(b) *REFUGEES RESETTLING IN ISRAEL.*—Of the amount authorized to be appropriated by subsection (a), \$60,000,000 is authorized to be available for the fiscal year 2003 for the resettlement of refugees in Israel.

(c) *TIBETAN REFUGEES IN INDIA AND NEPAL.*—Of the amount authorized to be appropriated by subsection (a), \$2,000,000 for the fiscal year 2003 is authorized to be available for humanitarian assistance, including food, medicine, clothing, and medical and vocational training, to Tibetan refugees in India and Nepal who have fled Chinese-occupied Tibet.

(d) *HUMANITARIAN ASSISTANCE FOR DISPLACED BURMESE*.—Of the amount authorized to be appropriated by subsection (a), \$2,000,000 for the fiscal year 2003 is authorized to be available for humanitarian assistance (including food, medicine, clothing, and medical and vocational training) to persons displaced as a result of civil conflict in Burma, including persons still within Burma.

(e) *AVAILABILITY OF FUNDS*.—Funds appropriated pursuant to this section are authorized to remain available until expended.

**SEC. 116. GRANTS TO THE ASIA FOUNDATION.**

Section 404 of The Asia Foundation Act (title IV of Public Law 98–164; 22 U.S.C. 4403) is amended to read as follows:

“SEC. 404. There is authorized to be appropriated to the Secretary of State \$15,000,000 for the fiscal year 2003 for grants to The Asia Foundation pursuant to this title.”.

## **Subtitle B—United States International Broadcasting Activities**

**SEC. 121. AUTHORIZATIONS OF APPROPRIATIONS.**

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

(1) *INTERNATIONAL BROADCASTING OPERATIONS*.—

(A) *IN GENERAL*.—For “International Broadcasting Operations”, \$485,823,000 for the fiscal year 2003.

(B) *ALLOCATION OF FUNDS*.—Of the amount authorized to be appropriated by subparagraph (A) for the fiscal year 2003, there is authorized to be available for Radio Free Asia \$35,000,000 for the fiscal year 2003.

(2) *BROADCASTING CAPITAL IMPROVEMENTS*.—For “Broadcasting Capital Improvements”, \$13,740,000 for the fiscal year 2003.

(3) *BROADCASTING TO CUBA*.—For “Broadcasting to Cuba”, \$25,923,000 for the fiscal year 2003.

(b) *CONTINUATION OF ADDITIONAL AUTHORIZATION FOR BROADCASTING TO THE PEOPLE’S REPUBLIC OF CHINA AND NEIGHBORING COUNTRIES*.—Section 701 of Public Law 106–286 (22 U.S.C. 7001) is amended—

(1) in subsection (a) by striking “2001” and inserting “2003”; and

(2) in subsection (b)(1), by striking “2001 and 2002” and inserting “2001, 2002, and 2003”.

(c) *ADDITIONAL AUTHORIZATION OF APPROPRIATIONS FOR MIDDLE EAST RADIO NETWORK OF VOICE OF AMERICA*.—In addition to such amounts as are made available for the Middle East Radio Network of Voice of America pursuant to the authorization of appropriations under subsection (a), there is authorized to be appropriated \$20,000,000 for the fiscal year 2003 for the Middle East Radio Network of Voice of America.

## **TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES**

### ***Subtitle A—Basic Authorities and Activities***

#### **SEC. 201. EMERGENCY EVACUATION SERVICES.**

Section 4(b)(2)(A) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2671(b)(2)(A)) is amended to read as follows:

“(A) the evacuation when their lives are endangered by war, civil unrest, or natural disaster of—

“(i) United States Government employees and their dependents; and

“(ii) private United States citizens or third-country nationals, on a reimbursable basis to the maximum extent practicable, with such reimbursements to be credited to the applicable Department of State appropriation and to remain available until expended, except that no reimbursement under this clause shall be paid that is greater than the amount the person evacuated would have been charged for a reasonable commercial air fare immediately prior to the events giving rise to the evacuation;”.

#### **SEC. 202. SPECIAL AGENT AUTHORITIES.**

(a) **GENERAL AUTHORITY.**—Section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended—

(1) by amending paragraph (2) to read as follows:

“(2) obtain and execute search and arrest warrants, as well as obtain and serve subpoenas and summonses issued under the authority of the United States;”;

(2) in paragraph (3)(F), by inserting “or President-elect” after “President”; and

(3) by amending paragraph (5) to read as follows:

“(5) make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.”.

(b) **AGREEMENTS.**—Section 37(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking “(b) AGREEMENT.—” and all that follows through the end of paragraph (1) and inserting the following: “(b) AGREEMENTS WITH ATTORNEY GENERAL AND SECRETARY OF

THE TREASURY AND FIREARMS REGULATIONS.—

“(1) **AGREEMENT WITH ATTORNEY GENERAL.**—The authority conferred by paragraphs (1) and (4) of subsection (a) shall be exercised subject to an agreement between the Secretary and the Attorney General.

“(2) **AGREEMENT WITH ATTORNEY GENERAL AND SECRETARY OF THE TREASURY.**—The authority conferred by paragraphs (2) and (5) of subsection (a) shall be exercised subject to an agreement among the Secretary, the Attorney General, and the Secretary of the Treasury.”.

(c) **IMPLEMENTATION OF SEARCH, SEIZURE, SERVICE, AND ARREST AUTHORITY.**—(1) *The authority conferred by paragraphs (2) and (5) of section 37(a) of the State Department Basic Authorities Act of 1956, as amended by subsection (a), may not be exercised until the date on which the Secretary—*

*(A) submits the agreement required by subsection (b)(2) of section 37 of such Act to the appropriate congressional committees; and*

*(B) publishes in the Federal Register a notice that the agreement has been submitted in accordance with the requirements of subparagraph (A).*

*(2) The authority conferred by paragraphs (2) and (5) of subsection (a) of section 37 of the State Department Basic Authorities Act of 1956, as in effect on the day before the date of the enactment of this Act, may continue to be exercised until the date on which the notice described in paragraph (1)(B) is published in the Federal Register.*

**SEC. 203. INTERNATIONAL LITIGATION FUND.**

*Section 38 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710) is amended by adding at the end the following new subsection:*

*“(e) RETENTION OF FUNDS.—*

*“(1) IN GENERAL.—To reimburse the expenses of the United States Government in preparing or prosecuting a proceeding before an international tribunal, or a claim against a foreign government or other foreign entity, the Secretary may retain 1.5 percent of any amount between \$100,000 and \$5,000,000, and one percent of any amount over \$5,000,000, received per claim under chapter 34 of the Act of February 27, 1896 (22 U.S.C. 2668a; 29 Stat. 32).*

*“(2) TREATMENT.—Amounts retained under the authority of paragraph (1) shall be deposited into the fund under subsection (d).”.*

**SEC. 204. STATE DEPARTMENT RECORDS OF OVERSEAS DEATHS OF UNITED STATES CITIZENS FROM NONNATURAL CAUSES.**

*Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:*

**“SEC. 57. STATE DEPARTMENT RECORDS OF OVERSEAS DEATHS OF UNITED STATES CITIZENS FROM NONNATURAL CAUSES.**

*“(a) COLLECTION OF INFORMATION.—The Secretary shall, to the maximum extent practicable, collect, with respect to each foreign country, the following information with respect to each United States citizen who dies in that country from a nonnatural cause on or after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 2003:*

*“(1) The date of death.*

*“(2) The locality where the death occurred (including the state or province and municipality, if available).*

*“(3) The cause of death, including information on the circumstances of the death, and including, if the death resulted from an act of terrorism, a statement disclosing that information.*

“(4) Such other information as the Secretary shall prescribe.

“(b) DATABASE.—The Secretary shall establish and maintain a database containing the information collected under subsection (a).

“(c) PUBLIC AVAILABILITY OF INFORMATION.—Beginning three months after the date of enactment of the Foreign Relations Authorization Act, Fiscal Year 2003, the Secretary, shall make available, on a country-by-country basis, on the Internet website of the Department’s Bureau of Consular Affairs, the information from the database described in subsection (b) with respect to deaths occurring since the date of enactment of that Act, or occurring during the preceding three calendar years, whichever period is shorter. The information shall be updated at least every six months.”.

**SEC. 205. FOREIGN RELATIONS HISTORICAL SERIES.**

(a) ANNUAL REPORTS BY THE ADVISORY COMMITTEE.—Section 404(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4354(d)) is amended—

(1) by striking “REPORTING REQUIREMENT.—” and inserting “ANNUAL REPORTS BY THE ADVISORY COMMITTEE.—”; and

(2) by inserting “and to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives” after “Secretary of State”.

(b) ANNUAL REPORTS BY THE SECRETARY.—Section 404(e) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4354(e)) is amended to read as follows:

“(e) ANNUAL REPORTS BY THE SECRETARY.—

“(1) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on the compliance of the Department of State with the provisions of this title, including—

“(A) the volumes published in the previous calendar year;

“(B) the degree to which the Department is not in compliance with the deadline set forth in section 401(c); and

“(C) the factors relevant to the inability of the Department to comply with the provisions of this title, including section 401(c).

“(2) FORM OF REPORTS.—Each report required to be submitted by paragraph (1) shall be submitted in unclassified form, together with a classified annex if necessary.”.

**SEC. 206. EXPANSION OF ELIGIBILITY FOR AWARD OF CERTAIN CONSTRUCTION CONTRACTS.**

(a) IN GENERAL.—Section 11(b)(4)(A) of the Foreign Service Buildings Act, 1926 (22 U.S.C. 302(b)(4)(A)) is amended by inserting “or at a United States diplomatic or consular establishment abroad” after “United States”.

(b) CONFORMING AMENDMENT.—Section 402(c)(2)(D) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4852(c)(2)(D)) is amended by inserting “or at a United States diplomatic or consular establishment abroad” after “United States”.

**SEC. 207. INTERNATIONAL CHANCERY CENTER.**

Section 1 of the Act of October 8, 1968 (Public Law 90-553, as amended; commonly known as the "International Center Act") is amended—

(1) by redesignating clauses (a) and (b) as clauses (1) and (2), respectively;

(2) by inserting "(a)" after "That"; and

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

"(b) There is established in the Treasury of the United States an account into which may be deposited funds provided as advance payments pursuant to subsection (a).

"(c) The Secretary of State may request the Secretary of the Treasury to invest such portion of the funds deposited in that account as is not, in the judgment of the Secretary of State, required to meet the current needs of the account. Such investments shall be made by the Secretary of the Treasury in public debt securities with maturities suitable to the needs of the account, as determined by the Secretary of State, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration the current market yields on outstanding marketable obligations of the United States of comparable maturity."

**SEC. 208. TRAVEL TO GREAT LAKES FISHERIES MEETINGS.**

Section 4(c) of the Great Lakes Fisheries Act of 1956 (16 U.S.C. 933(c)) is amended—

(1) by striking "five" and inserting "ten"; and

(2) by striking "each" and inserting "the annual".

**SEC. 209. CORRECTION OF FISHERMEN'S PROTECTIVE ACT OF 1967.**

Section 7(a)(3) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(a)(3)) is amended by striking "Secretary of Commerce" and inserting "Secretary of State".

**SEC. 210. USE OF FUNDS RECEIVED BY THE INTERNATIONAL BOUNDARY AND WATER COMMISSION.**

Section 5 of the Act entitled "An Act providing for a study regarding the equitable use of the waters of the Rio Grande below Fort Quitman, Texas, in cooperation with the United States of Mexico", approved May 13, 1924 (22 U.S.C. 277d), is amended by inserting "the North American Development Bank, or the Border Environment Cooperation Commission" after "United Mexican States".

**SEC. 211. FEE COLLECTIONS RELATING TO INTERCOUNTRY ADOPTIONS AND AFFIDAVITS OF SUPPORT.**

(a) **ADOPTION FEES.**—Section 403(b) of the Intercountry Adoption Act of 2000 (Public Law 106-279) is amended—

(1) in paragraph (2), by adding at the end the following new sentence: "Such fees shall remain available for obligation until expended."; and

(2) by striking paragraph (3).

(b) **AFFIDAVIT OF SUPPORT FEES.**—Section 232 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113 and contained in appendix G of that Act; 113 Stat. 1501A-425) is amended—

(1) in subsection (c), by adding at the end the following new sentence: "Such fees shall remain available for obligation until expended."; and

(2) by striking subsection (d).

**SEC. 212. ANNUAL REPORTS ON COMPLIANCE WITH THE HAGUE CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION.**

Section 2803(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as contained in division G of Public Law 105–277; 112 Stat. 2681–846) is amended by striking “during the period ending September 30, 2001”.

**SEC. 213. REPEAL OF PROVISION REGARDING HOUSING FOR FOREIGN AGRICULTURAL ATTACHES.**

Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–34) is repealed.

**SEC. 214. UNITED STATES POLICY WITH RESPECT TO JERUSALEM AS THE CAPITAL OF ISRAEL.**

(a) **CONGRESSIONAL STATEMENT OF POLICY.**—The Congress maintains its commitment to relocating the United States Embassy in Israel to Jerusalem and urges the President, pursuant to the Jerusalem Embassy Act of 1995 (Public Law 104–45; 109 Stat. 398), to immediately begin the process of relocating the United States Embassy in Israel to Jerusalem.

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

(c) **LIMITATION ON USE OF FUNDS FOR PUBLICATIONS.**—None of the funds authorized to be appropriated by this Act may be available for the publication of any official government document which lists countries and their capital cities unless the publication identifies Jerusalem as the capital of Israel.

(d) **RECORD OF PLACE OF BIRTH AS ISRAEL FOR PASSPORT PURPOSES.**—For purposes of the registration of birth, certification of nationality, or issuance of a passport of a United States citizen born in the city of Jerusalem, the Secretary shall, upon the request of the citizen or the citizen’s legal guardian, record the place of birth as Israel.

**SEC. 215. REPORT CONCERNING EFFORTS TO PROMOTE ISRAEL’S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.**

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

(1) Israel is a friend and ally of the United States whose security is vital to regional stability and United States interests.

(2) Israel currently maintains diplomatic relations with approximately 160 countries. Approximately 30 countries do not have any diplomatic relations with Israel.

(3) The State of Israel has been actively seeking to establish formal relations with a number of countries.

(4) The United States should assist its ally, Israel, in its efforts to establish diplomatic relations.

(5) After more than 50 years of existence, Israel deserves to be treated as an equal nation by its neighbors and the world community.

(b) *REPORT CONCERNING UNITED STATES EFFORTS TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH OTHER COUNTRIES.*—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees that includes the following information (in classified or unclassified form, as appropriate):

(1) Actions taken by the United States to encourage other countries to establish full diplomatic relations with Israel.

(2) Specific responses solicited and received by the Secretary from countries that do not maintain full diplomatic relations with Israel with respect to the status of negotiations to enter into diplomatic relations with Israel.

(3) Other measures being undertaken, and measures that will be undertaken, by the United States to ensure and promote Israel's full participation in the world diplomatic community.

**SEC. 216. CONTINUATION OF REPORTING REQUIREMENTS.**

(a) *REPORTS ON CLAIMS BY UNITED STATES FIRMS AGAINST THE GOVERNMENT OF SAUDI ARABIA.*—Section 2801(b)(1) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking “seventh” and inserting “eleventh”.

(b) *REPORTS ON DETERMINATIONS UNDER TITLE IV OF THE LIBERTAD ACT.*—Section 2802(a) of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105–277) is amended by striking “September 30, 2001,” and inserting “September 30, 2003,”.

(c) *REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.*—Section 805(a) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 805(a) of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–470) is amended by striking “Not later” and all that follows through “2001,” and inserting “Not later than May 1, 2003, and not later than May 1, 2004,”.

## **Subtitle B—Educational, Cultural, and Public Diplomacy Authorities**

**SEC. 221. FULBRIGHT-HAYS ACT AUTHORITIES.**

Section 112(d) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(d)) is amended—

(1) by inserting “(1)” immediately after “(d)”; and

(2) by adding at the end the following:

“(2) Notwithstanding paragraph (1), the Bureau may also exercise the authorities of this Act to administer programs authorized by, or funded pursuant to, the FREEDOM Support Act, the Support for East European Democracy Act, the Foreign Assistance Act of 1961, or any other Act authorizing educational or cultural exchanges or activities, to the extent that such programs are consistent with the purposes of this Act.”.

**SEC. 222. EXTENSION OF REQUIREMENT FOR SCHOLARSHIPS FOR TIBETANS AND BURMESE.**

*Section 103(b)(1) of the Human Rights, Refugee, and Other Foreign Relations Provisions Act of 1996 (Public Law 104-319; 22 U.S.C. 2151 note) is amended by striking “for the fiscal year 2000” and inserting “for the fiscal year 2003”.*

**SEC. 223. PLAN FOR ACHIEVEMENT OF PUBLIC DIPLOMACY OBJECTIVES.**

*Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a plan for the Department designed to achieve the following objectives:*

- (1) Full integration of public diplomacy policy into overall policy formulation and implementation.*
- (2) Closer communication and policy coordination between public diplomacy officers and other officers in the regional bureaus of the Department and at overseas posts.*
- (3) The creation of channels of direct communication between the public diplomacy officers in regional bureaus of the Department and the Under Secretary of State for Public Diplomacy.*
- (4) Minimizing any adverse consequences of public diplomacy officers in country posts reporting to the regional bureaus of the Department.*

**SEC. 224. ADVISORY COMMITTEE ON CULTURAL DIPLOMACY.**

*(a) ESTABLISHMENT.—There is established an Advisory Committee on Cultural Diplomacy (in this section referred to as the “Advisory Committee”), which shall be composed of nine members, as follows:*

- (1) The Under Secretary of State for Public Diplomacy, who shall serve as Chair.*
- (2) The Assistant Secretary of State for Educational and Cultural Affairs.*
- (3) Seven members appointed pursuant to subsection (c).*

*(b) DUTIES.—The Advisory Committee shall advise the Secretary on programs and policies to advance the use of cultural diplomacy in United States foreign policy. The Advisory Committee shall, in particular, provide advice to the Secretary on—*

- (1) increasing the presentation abroad of the finest of the creative, visual, and performing arts of the United States; and*
- (2) strategies for increasing public-private partnerships to sponsor cultural exchange programs that promote the national interests of the United States.*

*(c) APPOINTMENTS.—The members of the Advisory Committee shall be appointed by the Secretary, not more than four of whom shall be from the same political party, from among distinguished Americans with a demonstrated record of achievement in the creative, visual, and performing arts, or international affairs. No officer or employee of the United States shall be appointed to the Advisory Committee.*

*(d) VACANCIES.—A vacancy in the membership of the Advisory Committee shall be filled in the same manner as provided under this subsection to make the original appointment.*

*(e) MEETINGS.—A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall*

meet at least twice each year or as frequently as may be necessary to carry out its duties.

(f) *ADMINISTRATIVE SUPPORT.*—The Secretary is authorized to provide the Advisory Committee with necessary administrative support from among the staff of the Bureau of Educational and Cultural Affairs of the Department.

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

(h) *EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.*—The Federal Advisory Committee Act shall not apply to the Advisory Committee to the extent that the provisions of this section are inconsistent with that Act.

(i) *AUTHORIZATION OF APPROPRIATIONS.*—There are authorized to be appropriated to the Department such sums as may be necessary to carry out this section.

(j) *TERMINATION.*—The Advisory Committee shall terminate September 30, 2005.

**SEC. 225. ALLOCATION OF FUNDS FOR “AMERICAN CORNERS” IN THE RUSSIAN FEDERATION.**

(a) *FINDING.*—Congress finds that joint ventures with host libraries in the Russian Federation known as “American Corners” are an effective means—

(1) to provide information about United States history, government, society, and values;

(2) to provide access to computers and the Internet; and

(3) to leverage United States assistance and exchange programs in the Russian Federation.

(b) *ALLOCATION OF FUNDS.*—Of the amount authorized to be appropriated by section 112(1)(B) of this Act for the fiscal year 2003, \$500,000 is authorized to be available for “American Corner” centers operating in the Russian Federation.

**SEC. 226. REPORT RELATING TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE.**

Section 5 of the Act entitled “An Act to establish a Commission on Security and Cooperation in Europe” (22 U.S.C. 3005) is amended to read as follows:

“SEC. 5. In order to assist the Commission in carrying out its duties, the Secretary of State shall submit to the Commission an annual report discussing the overall United States policy objectives that are advanced through meetings of decision-making bodies of the Organization for Security and Cooperation in Europe (OSCE), the OSCE implementation review process, and other activities of the OSCE. The report shall also include a summary of specific United States policy objectives with respect to participating states where there is particular concern relating to the implementation of OSCE commitments or where an OSCE presence exists. Such summary shall address the role played by OSCE institutions, mechanisms, or field activities in achieving United States policy objectives. Each annual report shall cover the period from January 1 to December 31, shall be submitted not more than 90 days after the end of the re-

porting period, and shall be posted on the Internet website of the Department of State.”.

**SEC. 227. AMENDMENTS TO THE VIETNAM EDUCATION FOUNDATION ACT OF 2000.**

(a) **PURPOSES OF THE ACT.**—Section 202 of the Vietnam Education Foundation Act of 2000 (title II of division B of H.R. 5666, as enacted by section 1(a)(4) of Public Law 106–554 and contained in appendix D of that Act; 114 Stat. 2763A-255) is amended—

(1) in paragraph (1)(A), by inserting “in the United States” after “technology”; and

(2) in paragraph (1)(B), by striking “appropriate Vietnamese institutions” and inserting “academic institutions in Vietnam”.

(b) **ELECTION OF THE CHAIR.**—Section 205(c) of such Act is amended by inserting “voting members of the” after “The”.

(c) **DUTIES OF THE BOARD.**—Section 205(e) of such Act is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) provide overall supervision and direction of the Foundation;

“(2) establish criteria for the eligibility of applicants, including criteria established by section 206(b), and for the selection of fellowship recipients; and

“(3) select the fellowship recipients.”.

(d) **TREATMENT OF PRESIDENTIAL APPOINTEES TO THE BOARD OF DIRECTORS.**—Section 205 of such Act is amended—

(1) in subsection (f)—

(A) by amending paragraph (1) to read as follows:

“(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), each member of the Board shall serve without compensation.”; and

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

“(3) **COMPENSATION OF PRESIDENTIAL APPOINTEES.**—The members of the Board appointed under subsection (a)(6) shall be paid at the daily equivalent of the rate of basic pay payable for positions at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a Board member.”; and

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

“(g) **TREATMENT OF PRESIDENTIAL APPOINTEES AS SPECIAL GOVERNMENT EMPLOYEES.**—The members of the Board appointed under subsection (a)(6) shall be special Government employees, as defined in section 202(a) of title 18, United States Code.”.

(e) **TRAVEL REGULATIONS.**—Section 205 of such Act, as amended by subsection (d), is further amended by adding at the end the following new subsection:

“(h) **TRAVEL REGULATIONS.**—Members of the Board shall be subject to the same travel regulations as apply to officers and employees of the Department of State.”.

(f) **VACANCIES.**—Section 205(b) of such Act is amended by adding at the end the following new paragraph:

“(3)(A) Any member appointed to fill a vacancy prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

“(B) Upon the expiration of his or her term of office, any member may continue to serve until a successor is appointed.”.

(g) *ENGLISH PROFICIENCY*.—Section 206(a)(2) of such Act is amended to read as follows:

“(2) *SCIENTIFIC AND TECHNICAL VOCABULARY IN ENGLISH*.—Fellowships awarded to Vietnamese nationals under paragraph (1) may include funding to improve English proficiency in a fellowship recipient’s field of study.”.

(h) *SELECTION CRITERIA*.—Section 206(b) of such Act is amended—

(1) in paragraph (1), by striking “Vietnamese candidates for fellowships” and inserting “Fellowship candidates from Vietnam”; and

(2) in paragraph (2), by striking “teaching candidates” and inserting “candidates for teaching fellowships”.

(i) *ANNUAL REPORT*.—Such Act is amended—

(1) in section 207(d), by striking “Board” and inserting “Secretary of the Treasury”; and

(2) in section 209(b)—

(A) by striking “Foundation” and inserting “Board”; and

(B) by striking “its operations under this title” and inserting “the operations of the Foundation under this title, including the financial condition of the Foundation”.

(j) *COMPENSATION OF EXECUTIVE DIRECTOR*.—Section 208(d) of such Act is amended by striking “level V of the Executive Schedule under section 5316” and inserting “level IV of the Executive Schedule under section 5315”.

(k) *CLERICAL CORRECTIONS*.—Such Act is amended—

(1) in section 206(d)—

(A) in the subsection heading, by striking “MATCHING” and inserting “COST-SHARING”; and

(B) by striking “matching” and inserting “cost-sharing”;

(2) in section 206(e)—

(A) by striking “proficiency” and inserting “progress”; and

(B) by inserting before the period at the end the following: “and applicable law”;

(3) in section 208(a), by striking “Secretary” and inserting “Director”;

(4) in section 208(d), by striking “title V” and inserting “title 5”; and

(5) in section 209(a)(5), by striking “District of Columbia” and inserting “metropolitan Washington, D.C., area”.

#### **SEC. 228. ETHICAL ISSUES IN INTERNATIONAL HEALTH RESEARCH.**

(a) *IN GENERAL*.—The Secretary shall make available funds for international exchanges to provide opportunities to researchers in developing countries to participate in activities related to ethical issues in human subject research, as described in subsection (c).

(b) *COORDINATION WITH OTHER PROGRAMS*.—The Secretary shall coordinate programs conducted pursuant to this section with similar programs that may be conducted by the United States Agency for International Development and other Federal agencies as part

of United States international health programs, particularly with respect to research and treatment of infectious diseases.

(c) **ETHICAL ISSUES IN HUMAN SUBJECT RESEARCH.**—For purposes of subsection (a), the phrase “activities related to ethical issues in human subject research” includes courses of study, conferences, and fora on development of and compliance with international ethical standards for clinical trials involving human subjects, particularly with respect to responsibilities of researchers to individuals and local communities participating in such trials, and on management and monitoring of such trials based on such international ethical standards.

**SEC. 229. CONFORMING AMENDMENTS.**

Section 112(g) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(g)) is amended—

(1) in paragraph (1), by striking “United States Information Agency” and inserting “Department of State”;

(2) in paragraph (3)—

(A) in subparagraph (A), by striking “Associate Director for Educational and Cultural Affairs of the United States Information Agency” and inserting “Assistant Secretary of State for Educational and Cultural Affairs”;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraphs (C), (D), (E), (F), and (G) as subparagraphs (B), (C), (D), (E), and (F), respectively;

(3) in paragraph (5), by striking “United States Information Agency” and inserting “Department of State”;

(4) in paragraph (6)(G), by striking “United States Information Agency” and inserting “Department of State”; and

(5) in paragraph (7), by striking “Director of the United States Information Agency” and inserting “Secretary of State, acting through the Under Secretary of State for Public Diplomacy”.

## **Subtitle C—Consular Authorities**

**SEC. 231. REPORT ON VISA ISSUANCE TO INADMISSIBLE ALIENS.**

Section 51(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2723(a)) is amended—

(1) by inserting “(1) DENIAL OF VISAS.—” before “The Secretary”; and

(2) by adding at the end the following:

“(2) **VISA ISSUANCE TO INADMISSIBLE ALIENS.**—The Secretary shall, on a semiannual basis, submit to the appropriate committees of the Congress a report describing every instance during the period covered by the report in which a consular post or the Visa Office of the Department of State issued an immigrant or nonimmigrant visa to an alien who is inadmissible to the United States based upon terrorist activity or failed to object to the issuance of an immigrant or nonimmigrant visa to an alien notwithstanding any such ground of inadmissibility. The report shall set forth the name and nationality of the alien, the issuing post, and a brief factual statement of the basis for

*issuance of the visa or the failure to object. The report may be submitted in classified or unclassified form.”.*

**SEC. 232. DENIAL OF ENTRY INTO UNITED STATES OF CHINESE AND OTHER NATIONALS ENGAGED IN COERCED ORGAN OR BODILY TISSUE TRANSPLANTATION.**

(a) *DENIAL OF ENTRY.*—Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary shall direct consular officers not to issue a visa to any person whom the Secretary finds, based on credible and specific information, to have been directly involved with the coercive transplantation of human organs or bodily tissue, unless the Secretary has substantial grounds for believing that the foreign national has discontinued his or her involvement with, and support for, such practices.

(b) *EXCEPTION.*—The prohibitions in subsection (a) do not apply to an applicant who is a head of state, head of government, or cabinet-level minister.

(c) *WAIVER.*—The Secretary may waive the prohibitions in subsection (a) with respect to a foreign national if the Secretary—

(1) *determines that it is important to the national interest of the United States to do so; and*

(2) *not later than 30 days after the issuance of a visa, provides written notification to the appropriate congressional committees containing a justification for the waiver.*

**SEC. 233. PROCESSING OF VISA APPLICATIONS.**

(a) *IN GENERAL.*—It shall be the policy of the Department to process each visa application from an alien classified as an immediate relative or as a K-1 nonimmigrant within 30 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service. In the case of an immigrant visa application where the petitioner is a relative other than an immediate relative, it should be the policy of the Department to process such an application within 60 days of the receipt of all necessary documents from the applicant and the Immigration and Naturalization Service.

(b) *DEFINITIONS.*—In this section:

(1) *IMMEDIATE RELATIVE.*—The term “immediate relative” has the meaning given the term in section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)).

(2) *K-1 NONIMMIGRANT.*—The term “K-1 nonimmigrant” means a nonimmigrant alien described in section 101(a)(15)(K)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(K)(i)).

**SEC. 234. MACHINE READABLE VISAS.**

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351 note) is amended by adding at the end the following:

“(3) For the fiscal year 2003, any amount that exceeds \$460,000,000 may be made available only if a notification is submitted to Congress in accordance with the procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956.”.

## ***Subtitle D—Migration and Refugees***

### **SEC. 241. PROHIBITION ON FUNDING THE INVOLUNTARY RETURN OF REFUGEES.**

*Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.), as amended by section 204 of this Act, is further amended by adding at the end the following new section:*

### **“SEC. 58. PROHIBITION ON FUNDING THE INVOLUNTARY RETURN OF REFUGEES.**

**“(a) PROHIBITION.—**

**“(1) IN GENERAL.—***Except as provided in paragraph (2), none of the funds made available to the Department of State, or the United States Emergency Refugee and Migration Assistance Fund established in section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)), may be available to effect the involuntary return by the United States of any person to a country in which the person has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.*

**“(2) EXCEPTION.—***The prohibition in paragraph (1) does not apply to the return of any person on grounds recognized as precluding protection as a refugee under the United Nations Convention Relating to the Status of Refugees of July 28, 1951, and the Protocol Relating to the Status of Refugees of January 31, 1967, subject to the reservations contained in the United States Senate resolution of advice and consent to ratification of the Protocol.*

**“(b) CONGRESSIONAL NOTIFICATION REQUIRED IN ALL CASES.—***None of the funds made available to the Department of State, or the United States Emergency Refugee and Migration Assistance Fund established in section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)), may be available to effect the involuntary return by the United States of any person to any country unless the Secretary first notifies the appropriate congressional committees, except that, in the case of an emergency involving a threat to human life, the Secretary shall notify the appropriate congressional committees as soon as practicable.*

**“(c) STATUTORY CONSTRUCTION.—***Nothing in this section shall be construed as affecting activities of the Department of State that relate to removal proceedings under the Immigration and Nationality Act or extradition.*

**“(d) DEFINITIONS.—***In this section:*

**“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—***The term ‘appropriate congressional committees’ means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.*

**“(2) TO EFFECT THE INVOLUNTARY RETURN.—***The term “to effect the involuntary return” means to require, by means of physical force or circumstances amounting to a threat thereof, a person to return to a country against the person’s will, regardless of whether the person is physically present in the United States and regardless of whether the United States acts directly or through an agent.”.*

**SEC. 242. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL ORGANIZATION FOR MIGRATION.**

*Section 2(a) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(a)) is amended to read as follows:*

*“(a)(1) The President is authorized to continue membership for the United States in the International Organization for Migration in accordance with the constitution of such organization approved in Venice, Italy, on October 19, 1953, as amended in Geneva, Switzerland, on November 24, 1998, upon entry into force of such amendments.*

*“(2) For the purpose of assisting in the movement of refugees and migrants, there are authorized to be appropriated to the President such amounts as may be necessary from time to time for payment by the United States of its contributions to the International Organization for Migration and all necessary salaries and expenses incidental to United States participation in such organization.”.*

**SEC. 243. REPORT ON OVERSEAS REFUGEE PROCESSING.**

*(a) REPORT ON OVERSEAS REFUGEE PROCESSING.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on overseas processing of refugees for admission to the United States.*

*(b) CONTENTS.—The report shall include the following detailed information:*

*(1) United States procedures for the identification of refugees who are particularly vulnerable or whose individual circumstances otherwise suggest an urgent need for resettlement, including the extent to which the Department now insists on referral by the United Nations High Commissioner for Refugees as a prerequisite to consideration of such refugees for resettlement in the United States, together with a plan for the expanded use of alternatives to such referral, including the use of field-based nongovernmental organizations to identify refugees in urgent need of resettlement.*

*(2) The extent to which the Department makes use in overseas refugee processing of the designation of groups of refugees who are of special concern to the United States, together with the reasons for any decline in such use over the last 10 years and a plan for making more generous use of such categories in the future.*

*(3) The extent to which the United States currently provides opportunities for resettlement in the United States of individuals who are close family members of citizens or lawful residents of the United States, together with the reasons for any decline in the extent of such provision over the last 10 years and a plan for expansion of such opportunities in the future.*

*(4) The extent to which opportunities for resettlement in the United States are currently provided to “urban refugees” and others who do not currently reside in refugee camps, together with a plan for increasing such opportunities, particularly for refugees who are in urgent need of resettlement, who are members of refugee groups of special interest to the United States, or who are close family members of United States citizens or lawful residents.*

(5) *The Department's assessment of the feasibility and desirability of modifying the Department's current list of refugee priorities to create an additional category for refugees whose need for resettlement is based on a long period of residence in a refugee camp with no immediate prospect of safe and voluntary repatriation to their country of origin or last permanent residence.*

(6) *The extent to which the Department uses private voluntary agencies to assist in the identification of refugees for admission to the United States, including the Department's assessment of the advantages and disadvantages of private voluntary agencies, the reasons for any decline in the Department's use of voluntary agencies over the last 10 years, and a plan for the expanded use of such agencies.*

(7) *The extent to which the per capita reception and placement grant to voluntary agencies assisting in resettlement of refugees has increased over the last 10 years commensurate with the cost to such agencies of providing such services.*

(8) *An estimate of the cost of each change in current practice or procedure discussed in the report, together with an estimate of any increase in the annual refugee admissions ceiling that would be necessary to implement each change.*

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

### **Subtitle A—Organizational Matters**

#### **SEC. 301. COMPREHENSIVE WORKFORCE PLAN.**

(a) **WORKFORCE PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a comprehensive workforce plan for the Department for the fiscal years 2003 through 2007. The plan shall consider personnel needs in both the Civil Service and the Foreign Service and expected domestic and overseas personnel allocations. The workforce plan should set forth—

- (1) the detailed mission of the Department;
- (2) the definition of work to be done;
- (3) a description of cyclical personnel needs based on expected retirements and attrition; and
- (4) a statement of the time required to hire, train, and deploy new personnel.

(b) **DOMESTIC STAFFING MODEL.**—Not later than one year after the date of the enactment of this Act, the Secretary shall compile and submit to the appropriate congressional committees a domestic staffing model for the Department.

#### **SEC. 302. “RIGHTSIZING” OVERSEAS POSTS.**

(a) **“RIGHTSIZING” AT THE DEPARTMENT OF STATE.**—

(1) **IN GENERAL.**—The Secretary shall establish a task force within the Department on the issue of “rightsizing” overseas posts.

(2) *PRELIMINARY REPORT.*—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that outlines the status, plans, and activities of the task force. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

(A) *The objectives of the task force.*

(B) *Measures for achieving the objectives under subparagraph (A).*

(C) *Identification of the official of the Department with primary responsibility for the issue of “rightsizing”.*

(D) *The plans of the Department for the reallocation of staff and resources based on changing needs at overseas posts and in the metropolitan Washington, D.C., area.*

(3) *REPORT.*—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report reviewing the activities and progress of the task force established under paragraph (1).

(b) *INTERAGENCY WORKING GROUP.*—

(1) *ESTABLISHMENT.*—The Secretary shall establish an interagency working group on the issue of “rightsizing” the overseas presence of the United States Government.

(2) *PRELIMINARY REPORT.*—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report which outlines the status, plans, and activities of the interagency working group. In addition to such other information as the Secretary considers appropriate, the report shall include the following:

(A) *The objectives of the working group.*

(B) *Measures for achieving the objectives under subparagraph (A).*

(C) *Identification of the official of each agency with primary responsibility for the issue of “rightsizing”.*

(3) *REPORT.*—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report reviewing the activities and progress of the working group established under paragraph (1).

### **SEC. 303. QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.**

*Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—*

(1) *by striking subsections (f) and (g); and*

(2) *by inserting after subsection (e) the following new subsection:*

*“(f) QUALIFICATIONS OF CERTAIN OFFICERS OF THE DEPARTMENT OF STATE.—*

*“(1) OFFICER HAVING PRIMARY RESPONSIBILITY FOR PERSONNEL MANAGEMENT.—The officer of the Department of State with primary responsibility for assisting the Secretary with respect to matters relating to personnel in the Department of State, or that officer’s principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.*

“(2) **OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.**—The officer of the Department of State with primary responsibility for assisting the Secretary with respect to diplomatic security, or that officer’s principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security.

“(3) **OFFICER HAVING PRIMARY RESPONSIBILITY FOR INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT.**—The officer of the Department of State with primary responsibility for assisting the Secretary with respect to international narcotics and law enforcement, or that officer’s principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) law enforcement or international narcotics policy.”.

## **Subtitle B—Personnel Matters**

### **SEC. 311. THOMAS JEFFERSON STAR FOR FOREIGN SERVICE.**

Section 36A of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708a) is amended—

(1) in the section heading, by striking “**FOREIGN SERVICE STAR**” and inserting “**THOMAS JEFFERSON STAR FOR FOREIGN FOREIGN SERVICE**”; and

(2) by striking “Foreign Service star” each place it appears and inserting “Thomas Jefferson Star for Foreign Service”.

### **SEC. 312. PRESIDENTIAL RANK AWARDS.**

(a) **COMPARABLE PAYMENTS.**—Section 405(b)(3) of the Foreign Service Act of 1980 (22 U.S.C. 3965(b)(3)) is amended by striking the second sentence and inserting “Payments under this paragraph to a member of the Senior Foreign Service may not exceed, in any fiscal year, the percentage of basic pay established under section 4507(e)(1) of title 5, United States Code, for a Meritorious Executive, except that payments of the percentage of the basic pay established under section 4507(e)(2) of such title for Distinguished Executives may be made in any fiscal year to up to 1 percent of the members of the Senior Foreign Service.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect October 1, 2002.

### **SEC. 313. FOREIGN SERVICE NATIONAL SAVINGS FUND.**

Section 408(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3968(a)(1)) is amended in the third sentence by striking “(C)” and all that follows through “covered employees.” and inserting “(C) payments by the Government and employees to (i) a trust or other fund in a financial institution in order to finance future benefits for employees, including provision for retention in the fund of accumulated interest and dividends for the benefit of covered employees; or (ii) a Foreign Service National Savings Fund established in the Treasury of the United States, which (I) shall be administered by the Secretary, at whose direction the Secretary of the Treasury shall invest amounts not required for the current needs of the Fund; and (II) shall be public monies, which are authorized to be appropriated and remain available without fiscal year limitation to pay benefits, to be invested in public debt obligations bearing interest at rates deter-

mined by the Secretary of the Treasury taking into consideration current average market yields on outstanding marketable obligations of the United States of comparable maturity, and to pay administrative expenses.”.

**SEC. 314. CLARIFICATION OF SEPARATION FOR CAUSE.**

(a) *IN GENERAL.*—Section 610(a) of the Foreign Service Act of 1980 (22 U.S.C. 4010(a)) is amended—

(1) in paragraph (1), by inserting “decide to” after “may”;

(2) by striking paragraphs (2), (3), (4), (5), and (6); and

(3) by inserting after paragraph (1) the following:

“(2)(A) Except as provided in subparagraph (B), whenever the Secretary decides under paragraph (1) to separate, on the basis of misconduct, any member of the Service (other than a United States citizen employed under section 311 of the Foreign Service Act of 1980 who is not a family member) who either—

“(i) is serving under a career appointment, or

“(ii) is serving under a limited appointment,

the member may not be separated from the Service until the member receives a hearing before the Foreign Service Grievance Board and the Board decides that cause for separation has been established, unless the member waives, in writing, the right to such a hearing, or the member’s appointment has expired, whichever is sooner.

“(B) The right to a hearing in subparagraph (A) does not apply in the case of an individual who has been convicted of a crime for which a sentence of imprisonment of more than one year may be imposed.

“(3) If the Board decides that cause for separation has not been established, the Board may direct the Department to pay reasonable attorneys’ fees to the extent and in the manner provided by section 1107(b)(5). The hearing provided under this paragraph shall be conducted in accordance with the hearing procedures applicable to grievances under section 1106 and shall be in lieu of any other administrative procedure authorized or required by this or any other Act. Section 1110 shall apply to proceedings under this paragraph.

“(4) Notwithstanding the hearing required by paragraph (2), at the time that the Secretary decides to separate a member of the Service for cause, the member shall be placed on leave without pay. If the member does not waive the right to a hearing, and the Board decides that cause for separation has not been established, the member shall be reinstated with back pay.”.

(b) *CONFORMING AMENDMENTS.*—Section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)) is amended—

(1) in the first sentence—

(A) by striking “the involuntary separation of the grievant,”; and

(B) by striking “grievant, or” and inserting “grievant or”; and

(2) by striking the last sentence.

**SEC. 315. DEPENDENTS ON FAMILY VISITATION TRAVEL.**

(a) *IN GENERAL.*—Section 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(8)) is amended by striking “Service” and inserting “Service, and members of his or her family,”.

(b) *PROMULGATION OF GUIDANCE.*—The Secretary shall promulgate guidance for the implementation of the amendment made by

subsection (a) to ensure its implementation in a manner which does not substantially increase the total amount of travel expenses paid or reimbursed by the Department for travel under section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081).

(c) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall take effect on the date on which guidance for implementation of such amendment is issued by the Secretary.

**SEC. 316. HEALTH EDUCATION AND DISEASE PREVENTION PROGRAMS.**

Section 904(b) of the Foreign Service Act of 1980 (22 U.S.C. 4084(b)) is amended by striking “families, and (3)” and inserting “families, (3) health education and disease prevention programs for all employees, and (4)”.

**SEC. 317. CORRECTION OF TIME LIMITATION FOR GRIEVANCE FILING.**

Section 1104(a) of the Foreign Service Act of 1980 (22 U.S.C. 4134(a)) is amended in the first sentence by striking “but in no case less than two years” and inserting “but in no case more than three years”.

**SEC. 318. TRAINING AUTHORITIES.**

Section 2205 of the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted by division G of Public Law 105–277; 112 Stat. 2681–808) is amended—

- (1) in the section heading, by striking “PILOT”;
- (2) by striking subsection (a)(3); and
- (3) by striking subsection (c).

**SEC. 319. UNACCOMPANIED AIR BAGGAGE.**

Section 5924(4)(B) of title 5, United States Code, is amended by inserting after the first sentence the following: “At the election of the employee, in lieu of the transportation of the baggage of a dependent from the dependent’s school, the costs incurred to store the baggage at or in the vicinity of the school during the dependent’s annual trip between the school and the employee’s duty station may be paid or reimbursed to the employee, except that the amount of the payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage.”.

**SEC. 320. EMERGENCY MEDICAL ADVANCE PAYMENTS.**

Section 5927 of title 5, United States Code, is amended—

- (1) by amending subsection (a)(3) to read as follows:
  - “(3) to an employee compensated pursuant to section 408 of the Foreign Service Act of 1980, who—
    - “(A) pursuant to United States Government authorization is located outside the country of employment; and
    - “(B) requires medical treatment outside the country of employment in circumstances specified by the President in regulations.”; and
- (2) in subsection (b), by striking “appointed” and inserting “hired”.

**SEC. 321. RETIREMENT CREDIT FOR CERTAIN GOVERNMENT SERVICE PERFORMED ABROAD.**

(a) *RETIREMENT CREDIT FOR CERTAIN GOVERNMENT SERVICE PERFORMED ABROAD.*—Subject to subsection (b)(1), credit under chapter 84 of title 5, United States Code, shall be allowed for any service performed by an individual if or to the extent that—

- (1) it was performed by such individual—

(A) after December 31, 1988, and before May 24, 1998;

(B) at a United States diplomatic mission, consular post (other than a consular agency), or other Foreign Service post abroad; and

(C) under a temporary appointment pursuant to sections 309 and 311 of the Foreign Service Act of 1980 (22 U.S.C. 3949 and 3951);

(2) at the time of performing such service, such individual would have satisfied all eligibility requirements under regulations of the Department (as in effect on the date of the enactment of this Act) for a family member limited noncareer appointment (within the meaning of such regulations, as in effect on such date of enactment), except that, in applying this paragraph, an individual not employed by the Department while performing such service shall be treated as if then so employed;

(3) such service would have been creditable under section 8411(b)(3) of such title 5 if—

(A) the service had been performed before January 1, 1989; and

(B) the deposit requirements of section 8411(f) of such title 5 had been met with respect to such service;

(4) such service would not otherwise be creditable under the Federal Employees' Retirement System or any other retirement system for employees of the United States Government (disregarding title II of the Social Security Act); and

(5) the total amount of service performed by such individual (satisfying paragraphs (1) through (4)) is not less than 90 days.

(b) REQUIREMENTS.—

(1) REQUIREMENTS OF THE INDIVIDUAL.—In order to receive credit under chapter 84 of title 5, United States Code, for any service described in subsection (a), the individual who performed such service (or, if deceased, any person who is or would be eligible for a survivor annuity under the Federal Employees' Retirement System based on the service of such individual)—

(A) shall file a written application with the Office of Personnel Management not later than 36 months after the effective date of the regulations prescribed to carry out this section (as specified in those regulations); and

(B) shall remit to the Office (for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund) the total amount that, under section 8422 of such title 5, should have been deducted from the basic pay of such individual for such service if such service had then been creditable under such chapter 84.

(2) GOVERNMENT CONTRIBUTIONS.—

(A) IN GENERAL.—In addition to any other payment that it is required to make under chapter 84 of title 5, United States Code, a department, agency, or other instrumentality of the United States shall remit to the Office of Personnel Management (for deposit in the Treasury of the United States to the credit of the Fund) the amount described in subparagraph (B).

(B) *AMOUNT DESCRIBED.*—The amount described in this subparagraph is, with respect to a remittance under paragraph (1), the total amount of Government contributions that would, under section 8423 of title 5, United States Code, have been required of the instrumentality involved (to the extent that it was the employing entity during the period of service to which such remittance relates) in connection with such service.

(C) *SPECIAL RULE.*—If an amount cannot be remitted under this paragraph because an instrumentality has ceased to exist, such amount shall instead be treated as part of the supplemental liability referred to in section 8423(b)(1) (A) or (B) of title 5, United States Code (whichever would be appropriate).

(3) *RELATED REQUIREMENTS.*—Any remittance under paragraph (1) or (2)—

(A) shall be made in such time, form, and manner as the Office of Personnel Management may by regulation require; and

(B) shall be computed with interest (in accordance with section 8334(e) of title 5, United States Code, and such requirements as the Office may by regulation prescribe).

(4) *NOTIFICATION AND ASSISTANCE REQUIREMENTS.*—

(A) *IN GENERAL.*—The Office of Personnel Management shall take such action as may be necessary and appropriate to inform individuals entitled to have any service credited under this section, or to have any annuity computed or recomputed under this section, of their entitlement to such credit, computation, or recomputation.

(B) *ASSISTANCE TO INDIVIDUALS.*—The Office shall, on request, assist any individual referred to in subparagraph (A) in obtaining from any department, agency, or other instrumentality of the United States such information in the possession of such instrumentality as may be necessary to verify the entitlement of such individual to have any service credited, or to have any annuity computed or recomputed, pursuant to this section.

(C) *ASSISTANCE FROM INSTRUMENTALITIES.*—Any department, agency, or other instrumentality of the United States that possesses any information with respect to any service described in subsection (a) shall, at the request of the Office, furnish such information to the Office.

(c) *DEFINITIONS.*—In this section:

(1) *ABROAD.*—The term “abroad” has the meaning given such term under section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902).

(2) *BASIC PAY.*—The term “basic pay” has the meaning given such term under section 8401 of title 5, United States Code.

(3) *CIVIL SERVICE RETIREMENT AND DISABILITY FUND.*—The term “Civil Service Retirement and Disability Fund” or “Fund” means the Civil Service Retirement and Disability Fund under section 8348 of title 5, United States Code.

(4) *TEMPORARY APPOINTMENT.*—The term “temporary appointment” means an appointment that is limited by its terms to a period of one year or less.

(d) *RULE OF CONSTRUCTION.*—Nothing in this section shall be considered to permit or require the making of any contributions to the Thrift Savings Fund that would not otherwise have been permitted or required had this section not been enacted.

(e) *APPLICABILITY.*—

(1) *ANNUITIES COMMENCING ON OR AFTER EFFECTIVE DATE OF IMPLEMENTING REGULATIONS.*—An annuity or survivor annuity—

(A) which is based on the service of an individual who performed service described in subsection (a), and

(B) which commences on or after the effective date of the regulations prescribed to carry out this section (as determined under subsection (b)(1)(A)), shall (subject to subsection (b)(1)) be computed taking into account all service described in subsection (a) that was performed by such individual.

(2) *ANNUITIES WITH COMMENCEMENT DATE PRECEDING EFFECTIVE DATE OF IMPLEMENTING REGULATIONS.*—

(A) *RECOMPUTATION CASES.*—An annuity or survivor annuity—

(i) which is based on the service of an individual who performed service described in subsection (a), and

(ii) which commences before the effective date referred to in paragraph (1)(B), shall (subject to subsection (b)(1)) be recomputed taking into account all service described in subsection (a) that was performed by such individual.

(B) *OTHER CASES.*—An annuity or survivor annuity—

(i) which is based on the service of an individual who performed service described in subsection (a),

(ii) the requirements for entitlement which could not be met without taking into account service described in subsection (a), and

(iii) which (if service described in subsection (a) had been taken into account, and an appropriate application been submitted) would have commenced before the effective date referred to in paragraph (1)(B), shall (subject to subsection (b)(1)) be computed taking into account all service described in subsection (a) that was performed by such individual.

(C) *RETROACTIVE EFFECT.*—Any computation or re-computation of an annuity or survivor annuity pursuant to this paragraph shall—

(i) if pursuant to subparagraph (A), be effective as of the commencement date of the annuity or survivor annuity involved; and

(ii) if pursuant to subparagraph (B), be effective as of the commencement date that would have applied if application for the annuity or survivor annuity involved had been submitted on the earliest date possible in order for it to have been approved.

(D) *LUMP-SUM PAYMENT.*—Any amounts which by virtue of subparagraph (C) are payable for any months preceding the first month (on or after the effective date referred to in paragraph (1)(B)) as of which annuity or survivor annuity payments become payable fully reflecting the computation or recomputation under subparagraph (A) or (B) (as the case may be) shall be payable in the form of a lump-sum payment.

(E) *ORDER OF PRECEDENCE.*—Section 8424(d) of title 5, United States Code, shall apply in the case of any payment under subparagraph (D) payable to an individual who has died.

(f) *IMPLEMENTATION.*—The Office of Personnel Management, in consultation with the Secretary, shall prescribe such regulations and take such action as may be necessary and appropriate to implement this section.

**SEC. 322. COMPUTATION OF FOREIGN SERVICE RETIREMENT ANNUITIES AS IF WASHINGTON, D.C., LOCALITY-BASED COMPARABILITY PAYMENTS WERE MADE TO OVERSEAS-STATIONED FOREIGN SERVICE MEMBERS.**

(a) *FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.*—

(1) *COMPUTATION OF ANNUITIES.*—Section 806(a) of the Foreign Service Act of 1980 (22 U.S.C. 4046(a)) is amended by adding at the end the following new paragraph:

“(9) For purposes of any annuity computation under this subsection, the basic salary or basic pay of any member of the Service whose official duty station is outside the continental United States shall be considered to be the salary or pay that would have been paid to the member had the member’s official duty station been Washington, D.C., including locality-based comparability payments under section 5304 of title 5, United States Code, that would have been payable to the member if the member’s official duty station had been Washington, D.C.”.

(2) *GOVERNMENT CONTRIBUTIONS AND INDIVIDUAL DEDUCTIONS AND WITHHOLDINGS.*—Section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by striking “7” and inserting “7.25”; and

(ii) in the second sentence, by striking “An equal amount shall be contributed by the Department” and inserting “The contribution by the employing agency shall be a percentage of basic salary equal to the percentage in effect under section 7001(d)(1) of the Balanced Budget Act of 1997 (Public Law 105–33; 22 U.S.C. 4045 note), and section 505(h) of the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted by Public Law 106–346; 114 Stat. 1356A–54), plus .25 percent of basic salary, and shall be made”;

(B) in paragraph (2)—

(i) in subparagraph (A), by inserting at the end of the first sentence “, plus an amount equal to .25 percent of basic pay”; and

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

(C) in paragraphs (1) and (2), by striking “Department” each place it appears and inserting “employing agency”; and

(D) in paragraph (3), by inserting at the end of the first sentence “, plus .25 percent”.

**(b) FOREIGN SERVICE PENSION SYSTEM.—**

(1) **COMPUTATION OF ANNUITIES.**—Section 855(a) of the Foreign Service Act of 1980 (22 U.S.C. 4071d(a)) is amended by adding at the end the following new paragraph:

“(3) For purposes of any annuity computation under this subsection, the average pay (as used in section 8414 of title 5, United States Code) of any member of the Service whose official duty station is outside the continental United States shall be considered to be the salary that would have been paid to the member had the member’s official duty station been Washington, D.C., including locality-based comparability payments under section 5304 of title 5, United States Code, that would have been payable to the member if the member’s official duty station had been Washington, D.C.”.

(2) **INDIVIDUAL DEDUCTIONS AND WITHHOLDINGS.**—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking:

“7.5 ..... After December 31, 2000.”

and inserting the following:

“7.55 ..... After January 11, 2003.”.

**(c) EFFECTIVE DATES.—**

(1) **COMPUTATION OF ANNUITIES.**—The amendments made by subsections (a)(1) and (b)(1) shall apply to service performed on or after the first day of the first pay period beginning on or after the date that is 90 days after the date of enactment of this Act.

(2) **GOVERNMENT CONTRIBUTIONS AND INDIVIDUAL DEDUCTIONS AND WITHHOLDINGS.**—The amendments made by subsections (a)(2) and (b)(2) shall take effect with the first pay period beginning on or after the date that is 90 days after the date of enactment of this Act.

**SEC. 323. PLAN FOR IMPROVING RECRUITMENT OF VETERANS INTO THE FOREIGN SERVICE.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a plan for the Department to improve the recruitment of veterans for the career Foreign Service. The plan shall—

(1) address personnel issues relevant to such recruitment efforts; and

(2) include proposals for improving coordination between the Department and the Departments of Defense, Transportation, and Veterans Affairs in promoting the recruitment of veterans to the career Foreign Service.

(b) **DEFINITION.**—In this section, the term “veterans” has the meaning given that term in section 101(2) of title 38, United States Code.

**SEC. 324. REPORT CONCERNING MINORITY EMPLOYMENT.**

*On April 1, 2003, and April 1, 2004, the Secretary shall submit a comprehensive report to Congress, with respect to the preceding calendar year, concerning the employment of members of minority groups at the Department, including the Civil Service and the Foreign Service. The report shall include the following data (reported in terms of real numbers and percentages and not as ratios):*

*(1) For the last preceding Foreign Service examination and promotion cycles for which such information is available—*

*(A) the numbers and percentages of members of all minority groups taking the written Foreign Service examination;*

*(B) the numbers and percentages of members of all minority groups successfully completing and passing the written Foreign Service examination;*

*(C) the numbers and percentages of members of all minority groups successfully completing and passing the oral Foreign Service examination;*

*(D) the numbers and percentages of members of all minority groups entering the junior officer class of the Foreign Service;*

*(E) the numbers and percentages of members of all minority groups who are Foreign Service officers at each grade; and*

*(F) the numbers and percentages of members of all minority groups promoted to each grade of the Foreign Service.*

*(2) For the last preceding year for Civil Service employment at the Department for which such information is available—*

*(A) numbers and percentages of members of all minority groups entering the Civil Service;*

*(B) the number and percentages of members of all minority groups who are Civil Service employees at each grade of the Civil Service; and*

*(C) the number of and percentages of members of all minority groups promoted at each grade of the Civil Service.*

**SEC. 325. USE OF FUNDS AUTHORIZED FOR MINORITY RECRUITMENT.**

*(a) CONDUCT OF RECRUITMENT ACTIVITIES.—*

*(1) IN GENERAL.—Amounts authorized to be appropriated for minority recruitment under section 111(1)(D) shall be used only for activities directly related to minority recruitment, such as recruitment materials designed to target members of minority groups and the travel expenses of recruitment trips to colleges, universities, and other institutions or locations.*

*(2) LIMITATION.—Amounts authorized to be appropriated for minority recruitment under section 111(1)(D) may not be used to pay salaries of employees of the Department.*

*(b) RECRUITMENT ACTIVITIES AT ACADEMIC INSTITUTIONS.—The Secretary shall expand the recruitment efforts of the Department to include not less than 25 percent of the part B institutions (as defined under section 322 of the Higher Education Act of 1965) in the United States and not less than 25 percent of the Hispanic-serving institutions (as defined in section 502(a)(5) of such Act) in the United States.*

(c) *EVALUATION OF RECRUITMENT EFFORTS.*—*The Secretary shall establish a database relating to efforts to recruit members of minority groups into the Foreign Service and the Civil Service and shall report to the appropriate congressional committees on the evaluation of efforts to recruit such individuals, including an analysis of the information collected in the database created under this subsection. Such report shall be included in each of the two reports required under section 324.*

**SEC. 326. ASSIGNMENTS AND DETAILS OF PERSONNEL TO THE AMERICAN INSTITUTE IN TAIWAN.**

*Section 503 of the Foreign Service Act of 1980 (22 U.S.C. 3983) is amended—*

*(1) by adding at the end the following new subsection:*

*“(d)(1) The Secretary may assign a member of the Service, or otherwise detail an employee of the Department, for duty at the American Institute in Taiwan, if the Secretary determines that to do so is in the national interest of the United States.*

*“(2) The head of any other department or agency of the United States may, with the concurrence of the Secretary, detail an employee of that department or agency to the American Institute in Taiwan, if the Secretary determines that to do so is in the national interest of the United States.*

*“(3) In this subsection, the term ‘employee’ does not include—*

*“(A) a noncareer appointee, limited term appointee, or limited emergency appointee (as such terms are defined in section 3132(a) of title 5, United States Code) in the Senior Executive Service; or*

*“(B) an employee in a position that has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.*

*“(4) An assignment or detail under this subsection may be made with or without reimbursement from the American Institute in Taiwan.*

*“(5) The period of an assignment or detail under this subsection shall not exceed a total of 6 years, except that the Secretary (or any other head of a department or agency of the United States, with the concurrence of the Secretary) may extend the period of an assignment or detail for an additional period of not more than 6 years.”;* and

*(2) in subsection (c), by striking “Assignments” and inserting “Except as otherwise provided in subsection (d)(5), assignments”.*

**SEC. 327. ANNUAL REPORTS ON FOREIGN LANGUAGE COMPETENCE.**

*Section 702(c) of the Foreign Service Act of 1980 (22 U.S.C. 4022(c)) is amended—*

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

*(2) in paragraph (1), by striking “calendar year” and inserting “fiscal year”.*

**SEC. 328. TRAVEL OF CHILDREN OF MEMBERS OF THE FOREIGN SERVICE ASSIGNED ABROAD.**

*Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) is amended by striking “port of entry in the contiguous 48 States which is nearest to that post” and inserting “residence of the other parent, or between the post to which the member is assigned*

and the residence of the child if the child does not reside with a parent”.

## **TITLE IV—INTERNATIONAL ORGANIZATIONS**

### **SEC. 401. PAYMENT OF THIRD INSTALLMENT OF ARREARAGES.**

(a) *IN GENERAL.*—The United Nations Reform Act of 1999 (title IX of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–475) is amended as follows:

(1) Section 912(b)(3) is amended by striking “, upon the certification described in section 941” and inserting the following: “upon a certification described in section 941 with respect to the United Nations or a particular designated specialized agency, and immediately with respect to organizations to which none of the conditions in section 941(b) apply”.

(2) Section 941(a)(2) is amended—

(A) by striking “also”;

(B) by striking “in subsection (b)(4)” both places it appears; and

(C) by striking “, if the other conditions in subsection (b) are satisfied”.

(3) Section 941(a)(3) is amended by striking “and for any other organization to which none of the conditions in subsection (b) apply”.

(4) Section 941(b)(3) is amended—

(A) in the paragraph heading, by striking “NEW BUDGET PROCEDURES” and inserting “BUDGET PRACTICES”;

(B) by striking “has established and”;

(C) by striking “procedures” and inserting “practices”; and

(D) in subparagraphs (A) and (B) by striking “require” each place it appears and inserting “result in”.

(5) Section 941(b)(9) is amended—

(A) in the paragraph heading by striking “NEW BUDGET PROCEDURES” and inserting “BUDGET PRACTICES”;

(B) by striking “Each designated specialized agency has established procedures to—” and inserting “The practices of each designated specialized agency—”; and

(C) in subparagraphs (A), (B), and (C) by striking “require” each place it appears and inserting “result in”.

(b) *CONFORMING AMENDMENT.*—The undesignated paragraph under the heading “ARREARAGE PAYMENTS” in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (as contained in section 1000 of division B of the Consolidated Appropriations Act, 2000; Public Law 106–113) is amended—

(1) in the first proviso, by striking “the share of the total of all assessed contributions for any designated specialized agency of the United Nations does not exceed 22 percent for any single member of the agency, and”; and

(2) by inserting after “respective agencies:” the following: “Provided further, That none of the funds appropriated or oth-

erwise made available under this heading for payment of arrearages may be obligated with respect to a designated specialized agency of the United Nations until such time as the share of the total of all assessed contributions for that designated specialized agency does not exceed 22 percent for any member of the agency.”.

(c) **TRANSMITTAL OF CERTIFICATIONS TO CONGRESS.**—Section 912(c) of the United Nations Reform Act of 1999 (title IX of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–477) is amended to read as follows:

“(c) **ADVANCE CONGRESSIONAL NOTIFICATION.**—Funds made available pursuant to section 911 may be obligated and expended only if the appropriate certification has been submitted to the appropriate congressional committees 15 days prior to payment of the funds, in the case of a certification submitted with respect to funds made available for fiscal year 2000.”.

**SEC. 402. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS PEACEKEEPING OPERATIONS IN CALENDAR YEARS 2001 THROUGH 2004.**

(a) **IN GENERAL.**—Section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended—

(1) by striking “Funds” and inserting “(A) **IN GENERAL.**—Except as provided in subparagraph (B), funds”; and

(2) by adding at the end the following:

“(B) **REDUCTION IN UNITED STATES SHARE OF ASSESSED CONTRIBUTIONS.**—Notwithstanding the percentage limitation contained in subparagraph (A), the United States share of assessed contributions for each United Nations peacekeeping operation during the following periods is authorized to be as follows:

“(i) For assessments made during calendar year 2001, 28.15 percent.

“(ii) For assessments made during calendar year 2002, 27.90 percent.

“(iii) For assessments made during calendar year 2003, 27.40 percent.

“(iv) For assessments made during calendar year 2004, 27.40 percent.”.

(b) **CONFORMING AMENDMENTS TO PUBLIC LAW 92–544.**—Title I of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973 (22 U.S.C. 287e note) is amended—

(1) in the next to the last sentence of the undesignated paragraph under the heading “CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS” in Public Law 92–544 (22 U.S.C. 287e note), by striking “After” and inserting “Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), after”; and

(2) in the last sentence of the undesignated paragraph under the heading “CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS” in Public Law 92–544 (22 U.S.C. 287e note)—

(A) by striking “Appropriations are authorized” and inserting “Subject to section 404(b)(2) of the Foreign Relations

*Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), appropriations are authorized”; and*

*(B) by striking “(other than United Nations peace-keeping operations) conducted” and inserting “conducted by or under the auspices of the United Nations or”.*

**SEC. 403. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS REGULAR BUDGET.**

*The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:*

**“SEC. 11. LIMITATION ON THE UNITED STATES SHARE OF ASSESSMENTS FOR UNITED NATIONS REGULAR BUDGET.**

*“None of the funds available to the Department of State shall be used to pay the United States share of assessed contributions for the regular budget of the United Nations in an amount greater than 22 percent of the total of all assessed contributions for that budget.”.*

**SEC. 404. PROMOTION OF SOUND FINANCIAL PRACTICES BY THE UNITED NATIONS.**

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

*(1) In the early 1980s, the United States Government began to pay United States assessments to certain international organizations in the last quarter of the calendar year in which they were due. This practice allowed the United States to pay its annual assessment to the United Nations and other international organizations with the next fiscal year’s appropriations, taking advantage of the fact that international organizations operate on calendar years. It also allowed the United States to reduce budgetary outlays, making the United States budget deficit appear smaller.*

*(2) The United States, which is assessed 22 percent of the United Nations regular budget, now pays its dues at least 10 months late, and often later depending on when the relevant appropriation is enacted.*

*(3) This practice causes the United Nations to operate throughout much of the year without a significant portion of its operating budget. By midyear, the budget is usually depleted, forcing the United Nations to borrow from its separate peacekeeping budget (the organization is prohibited from external borrowing). As a result, countries that contribute to United Nations peacekeeping missions are not reimbursed on a timely basis.*

*(4) For years, the United States has been encouraging the United Nations and other international organizations to engage in sound, fiscally responsible budgetary practices. In fact, many of the conditions in United States law for paying nearly \$1,000,000,000 in debt to the United Nations and other international organizations are aimed at this goal. But late payment of United States dues forces the United Nations and other international organizations to engage in budgetary practices that are neither sound nor responsible.*

*(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should initiate a process to synchronize the payment of its assessments to the United Nations and other international organizations over a multiyear period so that the United States can*

resume paying its dues to such international organizations at the beginning of each calendar year.

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

(1) **IN GENERAL.**—In addition to amounts otherwise available for the purpose of payment of the United States assessed contributions to the United Nations and other international organizations, there are authorized to be appropriated such sums as may be necessary to carry out the policy described in subsection (b).

(2) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

**SEC. 405. REPORTS TO CONGRESS ON UNITED NATIONS ACTIVITIES.**

(a) **AMENDMENTS TO UNITED NATIONS PARTICIPATION ACT.**—Section 4 of the United Nations Participation Act (22 U.S.C. 287b) is amended—

(1) by striking subsections (b) and (c);

(2) by inserting after subsection (a) the following new subsection:

“(b) **ANNUAL REPORT ON FINANCIAL CONTRIBUTIONS.**—Not later than July 1 of each year, the Secretary of State shall submit a report to the designated congressional committees on the extent and disposition of all financial contributions made by the United States during the preceding year to international organizations in which the United States participates as a member.”;

(3) in subsection (e)(5) by striking subparagraph (B) and inserting the following:

“(B) **ANNUAL REPORT.**—The President shall submit an annual report to the designated congressional committees on all assistance provided by the United States during the preceding calendar year to the United Nations to support peacekeeping operations. Each such report shall describe the assistance provided for each such operation, listed by category of assistance.”; and

(4) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 2 of Public Law 81–806 (22 U.S.C. 262a) is amended by striking the last sentence.

(2) Section 409 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), is amended by striking subsection (d).

**SEC. 406. USE OF SECRET BALLOTS WITHIN THE UNITED NATIONS.**

Not later than 120 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees containing a detailed analysis, and a determination based on such analysis, on whether the use of secret ballots within the United Nations and the specialized agencies of the United Nations serves the interests of the United States.

**SEC. 407. SENSE OF CONGRESS RELATING TO MEMBERSHIP OF THE UNITED STATES IN UNESCO.**

It is the sense of Congress that the President, having announced that the United States will rejoin the United Nations Educational,

*Scientific, and Cultural Organization (UNESCO), should submit a report to the appropriate congressional committees—*

- (1) describing the merits of renewing the membership and participation of the United States in UNESCO; and*
- (2) detailing the projected costs of United States membership in UNESCO.*

**SEC. 408. UNITED STATES MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS AND INTERNATIONAL NARCOTICS CONTROL BOARD.**

*The United States, in connection with its voice and vote in the United Nations General Assembly and the United Nations Economic and Social Council, shall make every reasonable effort—*

- (1) to secure a seat for the United States on the United Nations Commission on Human Rights;*
- (2) to secure a seat for a United States national on the United Nations International Narcotics Control Board; and*
- (3) to prevent membership on the Human Rights Commission by any member nation the government of which, in the judgment of the Secretary, based on the Department's Annual Country Reports on Human Rights and the Annual Report on International Report on Religious Freedom, consistently violates internationally recognized human rights or has engaged in or tolerated particularly severe violations of religious freedom in that country.*

**SEC. 409. PLAN FOR ENHANCED DEPARTMENT OF STATE EFFORTS TO PLACE UNITED STATES CITIZENS IN POSITIONS OF EMPLOYMENT IN THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.**

*Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a plan that provides for—*

- (1) proposals to reverse the decline in recent years in funding and personnel resources devoted to the placement of United States citizens in positions within the United Nations system;*
- (2) steps to intensify coordinated, high-level diplomatic efforts to place United States citizens in senior posts in the United Nations Secretariat and the specialized agencies of the United Nations; and*
- (3) appropriate mechanisms to address the underrepresentation, relative to the United States share of assessed contributions to the United Nations, of United States citizens in junior positions within the United Nations and its specialized agencies.*

## **TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES**

**SEC. 501. MODIFICATION OF LIMITATION ON GRANT AMOUNTS TO RFE/RL, INCORPORATED.**

*Section 308(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(c)) is amended to read as follows:*

“(c) *The total amount of grants made for the operating costs of RFE/RL, Incorporated, may not exceed \$85,000,000 in fiscal year 2003.*”.

**SEC. 502. PAY PARITY FOR SENIOR EXECUTIVES OF RFE/RL, INCORPORATED.**

*Section 308(h)(1) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6207(h)(1)) is amended—*

- (1) by adding at the end the following new subparagraph:*  
*“(C) Notwithstanding the limitations under subparagraph (A), grant funds provided under this section may be used by RFE/RL, Incorporated, to pay up to three employees employed in Washington, D.C., salary or other compensation not to exceed the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.”; and*
- (2) in subparagraph (A), by striking “(B),” and inserting “(B) or (C).”.*

**SEC. 503. AUTHORITY TO CONTRACT FOR LOCAL BROADCASTING SERVICES OUTSIDE THE UNITED STATES.**

*Section 802(b)(4) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1472(b)(4)) is amended—*

- (1) by inserting before the period the following: “and is authorized to enter into contracts for periods not to exceed ten years to acquire local broadcasting services outside the United States”; and*
- (2) by striking “United States Information Agency” and inserting “Broadcasting Board of Governors”.*

**SEC. 504. PERSONAL SERVICES CONTRACTING PILOT PROGRAM.**

*(a) IN GENERAL.—The Director of the International Broadcasting Bureau (in this section referred to as the “Director”) may establish a pilot program (in this section referred to as the “program”) for the purpose of hiring United States citizens or aliens as personal services contractors, without regard to Civil Service and classification laws, for service in the United States as broadcasters, producers, and writers in the International Broadcasting Bureau to respond to new or emerging broadcast needs or to augment broadcast services.*

*(b) CONDITIONS.—The Director is authorized to use the authority of subsection (a) subject to the following conditions:*

- (1) The Director determines that existing personnel resources are insufficient and the need is not of permanent duration.*
- (2) The Director approves each employment of a personal services contractor.*
- (3) The contract length, including options, may not exceed 2 years, unless the Director makes a finding that exceptional circumstances justify an extension of up to one additional year.*
- (4) Not more than a total of 60 United States citizens or aliens are employed at any one time as personal services contractors under the program.*

*(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under the pilot program authorized by this section shall terminate on December 31, 2005. A contract entered into prior to the termination date under this subsection may remain*

in effect for a period not to exceed 6 months after such termination date.

**SEC. 505. TRAVEL BY VOICE OF AMERICA CORRESPONDENTS.**

(a) *EXEMPTION FROM RESPONSIBILITIES OF THE SECRETARY.*—Section 103(a)(1)(A) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4802(a)(1)(A)) is amended in the parenthetical clause by inserting “Voice of America correspondents on official assignment and” after “other than”.

(b) *EXEMPTION FROM CHIEF OF MISSION RESPONSIBILITIES.*—Section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) is amended—

(1) in the parenthetical clause in subsection (a)(1), by inserting “Voice of America correspondents on official assignment and” after “except for”;

(2) in the parenthetical clause in subsection (a)(2), by inserting “Voice of America correspondents on official assignment and” after “except for”; and

(3) in the parenthetical clause in subsection (b), by inserting “Voice of America correspondents on official assignment and” after “except for”.

**SEC. 506. REPORT ON BROADCASTING PERSONNEL.**

Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors shall submit to the appropriate congressional committees a report regarding senior personnel of the United States Broadcasting Board of Governors and efforts to diversify the workforce. The report shall include the following information, reported separately, for the International Broadcasting Bureau, RFE/RL, Incorporated, and Radio Free Asia:

(1) A list of all personnel positions at or above the GS-13 pay level.

(2) The number and percentage of women and members of minority groups in positions under paragraph (1).

(3) The increase or decrease in the representation of women and members of minority groups in positions under paragraph (1) from previous years.

(4) The recruitment budget for each broadcasting entity and the aggregate budget.

(5) Information concerning the recruitment efforts of the Broadcasting Board of Governors relating to women and members of minority groups, including the percentage of the recruitment budget utilized for such efforts.

**SEC. 507. CONFORMING AMENDMENTS.**

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended—

(1) in section 305(a)(4) (22 U.S.C. 6204(a)(4)), by striking “annually,” and inserting “annually,”; and

(2) in section 313(a) (22 U.S.C. 6212(a)), in the text above paragraph (1), by striking “the direction and”.

## **TITLE VI—MISCELLANEOUS PROVISIONS**

### **Subtitle A—Middle East Peace Commitments Act of 2002**

**SEC. 601. SHORT TITLE.**

*This subtitle may be cited as the “Middle East Peace Commitments Act of 2002”.*

**SEC. 602. FINDINGS.**

*Congress makes the following findings:*

*(1) In 1993, the Palestine Liberation Organization (in this subtitle referred to as the “PLO”) made the following commitments in an exchange of letters with the Prime Minister of Israel:*

*(A) Recognition of the right of the State of Israel to exist in peace and security.*

*(B) Acceptance of United Nations Security Council Resolutions 242 and 338.*

*(C) Resolution of all outstanding issues in the conflict between the two sides through negotiations and exclusively peaceful means.*

*(D) Renunciation of the use of terrorism and all other acts of violence and responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators.*

*(2) The Palestinian Authority, the governing body of autonomous Palestinian territories, was created as a result of agreements between the PLO and the State of Israel that are a direct outgrowth of the commitments made in 1993.*

*(3) Congress has provided authorities to the President to suspend certain statutory restrictions relating to the PLO, subject to Presidential certifications that the PLO has continued to abide by commitments made.*

**SEC. 603. REPORTS.**

*(a) IN GENERAL.—The President shall, at the times specified in subsection (b), transmit to the appropriate congressional committees a report on compliance by the PLO or the Palestinian Authority, as appropriate, with each of the commitments specified in section 602(1). The report shall include, with respect to each such commitment, the determination of the President as to whether or not the PLO or the Palestinian Authority, as appropriate, has complied with that commitment during the period since the submission of the preceding report or, in the case of the initial report, during the preceding six-month period. In the event that the President imposed one or more sanctions under section 604 during the period covered by the report, the report shall include a description of each such sanction imposed.*

*(b) TRANSMISSION.—The initial report required under subsection (a) shall be transmitted not later than 60 days after the date of enactment of this Act. Each subsequent report shall be submitted on the date on which the President is next required to submit a re-*

port under the P.L.O. Commitments Compliance Act of 1989 (title VIII of Public Law 101-246) and may be combined with such report.

**SEC. 604. IMPOSITION OF SANCTIONS.**

(a) *IN GENERAL.*—If, in any report transmitted pursuant to section 603, the President determines that the PLO or the Palestinian Authority, as appropriate, has not complied with each of the commitments specified in section 602(1), or if the President fails to make a determination with respect to such compliance, the President shall, for a period of time not less than the period described in subsection (b), impose one or more of the following sanctions:

(1) *DENIAL OF VISAS TO PLO AND PALESTINIAN AUTHORITY OFFICIALS.*—The Secretary shall direct consular officers not to issue a visa to any member of the PLO or any official of the Palestinian Authority.

(2) *DOWNGRADE IN STATUS OF PLO OFFICE IN THE UNITED STATES.*—Notwithstanding any other provision of law, the President shall withdraw or terminate any waiver by the President of the requirements of section 1003 of the Foreign Relations Authorization Act of 1988 and 1989 (22 U.S.C. 5202) (prohibiting the establishment or maintenance of a Palestinian information office in the United States), and such section shall apply so as to prohibit the operation of a PLO or Palestinian Authority office in the United States from carrying out any function other than those functions carried out by the Palestinian information office in existence prior to the Oslo Accords.

(3) *DESIGNATION AS A FOREIGN TERRORIST ORGANIZATION.*—The Secretary shall designate the PLO, or one or more of its constituent groups (including Fatah and Tanzim) or groups operating as arms of the Palestinian Authority (including Force 17), as a foreign terrorist organization, in accordance with section 219(a) of the Immigration and Nationality Act.

(4) *PROHIBITION ON UNITED STATES ASSISTANCE TO THE WEST BANK AND GAZA.*—United States assistance (except humanitarian assistance) may not be provided to programs or projects in the West Bank or Gaza.

(b) *DURATION OF SANCTIONS.*—The period of time referred to in subsection (a) is the period of time commencing on the date that the report pursuant to section 603 was transmitted and ending on the later of—

- (1) the date that is 180 days after such date; or
- (2) the date that the next report under section 603 is required to be transmitted.

(c) *WAIVER AUTHORITY.*—The President may waive any sanction imposed under subsection (a) if the President determines that such a waiver is in the national security interest of the United States. The President shall report such a determination to the appropriate congressional committees.

## **Subtitle B—Tibet Policy**

**SEC. 611. SHORT TITLE.**

This subtitle may be cited as “Tibetan Policy Act of 2002”.

**SEC. 612. STATEMENT OF PURPOSE.**

*The purpose of this subtitle is to support the aspirations of the Tibetan people to safeguard their distinct identity.*

**SEC. 613. TIBET NEGOTIATIONS.****(a) POLICY.—**

*(1) IN GENERAL.—The President and the Secretary should encourage the Government of the People’s Republic of China to enter into a dialogue with the Dalai Lama or his representatives leading to a negotiated agreement on Tibet.*

*(2) COMPLIANCE.—After such an agreement is reached, the President and the Secretary should work to ensure compliance with the agreement.*

*(b) PERIODIC REPORTS.—Not later than 180 days after the date of the enactment of this Act, and every 12 months thereafter, the President shall transmit to the appropriate congressional committees a report on—*

*(1) the steps taken by the President and the Secretary in accordance with subsection (a)(1); and*

*(2) the status of any discussions between the People’s Republic of China and the Dalai Lama or his representatives.*

**SEC. 614. REPORTING ON TIBET.**

*Whenever a report is transmitted to Congress under section 116 or 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151m, 2304) or under section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)), Tibet shall be included in such report as a separate section.*

**SEC. 615. CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE’S REPUBLIC OF CHINA.**

*Section 302(h) of the U.S.-China Relations Act of 2000 (Public Law 106–286), relating to the Congressional-Executive Commission on the People’s Republic of China, is amended—*

*(1) by striking “shall include specific information” and inserting the following: “shall include—*

*“(1) specific information”;*

*(2) by striking the period at the end and inserting “; and”;*  
*and*

*(3) by adding at the end the following:*

*“(2) a description of the status of negotiations between the Government of the People’s Republic of China and the Dalai Lama or his representatives, and measures taken to safeguard Tibet’s distinct historical, religious, cultural, and linguistic identity and the protection of human rights.”.*

**SEC. 616. ECONOMIC DEVELOPMENT IN TIBET.**

*(a) DECLARATIONS OF POLICY.—It is the policy of the United States to support economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet. In support of this policy, the United States shall use its voice and vote to support projects designed in accordance with the principles contained in subsection (d) that are designed to raise the standard of living for the Tibetan people and assist Tibetans to become self-sufficient.*

*(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of*

the United States to support projects in Tibet, if the projects are designed in accordance with the principles contained in subsection (d).

(c) **EXPORT-IMPORT BANK AND TDA.**—The Export-Import Bank of the United States and the Trade and Development Agency should support projects proposed to be funded or otherwise supported by such entities in Tibet, if the projects are designed in accordance with the principles contained in subsection (d).

(d) **TIBET PROJECT PRINCIPLES.**—Projects in Tibet supported by international financial institutions, other international organizations, nongovernmental organizations, and the United States entities referred to in subsection (c), should—

(1) be implemented only after conducting a thorough assessment of the needs of the Tibetan people through field visits and interviews;

(2) be preceded by cultural and environmental impact assessments;

(3) foster self-sufficiency and self-reliance of Tibetans;

(4) promote accountability of the development agencies to the Tibetan people and active participation of Tibetans in all project stages;

(5) respect Tibetan culture, traditions, and the Tibetan knowledge and wisdom about their landscape and survival techniques;

(6) be subject to on-site monitoring by the development agencies to ensure that the intended target group benefits;

(7) be implemented by development agencies prepared to use Tibetan as the working language of the projects;

(8) neither provide incentive for, nor facilitate the migration and settlement of, non-Tibetans into Tibet; and

(9) neither provide incentive for, nor facilitate the transfer of ownership of, Tibetan land or natural resources to non-Tibetans.

#### **SEC. 617. RELEASE OF PRISONERS AND ACCESS TO PRISONS.**

The President and the Secretary, in meetings with representatives of the Government of the People's Republic of China, should—

(1) request the immediate and unconditional release of all those held prisoner for expressing their political or religious views in Tibet;

(2) seek access for international humanitarian organizations to prisoners in Tibet to ensure that prisoners are not being mistreated and are receiving necessary medical care; and

(3) seek the immediate medical parole of Tibetan prisoners known to be in serious ill health.

#### **SEC. 618. ESTABLISHMENT OF A UNITED STATES BRANCH OFFICE IN LHASA, TIBET.**

The Secretary should make best efforts to establish an office in Lhasa, Tibet, to monitor political, economic, and cultural developments in Tibet.

#### **SEC. 619. REQUIREMENT FOR TIBETAN LANGUAGE TRAINING.**

The Secretary shall ensure that Tibetan language training is available to Foreign Service officers, and that every effort is made to ensure that a Tibetan-speaking Foreign Service officer is assigned to a United States post in the People's Republic of China responsible for monitoring developments in Tibet.

**SEC. 620. RELIGIOUS PERSECUTION IN TIBET.**

(a) *HIGH-LEVEL CONTACTS.*—Pursuant to section 105 of the International Religious Freedom Act of 1998 (22 U.S.C. 6414), the United States Ambassador to the People's Republic of China should—

(1) *meet with the 11th Panchen Lama, who was taken from his home on May 17, 1995, and otherwise ascertain information concerning his whereabouts and well-being; and*

(2) *request that the Government of the People's Republic of China release the 11th Panchen Lama and allow him to pursue his religious studies without interference and according to tradition.*

(b) *PROMOTION OF INCREASED ADVOCACY.*—Pursuant to section 108(a) of the International Religious Freedom Act of 1998 (22 U.S.C. 6417(a)), it is the sense of Congress that representatives of the United States Government in exchanges with officials of the Government of the People's Republic of China should call for and otherwise promote the cessation of all interference by the Government of the People's Republic of China or the Communist Party in the religious affairs of the Tibetan people.

**SEC. 621. UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.**

(a) *UNITED STATES SPECIAL COORDINATOR FOR TIBETAN ISSUES.*—There shall be within the Department a United States Special Coordinator for Tibetan Issues (in this section referred to as the "Special Coordinator").

(b) *CONSULTATION.*—The Secretary shall consult with the chairmen and ranking minority members of the appropriate congressional committees prior to the designation of the Special Coordinator.

(c) *CENTRAL OBJECTIVE.*—The central objective of the Special Coordinator is to promote substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives.

(d) *DUTIES AND RESPONSIBILITIES.*—The Special Coordinator shall—

(1) *coordinate United States Government policies, programs, and projects concerning Tibet;*

(2) *vigorously promote the policy of seeking to protect the distinct religious, cultural, linguistic, and national identity of Tibet, and pressing for improved respect for human rights;*

(3) *maintain close contact with religious, cultural, and political leaders of the Tibetan people, including regular travel to Tibetan areas of the People's Republic of China, and to Tibetan refugee settlements in India and Nepal;*

(4) *consult with Congress on policies relevant to Tibet and the future and welfare of the Tibetan people;*

(5) *make efforts to establish contacts in the foreign ministries of other countries to pursue a negotiated solution for Tibet; and*

(6) *take all appropriate steps to ensure adequate resources, staff, and bureaucratic support to fulfill the duties and responsibilities of the Special Coordinator.*

## ***Subtitle C—East Timor Transition to Independence Act of 2002***

### **SEC. 631. SHORT TITLE.**

*This subtitle may be cited as the “East Timor Transition to Independence Act of 2002”.*

### **SEC. 632. BILATERAL ASSISTANCE.**

(a) *AUTHORITY.*—The President, acting through the Administrator of the United States Agency for International Development, is authorized to—

(1) *support the development of civil society, including non-governmental organizations in East Timor;*

(2) *promote the development of an independent news media;*

(3) *support job creation, including support for small business and microenterprise programs, environmental protection, sustainable development, development of East Timor’s health care infrastructure, educational programs, and programs strengthening the role of women in society;*

(4) *promote reconciliation, conflict resolution, and prevention of further conflict with respect to East Timor, including establishing accountability for past gross human rights violations;*

(5) *support the voluntary and safe repatriation and reintegration of refugees into East Timor;*

(6) *support political party development, voter education, voter registration, and other activities in support of free and fair elections in East Timor; and*

(7) *promote the development of the rule of law.*

(b) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *IN GENERAL.*—There is authorized to be appropriated to the President to carry out this section \$25,000,000 for the fiscal year 2003.

(2) *AVAILABILITY.*—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

### **SEC. 633. MULTILATERAL ASSISTANCE.**

*The Secretary of the Treasury shall instruct the United States executive director at each international financial institution to which the United States is a member to use the voice, vote, and influence of the United States to support economic and democratic development in East Timor.*

### **SEC. 634. TRADE AND INVESTMENT ASSISTANCE.**

(a) *OPIC.*—The President should initiate negotiations with the Government of East Timor to enter into a new agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to East Timor in order to expand United States investment in East Timor, emphasizing partnerships with local East Timorese enterprises.

(b) *TRADE AND DEVELOPMENT AGENCY.*—

(1) *IN GENERAL.*—The Director of the Trade and Development Agency is authorized to carry out projects in East Timor under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421).

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

(A) *IN GENERAL.*—There are authorized to be appropriated to the Trade and Development Agency to carry out this subsection \$1,000,000 for fiscal year 2003.

(B) *AVAILABILITY.*—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) are authorized to remain available until expended.

(c) *EXPORT-IMPORT BANK.*—The Export-Import Bank of the United States should expand its activities in connection with exports to East Timor to the extent such activities are requested and to the extent there is a reasonable assurance of repayment.

**SEC. 635. GENERALIZED SYSTEM OF PREFERENCES.**

As soon as possible after the enactment of this Act, the United States Trade Representative and the Commissioner of Customs should send an assessment team to East Timor to compile a list of duty-free eligible products so that the Government of East Timor can begin the process of applying for General System of Preference benefits.

**SEC. 636. AUTHORITY FOR RADIO BROADCASTING.**

The Broadcasting Board of Governors should broadcast to East Timor in an appropriate language or languages.

**SEC. 637. SECURITY ASSISTANCE FOR EAST TIMOR.****(a) STUDY AND REPORT.—**

(1) *STUDY.*—The President shall conduct a study to determine—

(A) the extent to which East Timor's security needs can be met by the transfer of excess defense articles under section 516 of the Foreign Assistance Act of 1961;

(B) the extent to which international military education and training (IMET) assistance will enhance professionalism of the armed forces of East Timor, provide training in human rights, and promote respect for human rights and humanitarian law; and

(C) the terms and conditions under which such defense articles or training, as appropriate, should be provided.

(2) *REPORT.*—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains the findings of the study conducted under paragraph (1).

**(b) AUTHORIZATION OF ASSISTANCE.—**

(1) *IN GENERAL.*—Beginning on the date on which Congress receives the report transmitted under subsection (a)(2), or the date on which Congress receives the certification transmitted under paragraph (2), whichever occurs later, the President is authorized—

(A) to transfer excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) to East Timor in accordance with such section; and

(B) to provide military education and training under chapter 5 of part II of such Act (22 U.S.C. 2347 et seq.) for the armed forces of East Timor in accordance with such chapter.

(2) *CERTIFICATION.*—A certification described in this paragraph is a certification that—

- (A) *East Timor has established an independent armed forces; and*
- (B) *the assistance proposed to be provided pursuant to paragraph (1)—*
  - (i) *is in the national security interests of the United States; and*
  - (ii) *will promote both human rights in East Timor and the professionalization of the armed forces of East Timor.*

**SEC. 638. REPORTING REQUIREMENT.**

(a) *IN GENERAL.*—Not later than 180 days after the date of enactment of this Act, and every 12 months thereafter for the next five years, the Secretary shall prepare and transmit to the appropriate congressional committees a report that contains the information described in subsection (b).

(b) *INFORMATION.*—The report required by subsection (a) shall include—

(1) *developments in East Timor’s political and economic situation in the period covered by the report, including an evaluation of any elections which have occurred in East Timor and the refugee reintegration process in East Timor;*

(2) *in the initial report, a 3-year plan for United States foreign assistance to East Timor in accordance with section 632, prepared by the Administrator of the United States Agency for International Development, which outlines the goals for United States foreign assistance to East Timor during the 3-year period;*

(3) *a description of the activities undertaken in East Timor by the International Bank for Reconstruction and Development, the Asian Development Bank, and other international financial institutions, and an evaluation of the effectiveness of these activities;*

(4) *an assessment of the status of United States trade and investment relations with East Timor, including a detailed analysis of any trade and investment-related activity supported by the Overseas Private Investment Corporation, the Export-Import Bank of the United States, or the Trade and Development Agency during the period of time since the previous report;*

(5) *a comprehensive study and report on local agriculture in East Timor, emerging opportunities for producing, processing, and exporting indigenous agricultural products, and recommendations for appropriate technical assistance from the United States; and*

(6) *statistical data drawn from other sources on economic growth, health, education, and distribution of resources in East Timor.*

## ***Subtitle D—Clean Water for the Americas Partnership***

**SEC. 641. SHORT TITLE.**

*This subtitle may be cited as the “Clean Water for the Americas Partnership Act of 2002”.*

**SEC. 642. DEFINITIONS.**

*In this subtitle:*

(1) *JOINT PROJECT.*—The term “joint project” means a project between a United States association or nonprofit entity and a Latin American or Caribbean association or nongovernmental organization.

(2) *LATIN AMERICAN OR CARIBBEAN NONGOVERNMENTAL ORGANIZATION.*—The term “Latin American or Caribbean nongovernmental organization” includes any institution of higher education, any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the region.

(3) *REGION.*—The term “region” refers to the region comprised of the member countries of the Organization of American States (other than the United States and Canada).

(4) *UNITED STATES ASSOCIATION.*—The term “United States association” means a business league described in section 501(c)(6) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(6)), and exempt from taxation under section 501(a) of such Code (26 U.S.C. 501(a)).

(5) *UNITED STATES NONPROFIT ENTITY.*—The term “United States nonprofit entity” includes any institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the United States.

**SEC. 643. ESTABLISHMENT OF PROGRAM.**

The President is authorized to establish a program which shall be known as the “Clean Water for the Americas Partnership”.

**SEC. 644. ENVIRONMENTAL ASSESSMENT.**

The President is authorized to conduct a comprehensive assessment of the environmental problems in the region to determine—

(1) which environmental problems threaten human health the most, particularly the health of the urban poor;

(2) which environmental problems are most threatening, in the long-term, to the region’s natural resources;

(3) which countries have the most pressing environmental problems; and

(4) whether and to what extent there is a market for United States environmental technology, practices, knowledge, and innovations in the region.

**SEC. 645. ESTABLISHMENT OF TECHNOLOGY AMERICA CENTERS.**

(a) *AUTHORITY TO ESTABLISH.*—The President, acting through the Director General of the United States and Foreign Commercial Service of the Department of Commerce, is authorized to establish Technology America Centers (TEAMs) in the region to serve the entire region and, where appropriate, to establish TEAMs in urban areas of the region to focus on urban environmental problems.

(b) *FUNCTIONS.*—The TEAMs would link United States private sector environmental technology firms with local partners, both public and private, by providing logistic and information support to United States firms seeking to find local partners and opportunities

for environmental projects. *TEAMS* should emphasize assisting United States small businesses.

(c) *LOCATION*.—In determining whether to locate a *TEAM* in a country, the President, acting through the Director General of the United States and Foreign Commercial Service of the Department of Commerce, shall take into account the country's need for logistic and informational support and the opportunities presented for United States firms in the country. A *TEAM* may be located in a country without regard to whether a mission of the United States Agency for International Development is established in that country.

**SEC. 646. PROMOTION OF WATER QUALITY, WATER TREATMENT SYSTEMS, AND ENERGY EFFICIENCY.**

Subject to the availability of appropriations, the President is authorized to provide matching grants to United States associations and United States nonprofit entities for the purpose of promoting water quality, water treatment systems, and energy efficiency in the region. The grants shall be used to support joint projects, including professional exchanges, academic fellowships, training programs in the United States or in the region, cooperation in regulatory review, development of training materials, the establishment and development in the region of local chapters of the associations or nonprofit entities, and the development of online exchanges.

**SEC. 647. GRANTS FOR PREFEASIBILITY STUDIES WITHIN A DESIGNATED SUBREGION.**

(a) *GRANT AUTHORITY*.—

(1) *IN GENERAL*.—Subject to the availability of appropriations, the Director of the Trade and Development Agency is authorized to make grants for prefeasibility studies for water projects in any country within a single subregion or in a single country designated under paragraph (2).

(2) *DESIGNATION OF SUBREGION*.—The Director of the Trade and Development Agency shall designate in advance a single subregion or a single country for purposes of paragraph (1).

(b) *MATCHING REQUIREMENT*.—The Director of the Trade and Development Agency may not make any grant under this section unless there are made available non-Federal contributions in an amount equal to not less than 25 percent of the amount of Federal funds provided under the grant.

(c) *LIMITATION PER SINGLE PROJECT*.—With respect to any single project, grant funds under this section shall be available only for the prefeasibility portion of that project.

(d) *DEFINITIONS*.—In this section:

(1) *PREFEASIBILITY*.—The term “prefeasibility” means, with respect to a project, not more than 25 percent of the design phase of the project.

(2) *SUBREGION*.—The term “subregion” means an area within the region and includes areas such as Central America, the Andean region, and the Southern cone.

**SEC. 648. CLEAN WATER TECHNICAL SUPPORT COMMITTEE.**

(a) *IN GENERAL*.—The President is authorized to establish a Clean Water Technical Support Committee (in this section referred to as the “Committee”) to provide technical support and training services for individual water projects.

(b) *COMPOSITION.*—The Committee shall consist of international investors, lenders, water service providers, suppliers, advisers, and others with a direct interest in accelerating development of water projects in the region.

(c) *FUNCTIONS.*—Members of the Committee shall act as field advisers and may form specialized working groups to provide in-country training and technical assistance, and shall serve as a source of technical support to resolve barriers to project development.

**SEC. 649. AUTHORIZATION OF APPROPRIATIONS.**

(a) *IN GENERAL.*—There are authorized to be appropriated to the President \$10,000,000 for each of the fiscal years 2003, 2004, and 2005 to carry out this subtitle.

(b) *AVAILABILITY OF FUNDS.*—Funds appropriated pursuant to subsection (a) are authorized to remain available until expended.

**SEC. 650. REPORT.**

Eighteen months after the establishment of the program pursuant to section 643, the President shall submit a report to the appropriate congressional committees containing—

- (1) an assessment of the progress made in carrying out the program established under this subtitle; and
- (2) any recommendations for the enactment of legislation to make changes in the program established under this subtitle.

**SEC. 651. TERMINATION DATE.**

(a) *IN GENERAL.*—Except as provided in subsection (b), the authorities of this subtitle shall terminate 3 years after the date of establishment of the program described in section 643.

(b) *EXCEPTION.*—In lieu of the termination date specified in subsection (a), the termination required by that subsection shall take effect five years after the date of establishment of the program described in section 643 if, prior to the termination date specified in subsection (a), the President determines and certifies to the appropriate congressional committees that it would be in the national interest of the United States to continue the program described in such section 643 for an additional 2-year period.

**SEC. 652. EFFECTIVE DATE.**

This subtitle shall take effect 90 days after the date of enactment of this Act.

## **Subtitle E—Freedom Investment Act of 2002**

**SEC. 661. SHORT TITLE.**

This subtitle may be cited as the “Freedom Investment Act of 2002”.

**SEC. 662. PURPOSES.**

The purposes of this subtitle are the following:

- (1) To underscore that promoting and protecting human rights is in the national interests of the United States and is consistent with American values and beliefs.
- (2) To establish a goal of devoting one percent of the funds available to the Department under “Diplomatic and Consular Programs”, other than such funds that will be made available

*for worldwide security upgrades and information resource management, to enhance the ability of the United States to promote respect for human rights and the protection of human rights defenders.*

**SEC. 663. HUMAN RIGHTS ACTIVITIES AT THE DEPARTMENT OF STATE.**

(a) *INCREASING RESOURCES AND IMPORTANCE OF HUMAN RIGHTS.—It is the sense of Congress that—*

*(1) the budget for the Bureau of Democracy, Human Rights, and Labor for fiscal years 2003 and 2004 should be substantially increased so that beginning in fiscal year 2005, and each fiscal year thereafter, not less than 1 percent of the amounts made available to the Department under the heading “Diplomatic and Consular Programs”, other than amounts made available for worldwide security upgrades and information resource management, should be made available for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor; and*

*(2) any assignment of an individual to a political officer position at a United States mission abroad that has the primary responsibility for monitoring human rights developments in a foreign country should be made upon the recommendation of the Assistant Secretary of State for Democracy, Human Rights, and Labor in conjunction with the head of the Department’s regional bureau having primary responsibility for that country.*

(b) *PLAN RELATED TO HUMAN RIGHTS ACTIVITIES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a plan for the Department designed to achieve the following objectives:*

*(1) Improving the integration of human rights policy into the Department’s overall policy formulation and implementation.*

*(2) Achieving closer communication and policy coordination between the Bureau of Democracy, Human Rights, and Labor and the regional bureaus of the Department, both within the United States and at overseas posts.*

*(3) Assigning individuals recommended by the Bureau of Democracy, Human Rights, and Labor, in conjunction with the relevant Department regional bureau, to political officer positions at United States missions abroad that have the primary responsibility for monitoring human rights developments in foreign countries.*

**SEC. 664. HUMAN RIGHTS AND DEMOCRACY FUND.**

(a) *ESTABLISHMENT OF FUND.—There is established a Human Rights and Democracy Fund (in this section referred to as the “Fund”) to be administered by the Assistant Secretary of State for Democracy, Human Rights, and Labor.*

(b) *PURPOSES OF FUND.—The purposes of the Fund shall be—*

- (1) to support defenders of human rights;*
- (2) to assist the victims of human rights violations;*
- (3) to respond to human rights emergencies;*
- (4) to promote and encourage the growth of democracy, including the support for nongovernmental organizations in foreign countries; and*

(5) to carry out such other related activities as are consistent with paragraphs (1) through (4).

(c) **FUNDING.**—

(1) **IN GENERAL.**—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2003, \$21,500,000 is authorized to be available to the Fund for carrying out the purposes described in subsection (b). Amounts made available to the Fund under this paragraph shall also be deemed to have been made available under section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)).

(2) **ALLOCATION OF FUNDS FOR THE DOCUMENTATION CENTER OF CAMBODIA.**—Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, \$1,000,000 is authorized to be available for the Documentation Center of Cambodia for the purpose of collecting, cataloguing, and disseminating information about the atrocities committed by the Khmer Rouge against the Cambodian people.

(3) **FATHER JOHN KAISER MEMORIAL FUND.**—Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, \$500,000 is authorized to be available to advance the extraordinary work and values of Father John Kaiser with respect to solving ethnic conflict and promoting government accountability and respect for human rights. The amount made available under this paragraph may be referred to as the “Father John Kaiser Memorial Fund”.

**SEC. 665. REPORTS ON ACTIONS TAKEN BY THE UNITED STATES TO ENCOURAGE RESPECT FOR HUMAN RIGHTS.**

(a) **SECTION 116 REPORT.**—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

(1) in paragraph (7), by striking “and” at the end and inserting a semicolon;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(9) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.”.

(b) **SECTION 502B REPORT.**—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the fourth sentence the following: “Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.”.

(c) **SEPARATE REPORT.**—The information to be included in the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 pursuant to the amendments made by subsections (a) and (b) may be submitted by the Secretary as a separate report. If the Secretary elects to submit such information as a separate report, such report shall be submitted not later than 30 days after the

date of submission of the report required by section 116(d) and 502B(b) of the Foreign Assistance Act of 1961.

## **Subtitle F—Elimination and Streamlining of Reporting Requirements**

### **SEC. 671. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.**

*The following provisions of law are hereby repealed:*

(1) **ECONOMIC POLICY AND TRADE PRACTICES.**—Section 2202 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4711).

(2) **ANNUAL REPORTS ON ECONOMIC AND SOCIAL GROWTH.**—Section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (22 U.S.C. 2394 note).

(3) **REPORTING REQUIREMENTS REGARDING CERTAIN LEASES OF REAL PROPERTY.**—Section 488(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291g(3); relating to reporting requirements regarding certain leases of real property).

(4) **REPORTING REQUIREMENTS REGARDING PLACEMENT OF SENIOR FOREIGN SERVICE PERSONNEL.**—Section 324 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 324 of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–437).

### **SEC. 672. BIENNIAL REPORTS ON PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.**

(a) **CONVERSION OF ANNUAL REPORTS TO BIENNIAL REPORTS.**—Section 133(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)) is amended—

(1) in the subsection heading, by striking “ANNUAL REPORT” and inserting “BIENNIAL REPORTS”; and

(2) in paragraph (1)—

(A) in the text above subparagraph (A), by striking “an annual report” and inserting “a biennial report”;

(B) in subparagraph (A), by striking “prior year” and inserting “preceding two-year period”; and

(C) in subparagraph (B), by striking “prior year” and inserting “preceding two-year period”.

(b) **TRANSITION.**—The first biennial report under section 133(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)), as amended by subsection (a), is required to be submitted not later than two years after the date of submission of the last annual report required under such section 133 (as in effect before the date of enactment of this Act).

## **Subtitle G—Other Matters**

### **SEC. 681. AMENDMENTS TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.**

(a) **VIOLATIONS OF RELIGIOUS FREEDOM.**—Section 102(b)(1)(B) of the International Religious Freedom Act of 1998 (22 U.S.C.

6412(b)(1)(B)) is amended by inserting “including policies that discriminate against particular religious groups or members of such groups,” after “the existence of government policies violating religious freedom,”.

(b) **ESTABLISHMENT OF STAGGERED TERMS OF MEMBERS OF COMMISSION.**—Section 201(c) of such Act (22 U.S.C. 6431(c)) is amended by adding after paragraph (1) the following new paragraph:

“(2) **ESTABLISHMENT OF STAGGERED TERMS.**—

“(A) **IN GENERAL.**—Notwithstanding paragraph (1), members of the Commission appointed to serve on the Commission during the period May 15, 2003, through May 14, 2005, shall be appointed to terms in accordance with the provisions of this paragraph.

“(B) **PRESIDENTIAL APPOINTMENTS.**—Of the three members of the Commission appointed by the President under subsection (b)(1)(B)(i), two shall be appointed to a 1-year term and one shall be appointed to a 2-year term.

“(C) **APPOINTMENTS BY THE PRESIDENT PRO TEMPORE OF THE SENATE.**—Of the three members of the Commission appointed by the President pro tempore of the Senate under subsection (b)(1)(B)(ii), one of the appointments made upon the recommendation of the leader in the Senate of the political party that is not the political party of the President shall be appointed to a 1-year term, and the other two appointments under such clause shall be 2-year terms.

“(D) **APPOINTMENTS BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.**—Of the three members of the Commission appointed by the Speaker of the House of Representatives under subsection (b)(1)(B)(iii), one of the appointments made upon the recommendation of the leader in the House of the political party that is not the political party of the President shall be to a 1-year term, and the other two appointments under such clause shall be 2-year terms.

“(E) **APPOINTMENTS TO 1-YEAR TERMS.**—The term of each member of the Commission appointed to a 1-year term shall be considered to have begun on May 15, 2003, and shall end on May 14, 2004, regardless of the date of the appointment to the Commission. Each vacancy which occurs upon the expiration of the term of a member appointed to a 1-year term shall be filled by the appointment of a successor to a 2-year term.

“(F) **APPOINTMENTS TO 2-YEAR TERMS.**—Each appointment of a member to a two-year term shall identify the member succeeded thereby, and each such term shall end on May 14 of the year that is at least two years after the expiration of the previous term, regardless of the date of the appointment to the Commission.”.

(c) **ELECTION OF CHAIR OF COMMISSION.**—Section 201(d) of such Act (22 U.S.C. 6431(d)) is amended by striking “in each calendar” and inserting “after May 30 of each”.

(d) **VACANCIES.**—Section 201(g) of such Act (22 U.S.C. 6431(g)) is amended by adding at the end the following: “A member may serve after the expiration of that member’s term until a successor has taken office. Any member appointed to fill a vacancy occurring

*before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term."*

(e) **AUTHORIZATIONS OF APPROPRIATIONS.**—Section 207(a) of such Act (22 U.S.C. 6435(a)) is amended by inserting "for the fiscal year 2003" after "\$3,000,000".

(f) **PROCUREMENT OF NONGOVERNMENTAL SERVICES.**—The third sentence of section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)) is amended to read as follows: "The Commission may procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code, except that the Commission may not expend more than \$100,000 in any fiscal year to procure such services."

(g) **REVISED TERMINATION DATE OF COMMISSION.**—Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) is amended by striking "May 14, 2003" and inserting "September 30, 2011".

**SEC. 682. AMENDMENTS TO THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000.**

(a) **ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.**—Section 107(a)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105(a)(1)) is amended by adding at the end the following: "In addition, such programs and initiatives shall, to the maximum extent practicable, include the following:

"(A) Support for local in-country nongovernmental or organization-operated hotlines, culturally and linguistically appropriate protective shelters, and regional and international nongovernmental organization networks and databases on trafficking, including support to assist nongovernmental organizations in establishing service centers and systems that are mobile and extend beyond large cities.

"(B) Support for nongovernmental organizations and advocates to provide legal, social, and other services and assistance to trafficked individuals, particularly those individuals in detention.

"(C) Education and training for trafficked women and girls.

"(D) The safe integration or reintegration of trafficked individuals into an appropriate community or family, with full respect for the wishes, dignity, and safety of the trafficked individual.

"(E) Support for developing or increasing programs to assist families of victims in locating, repatriating, and treating their trafficked family members, in assisting the voluntary repatriation of these family members or their integration or resettlement into appropriate communities, and in providing them with treatment."

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 113 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7110) is amended—

(1) in subsection (a), by striking "for fiscal year 2002" and inserting "for each of the fiscal years 2002 and 2003";

(2) in subsection (c)—

(A) in paragraph (1), by striking “and \$10,000,000 for fiscal year 2002” and inserting “, \$10,000,000 for fiscal year 2002, and \$15,000,000 for fiscal year 2003”; and

(B) in paragraph (2)—

(i) by striking “there are authorized to be appropriated to the Secretary of State” and inserting “there is authorized to be appropriated to the Secretary of State for each of the fiscal years 2001, 2002, and 2003”; and

(ii) by striking “for fiscal year 2001” and inserting “for such fiscal year”; and

(3) in paragraphs (1) and (2) of subsection (e), by striking “and \$10,000,000 for fiscal year 2002” each place it appears and inserting “, \$10,000,000 for fiscal year 2002, and \$15,000,000 for fiscal year 2003”.

**SEC. 683. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON CHILD SOLDIERS.**

(a) *COUNTRIES RECEIVING ECONOMIC ASSISTANCE.*—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)), as amended by section 665(a) of this Act, is further amended—

(1) in paragraph (8), by striking “and” at the end;

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(10)(A) wherever applicable, a description of the nature and extent—

“(i) of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, and the participation of such individuals in such groups; and

“(ii) that such individuals take a direct part in hostilities;

“(B) what steps, if any, taken by the government of the country to eliminate such practices; and

“(C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary.”.

(b) *COUNTRIES RECEIVING SECURITY ASSISTANCE.*—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the sixth sentence the following: “Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State.”.

**SEC. 684. EXTENSION OF AUTHORITY FOR CAUCUS ON INTERNATIONAL NARCOTICS CONTROL.**

*Section 814(i) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) is amended by striking “2002” and inserting “2005”.*

**SEC. 685. PARTICIPATION OF SOUTH ASIAN COUNTRIES IN INTERNATIONAL LAW ENFORCEMENT.**

*The Secretary shall ensure, where practicable, that appropriate government officials from countries in the South Asia region shall be eligible to attend courses at the International Law Enforcement Academy located in Bangkok, Thailand, and Budapest, Hungary, consistent with other provisions of law, with the goal of enhancing regional cooperation in the fight against transnational crime.*

**SEC. 686. PAYMENT OF ANTI-TERRORISM JUDGMENTS.**

*Section 2002(a)(2)(A)(ii) of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386; 114 Stat. 1542)) is amended by striking “or July 27, 2000” and inserting “June 6, 2000, July 27, 2000, or January 16, 2002”.*

**SEC. 687. REPORTS ON PARTICIPATION BY SMALL BUSINESSES IN PROCUREMENT CONTRACTS OF USAID.**

*(a) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the designated congressional committees a report that contains the following:*

*(1) For each of the fiscal years 2000, 2001, and 2002:*

*(A) The total number of the contracts that were awarded by the Agency to—*

*(i) all small businesses;*

*(ii) small business concerns owned and controlled by socially and economically disadvantaged individuals;*

*(iii) small business concerns owned and controlled by women;*

*(iv) small businesses participating in the program under section 8(a) of such Act (15 U.S.C. 637(a)); and*

*(v) qualified HUBZone small business concerns.*

*(B) The percentage of all contracts awarded by the Agency that were awarded to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.*

*(C) Of all contracts awarded by the Agency for performance in the United States, the percentage of the contracts that were awarded to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.*

*(D) To the extent available—*

*(i) the total number of grant and cooperative agreements that were made by the Agency to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A);*

*(ii) the percentage of all grant and cooperative agreements awarded by the Agency that were awarded to small businesses in each category of small busi-*

nesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts; and

(iii) of all grant and cooperative agreements made by the Agency to entities in the United States, the percentage of the grant and cooperative agreements that were awarded to small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.

(E) To the extent available—

(i) the total dollar amount of all subcontracts entered into with the small businesses in each category specified in clauses (i) through (v) of subparagraph (A) by the prime contractors for contracts entered into by the Agency; and

(ii) the percentage of all contracts entered into by the Agency that were performed under subcontracts described in clause (i), as computed on the basis of dollar amounts.

(2) An analysis of any specific industries or sectors that are underrepresented by small businesses in the awarding of contracts by the Agency and, to the extent such information is available, such analysis pertaining to the making of grants and cooperative agreements by the Agency.

(3) A specific plan of outreach, including measurable achievement milestones, to increase the total number of contracts that are awarded by the Agency, and the percentage of all contracts awarded by the Agency (computed on the basis of dollar amount) that are awarded, to—

(A) all small businesses;

(B) small business concerns owned and controlled by socially and economically disadvantaged individuals;

(C) small business concerns owned and controlled by women;

(D) small businesses participating in the program under section 8(a) of such Act (15 U.S.C. 637(a)); and

(E) qualified HUBZone small business concerns, in order to meet the statutory and voluntary targets established by the Agency and the Small Business Administration, with a particular focus on the industries or sectors identified in paragraph (2).

(4) Any other information the Administrator determines appropriate.

(b) **PLAN TO INCREASE SMALL BUSINESS CONTRACTING.**—The plan required for the report under subsection (a)(3) shall include the following matters:

(1) Proposals and milestones that apply to all contracts entered into by or on behalf of the Agency in Washington, D.C., and proposals and milestones that apply to all contracts entered into by or on behalf of the Agency by offices outside Washington, D.C.

(2) Proposals and milestones of the Agency to increase the amount of subcontracting to businesses described in such subsection (a)(3) by the prime contractors of the Agency.

(3) *With the milestones described in paragraph (2), a description of how the Administrator plans to use the failure of a prime contractor to meet goals as a ranking factor for evaluating any other submission from the contractor for future contracts by the Agency.*

(c) **ANNUAL REPORTS.**—*Not later than January 31, 2004, January 31, 2005, and January 31, 2006, the Administrator shall submit to the designated congressional committees a report for the preceding fiscal year that contains a description of the percentage of total contract and grant and cooperative agreement dollar amounts that were entered into by the Agency, and the total number of contracts and grants and cooperative agreements that were awarded by the Agency, to small businesses in each category specified in clauses (i) through (v) of subsection (a)(1)(A) during such fiscal year. The report for a fiscal year shall include, separately stated for contracts and grant and cooperative agreements entered into by the Agency, the percentage of the contracts and grant and cooperative agreements, respectively, that were awarded to small businesses in each such category, as computed on the basis of dollar amounts. The report shall also include a description of achievements toward measurable milestones for direct contracts of the Agency entered into by offices outside of Washington, D.C., and for subcontracting by prime contractors of the Agency.*

(d) **DEFINITIONS.**—*In this section:*

(1) **ADMINISTRATOR.**—*The term “Administrator” means the Administrator of the United States Agency for International Development.*

(2) **AGENCY.**—*The term “Agency” means the United States Agency for International Development.*

(3) **DESIGNATED CONGRESSIONAL COMMITTEES.**—*The term “designated congressional committees” means—*

(A) *the Committee on International Relations and the Committee on Small Business of the House of Representatives; and*

(B) *the Committee on Foreign Relations and the Committee on Small Business of the Senate.*

**SEC. 688. PROGRAM TO IMPROVE BUILDING CONSTRUCTION AND PRACTICES IN LATIN AMERICAN COUNTRIES.**

(a) **IN GENERAL.**—*The President, acting through the Administrator of the United States Agency for International Development, is authorized, under such terms and conditions as the President may determine, to carry out a program to improve building construction codes and practices in Ecuador, El Salvador, and other Latin American countries (in this section referred to as the “program”).*

(b) **PROGRAM DESCRIPTION.**—

(1) **IN GENERAL.**—*The program shall be in the form of grants to, or contracts with, organizations described in paragraph (2) to support the following activities:*

(A) **TRAINING.**—*Training of appropriate professionals in Latin America from both the public and private sectors to enhance their understanding of building and housing codes and standards.*

(B) **TRANSLATION AND DISTRIBUTION.**—*Translating and distributing in the region detailed construction manuals, model building codes, and publications from organizations*

*described in paragraph (2), including materials that address zoning, egress, fire and life safety, plumbing, sewage, sanitation, electrical installation, mechanical installation, structural engineering, and seismic design.*

*(C) OTHER ASSISTANCE.—Offering other relevant assistance as needed, such as helping government officials develop seismic micro-zonation maps or draft pertinent legislation, to implement building codes and practices that will help improve the resistance of buildings and housing in the region to seismic activity and other natural disasters.*

*(2) COVERED ORGANIZATIONS.—Grants and contracts provided under this section shall be carried out through United States organizations with expertise in the areas described in paragraph (1), including the American Society of Testing Materials, the Underwriters Laboratories, the American Society of Mechanical Engineers, the American Society of Civil Engineers, the American Society of Heating, Refrigeration, and Air Conditioning Engineers, the International Association of Plumbing and Mechanical Officials, the International Code Council, and the National Fire Protection Association.*

**SEC. 689. SENSE OF CONGRESS RELATING TO HIV/AIDS AND UNITED NATIONS PEACEKEEPING OPERATIONS.**

*It is the sense of the Congress that the President should direct the Secretary and the United States Representative to the United Nations to urge the United Nations to adopt an HIV/AIDS mitigation strategy as a component of United Nations peacekeeping operations.*

**SEC. 690. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.**

*(a) FINDINGS.—Congress finds the following:*

*(1) It is the mission of the International Red Cross and Red Crescent Movement to prevent and alleviate human suffering wherever it may be found, without discrimination.*

*(2) The International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent societies have equal status.*

*(3) The Magen David Adom Society is the national humanitarian society in the State of Israel.*

*(4) Since 1949 the Magen David Adom Society has been refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David, the only such national organization denied membership in the Movement.*

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

*(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society;*

*(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Committee of the Red Cross;*

*(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent; and*

*(4) the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.*

**SEC. 691. SENSE OF CONGRESS REGARDING THE LOCATION OF PEACE CORPS OFFICES ABROAD.**

*It is the sense of the Congress that, to the degree permitted by security considerations, the Secretary should give favorable consideration to requests by the Director of the Peace Corps that the Secretary exercise his authority under section 606(a)(2)(B) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)) to waive certain requirements of that Act in order to permit the Peace Corps to maintain offices in foreign countries at locations separate from the United States embassy.*

**SEC. 692. SENSE OF CONGRESS RELATING TO RESOLUTION OF THE TAIWAN STRAIT ISSUE.**

*It is the sense of the Congress that Taiwan is a mature democracy that fully respects human rights and it is the policy of the United States that any resolution of the Taiwan Strait issue must be peaceful and include the assent of the people of Taiwan.*

**SEC. 693. SENSE OF CONGRESS RELATING TO DISPLAY OF THE AMERICAN FLAG AT THE AMERICAN INSTITUTE IN TAIWAN.**

*It is the sense of the Congress that the American Institute in Taiwan and the residence of the director of the American Institute in Taiwan should publicly display the flag of the United States in the same manner as United States embassies, consulates, and official residences throughout the world.*

**SEC. 694. REPORTS ON ACTIVITIES IN COLOMBIA.**

**(a) REPORT ON REFORM ACTIVITIES.—**

**(1) IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary shall submit to the appropriate congressional committees a report on the status of activities funded or authorized, in whole or in part, by the Department or the Department of Defense in Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights.

**(2) CONTENTS.**—Each such report shall contain the following:

**(A)** A summary of activities described in paragraph (1) during the previous 12-month period.

**(B)** An estimated timetable for the conduct of such activities in the subsequent 12-month period.

**(C)** An explanation of any delay in meeting timetables contained in the previous report submitted in accordance with this subsection.

**(D)** An assessment of steps to be taken to correct any delays in meeting such timetables.

**(b) REPORT ON CERTAIN COUNTERNARCOTICS ACTIVITIES.—**

**(1) DECLARATION OF POLICY.**—It is the policy of the United States to encourage the transfer of counternarcotics activities carried out in Colombia by United States businesses that have entered into agreements with the Department or the Department of Defense to conduct such activities, to Colombian nationals, in

particular personnel of the Colombian antinarcotics police, when properly qualified personnel are available.

(2) *REPORT.*—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary shall submit to the appropriate congressional committees a report on the activities of United States businesses that have entered into agreements in the previous 12-month period with the Department or the Department of Defense to carry out counternarcotics activities in Colombia.

(3) *CONTENTS.*—Each such report shall contain the following:

(A) The name of each United States business described in paragraph (2) and description of the counternarcotics activities carried out by the business in Colombia.

(B) The total value of all payments by the Department and the Department of Defense to each such business for such activities.

(C) A written statement justifying the decision by the Department and the Department of Defense to enter into an agreement with each such business for such activities.

(D) An assessment of the risks to personal safety and potential involvement in hostilities incurred by employees of each such business as a result of their activities in Colombia.

(E) A plan to provide for the transfer of the counternarcotics activities carried out by such United States businesses to Colombian nationals, in particular personnel of the Colombian antinarcotics police.

(4) *DEFINITION.*—In this subsection, the term “United States business” means any person (including any corporation, partnership, or other organization) that is subject to the jurisdiction of the United States or organized under the laws of the United States, but does not include any person (including any corporation, partnership, or other organization) that performs contracts involving personal services.

**SEC. 695. REPORT ON UNITED STATES-SPONSORED ACTIVITIES IN COLOMBIA.**

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

(1) Heroin originating from Colombia is beginning to dominate the illicit market of that narcotic in the United States partly because law enforcement has struggled to interdict effectively what is often voluminous importations of small quantities of Colombia’s inexpensive and pure heroin.

(2) Destruction of opium, from which heroin is derived, at its source in Colombia is traditionally one of the best strategies to combat the heroin crisis in the United States, according to Federal law enforcement officials.

(3) There is a growing alarm concerning the spillover effect of Plan Colombia on Ecuador, a frontline state. The northern region of Ecuador, including the Sucumbios province, is an area of particular concern.

(4) As a result of Plan Colombia-related activities, drug traffickers, guerrillas, and paramilitary groups have made incursions from Colombia into Ecuador, increasing the level of violence and delinquency in the border region.

(b) *REPORT TO CONGRESS.*—Not later than 150 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees which sets forth a statement of policy and comprehensive strategy for United States activities in Colombia related to—

- (1) the eradication of all opium cultivation at its source in Colombia; and
- (2) the impact of Plan Colombia on Ecuador and the other adjacent countries to Colombia.

**SEC. 696. REPORT ON EXTRADITION POLICY AND PRACTICE.**

Not later than May 1, 2003, the Secretary shall submit a report to the appropriate congressional committees on extradition practice between the United States and governments of foreign countries with which the United States has an extradition relationship. The report shall include—

- (1) an aggregate list, by country, of—
  - (A) the number of extradition requests made by the United States to that country in 2002; and
  - (B) the number of fugitives extradited by that country to the United States in 2002;
- (2) an aggregate list, by country, of—
  - (A) the number of extradition requests made by that country to the United States in 2002; and
  - (B) the number of fugitives extradited by the United States to that country in 2002;
- (3) any other relevant information regarding difficulties the United States has experienced in obtaining the extradition of fugitives (including a discussion of the unwillingness of treaty partners to extradite nationals or where fugitives may face capital punishment or life imprisonment); and
- (4) a summary of the Department's efforts in 2002 to negotiate new or revised extradition treaties, and its agenda for such negotiations in 2003.

**SEC. 697. SPECIAL COURT FOR SIERRA LEONE.**

(a) *FINDING.*—Congress finds that prompt establishment of a Special Court for Sierra Leone is an important step in restoring a credible system of justice and accountability for the crimes committed in Sierra Leone and would contribute to the process of national reconciliation in that country.

(b) *SENSE OF CONGRESS.*—It is the sense of Congress that the United States should support the Truth and Reconciliation Commission in Sierra Leone, including through assistance in the collection of human rights data relevant to the Commission's work.

(c) *ALLOCATION OF FUNDS.*—Of the amounts made available to the Department of State for fiscal year 2003, there is authorized to be available \$5,000,000 to support the Special Court for Sierra Leone.

(d) *EXTENSION OF REWARDS PROGRAM.*—Section 102 of Public Law 105–323, as amended (22 U.S.C. 2708 note), is further amended—

- (1) in subsection (a), by inserting “the Special Court of Sierra Leone” after “by,”; and
- (2) in subsection (c), by adding at the end the following new paragraph:

*“(3) For the purposes of subsection (a), the Statute of the Special Court for Sierra Leone means the Statute contained in the Annex to the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone.”.*

**SEC. 698. UNITED STATES ENVOY FOR PEACE IN SUDAN.**

*There should continue to be a United States Envoy for Peace in Sudan until the full implementation of a comprehensive settlement to the conflict in Sudan that is acceptable to the parties to the conflict.*

**SEC. 699. TRANSFER OF PROSCRIBED WEAPONS TO PERSONS OR ENTITIES IN THE WEST BANK AND GAZA.**

*(a) DETERMINATION REGARDING TRANSFERS.—If the President determines, based on a preponderance of the evidence, that a foreign person or entity has knowingly transferred proscribed weapons to Palestinian entities in the West Bank or Gaza, then, for the period specified in subsection (b), no assistance may be provided to the person or entity under part II of the Foreign Assistance Act of 1961 and no sales of defense articles or defense services may be made to the person or entity under section 23 of the Arms Export Control Act.*

*(b) DURATION OF PROHIBITION.—The period referred to in subsection (a) is the period commencing on the date on which a notification of a determination under subsection (a) is submitted to the appropriate congressional committees and ending on the date that is two years after such date.*

*(c) REPORT.—In conjunction with the report required under title VIII of the P.L.O. Commitments Compliance Act of 1989 (Public Law 101-246), the President shall submit a report to the appropriate congressional committees on transfers reviewed pursuant to subsection (a).*

*(d) DEFINITION.—In this section, the term “proscribed weapons” means arms, ammunition, and equipment the transfer of which is not in compliance with the Agreement on the Gaza Strip and the Jericho Area of May 4, 1994, its annexes, or subsequent agreements between Israel and the PLO, or Palestinian Authority, as appropriate.*

**SEC. 700. SENSE OF CONGRESS RELATING TO ARSENIC CONTAMINATION IN DRINKING WATER IN BANGLADESH.**

*(a) FINDINGS.—Congress finds that—*

*(1) beginning in 1993, naturally occurring inorganic arsenic contamination of water began to be confirmed in Bangladesh in tube-wells installed in the 1970s, when standard water testing did not include arsenic tests;*

*(2) because health effects of ingesting arsenic-contaminated drinking water appear slowly, preventative measures are critical to preventing future contamination in the Bangladeshi population; and*

*(3) health effects of exposure to arsenic include skin lesions, skin cancer, and mortality from internal cancers.*

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

*(1) work with appropriate United States Government agencies, national laboratories, universities in the United States, the Government of Bangladesh, international financial institutions*

*and organizations, and international donors to identify a long-term solution to the arsenic-contaminated drinking water problem in Bangladesh, including drawing arsenic out of the existing tube-wells and finding alternate sources of water; and*

*(2) submit a report to the appropriate congressional committees on proposals to bring about arsenic-free drinking water to Bangladeshis and to facilitate treatment for those who have already been affected by arsenic-contaminated drinking water in Bangladesh.*

**SEC. 701. POLICING REFORM AND HUMAN RIGHTS IN NORTHERN IRELAND.**

*(a) CONGRESSIONAL STATEMENT OF POLICY.—Congress—*

*(1) supports independent judicial public inquiries into the murders of defense attorneys Patrick Finucane and Rosemary Nelson as a way to instill confidence in the Police Service of Northern Ireland; and*

*(2) continues to urge the United Kingdom to take appropriate action to protect defense lawyers and human rights defenders in Northern Ireland.*

*(b) DECOMMISSIONING WEAPONS.—Congress—*

*(1) calls on the Irish Republican Army to continue and complete the decommissioning of all their arms and explosives; and*

*(2) calls for—*

*(A) the decommissioning of all weapons held by paramilitaries on all sides, such as the Provisional Irish Republican Army (PIRA), the Real Irish Republican Army (RIRA), the Continuity Irish Republican Army (CIRA), the Loyalist Volunteer Force (LVF), the Orange Volunteers (OV), the Red Hand Defenders (RHD), the Ulster Defense Association/Ulster Freedom Fighters (UDA/UFF), the Ulster Volunteer Force (UVF); and*

*(B) the immediate cessation of paramilitary punishment attacks and exiling.*

*(c) SUPPORT FOR GLOBAL WAR ON TERRORISM.—Congress recognizes the United Kingdom's commitment to support the United States in a global war on terrorism.*

*(d) REPORT ON POLICING REFORM AND HUMAN RIGHTS IN NORTHERN IRELAND.—Not later than 60 days after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees on the following:*

*(1) The extent to which the Governments of the United Kingdom and Ireland have implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the progress of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, including the effectiveness of such procedures, in the new Police Service of Northern Ireland.*

*(2) The status of the investigations into the murders of Patrick Finucane, Rosemary Nelson, and Robert Hammill, including the extent to which progress has been made on recommendations for independent judicial public inquiries into these murders.*

(3) *All decommissioning acts taken to date by the Irish Republican Army, including the quantity and precise character of what the IRA decommissioned, as reported and verified by the International Commission on Decommissioning.*

(4) *All acts of decommissioning taken by other paramilitary organizations, including a description of all weapons and explosives decommissioned.*

(5) *A description of the measures taken to ensure that the programs described under subsection (e) comply with the requirements of that subsection.*

(e) **COMPLIANCE WITH PRIOR PROVISIONS.**—*Any training or exchange program conducted by the Federal Bureau of Investigation or any other Federal law enforcement agency for the Police Service of Northern Ireland or its members shall—*

*(1) be necessary to improve the professionalism of policing in Northern Ireland;*

*(2) be necessary to advance the peace process in Northern Ireland;*

*(3) include in the curriculum a significant human rights component; and*

*(4) only be provided to Police Service of Northern Ireland (PSNI) members who have been subject to a vetting procedure established by the Department and the Department of Justice to ensure that such program does not include PSNI members who there are substantial ground for believing have committed or condoned violations of internationally recognized human rights, including any role in the murder of Patrick Finucane or Rosemary Nelson or other violence or serious threat of violence against defense attorneys in Northern Ireland.*

**SEC. 702. ANNUAL REPORTS ON UNITED STATES-VIETNAM HUMAN RIGHTS DIALOGUE MEETINGS.**

*Not later than December 31 of each year or 60 days after the second United States-Vietnam human rights dialogue meeting held in a calendar year, whichever is earlier, the Secretary shall submit to the appropriate congressional committees a report covering the issues discussed at the previous two meetings and describing to what extent the Government of Vietnam has made progress during the calendar year toward achieving the following objectives:*

*(1) Improving the Government of Vietnam's commercial and criminal codes to bring them into conformity with international standards, including the repeal of the Government of Vietnam's administrative detention decree (Directive 31/CP).*

*(2) Releasing political and religious activists who have been imprisoned or otherwise detained by the Government of Vietnam, and ceasing surveillance and harassment of those who have been released.*

*(3) Ending official restrictions on religious activity, including implementing the recommendations of the United Nations Special Rapporteur on Religious Intolerance.*

*(4) Promoting freedom for the press, including freedom of movement of members of the Vietnamese and foreign press.*

*(5) Improving prison conditions and providing transparency in the penal system of Vietnam, including implementing the recommendations of the United Nations Working Group on Arbitrary Detention.*

(6) *Respecting the basic rights of indigenous minority groups, especially in the central and northern highlands of Vietnam.*

(7) *Respecting the basic rights of workers, including working with the International Labor Organization to improve mechanisms for promoting such rights.*

(8) *Cooperating with requests by the United States to obtain full and free access to persons who may be eligible for admission to the United States as refugees or immigrants, and allowing such persons to leave Vietnam without being subjected to extortion or other corrupt practices.*

**SEC. 703. SENSE OF CONGRESS REGARDING HUMAN RIGHTS VIOLATIONS IN INDONESIA.**

*It is the sense of Congress that the Government of Indonesia should—*

(1) *demonstrate substantial progress toward ending human rights violations by the armed forces in Indonesia (TNI);*

(2) *terminate any TNI support for and cooperation with terrorist organizations, including Laskar Jihad and militias operating in the Maluku, Central Sulawesi, West Papua (Irian Jaya), and elsewhere;*

(3) *investigate and prosecute those responsible for human rights violations, including TNI officials, members of Laskar Jihad, militias, and other terrorist organizations; and*

(4) *make concerted and demonstrable efforts to find and prosecute those responsible for the murders of Papuan leader Theys Elvay, Aceh human rights advocate Jafar Siddiq Hamzah, and United States citizens Edwin L. Burdon and Ricky L. Spier.*

**SEC. 704. REPORT CONCERNING THE GERMAN FOUNDATION “REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE”.**

(a) *REPORT CONCERNING THE GERMAN FOUNDATION “REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE”.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until all funds made available to the German Foundation have been disbursed, the Secretary shall report to the appropriate congressional committees on the status of the implementation of the Agreement and, to the extent possible, on whether or not—*

(1) *during the 180-day period preceding the date of the report, the German Bundestag has authorized the allocation of funds to the Foundation, in accordance with section 17 of the law on the creation of the Foundation, enacted by the Federal Republic of Germany on August 8, 2000;*

(2) *the entire sum of 10,000,000,000 deutsche marks has been made available to the German Foundation in accordance with Annex B to the Joint Statement of July 17, 2000;*

(3) *during the 180-day period preceding the date of the report, any company or companies investigating a claim, who are members of ICHEIC, were required to provide to the claimant, within 90 days after receiving the claim, a status report on the claim, or a decision that included—*

(A) *an explanation of the decision, pursuant to those standards of ICHEIC to be applied in approving claims;*

(B) *all documents relevant to the claim that were retrieved in the investigation; and*

(C) an explanation of the procedures for appeal of the decision;

(4) during the 180-day period preceding the date of the report, any entity that elected to determine claims under Article 1(4) of the Agreement was required to comply with the standards of proof, criteria for publishing policyholder names, valuation standards, auditing requirements, and decisions of the Chairman of ICHEIC;

(5) during the 180-day period preceding the date of the report, an independent process to appeal decisions made by any entity that elected to determine claims under Article 1(4) of the Agreement was available to and accessible by any claimant wishing to appeal such a decision, and the appellate body had the jurisdiction and resources necessary to fully investigate each claim on appeal and provide a timely response;

(6) an independent audit of compliance by every entity that has elected to determine claims under Article 1(4) of the Agreement has been conducted; and

(7) the administrative and operational expenses incurred by the companies that are members of ICHEIC are appropriate for the administration of claims described in paragraph (3).

The Secretary's report shall include the Secretary's justification for each determination under this subsection.

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

(1) the resolution of slave and forced labor claims is an urgent issue for aging Holocaust survivors, and the German Bundestag should allocate funds for disbursement by the German Foundation to Holocaust survivors as soon as possible; and

(2) ICHEIC should work in consultation with the Secretary in gathering the information required for the report under subsection (a).

(c) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means the Agreement between the Government of the United States of America and the Government of the Federal Republic of Germany concerning the Foundation “Remembrance, Responsibility and the Future”, done at Berlin July 17, 2000.

(2) ANNEX B TO THE JOINT STATEMENT OF JULY 17, 2000.—The term “Annex B to the Joint Statement of July 17, 2000” means Annex B to the Joint Statement on occasion of the final plenary meeting concluding international talks on the preparation of the Federal Foundation “Remembrance, Responsibility and the Future”, done at Berlin on July 17, 2000.

(3) GERMAN FOUNDATION.—The term “German Foundation” means the Foundation “Remembrance, Responsibility and the Future” referred to in the Agreement.

(4) ICHEIC.—The term “ICHEIC” means the International Commission on Holocaust Era Insurance Claims referred to in Article 1(4) of the Agreement.

**SEC. 705. SENSE OF CONGRESS ON RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO THE ARTIST DINA BABBITT.**

(a) FINDINGS.—Congress finds that—

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen has requested the return of watercolor por-

*traits she painted while suffering a 1½-year-long internment at the Auschwitz death camp during World War II;*

*(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele;*

*(3) Dina Babbitt's life, and her mother's life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele;*

*(4) these paintings are currently in the possession of the Auschwitz-Birkenau State Museum;*

*(5) Dina Babbitt is the rightful owner of the artwork, since the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp;*

*(6) the artwork is not available for the public to view at the Auschwitz-Birkenau State Museum and therefore this unique and important body of work is essentially lost to history; and*

*(7) this continued injustice can be righted through cooperation between agencies of the United States and Poland.*

*(b) SENSE OF CONGRESS.—Congress—*

*(1) recognizes the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;*

*(2) urges the President to make all efforts necessary to retrieve the 7 watercolor portraits Dina Babbitt painted, while suffering a 1½-year-long internment at the Auschwitz death camp, and return them to her;*

*(3) urges the Secretary to make immediate diplomatic efforts to facilitate the transfer of the 7 original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;*

*(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and*

*(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the 7 original paintings to Dina Babbitt as expeditiously as possible.*

**SEC. 706. INTERNATIONAL DRUG CONTROL CERTIFICATION PROCEDURES.**

*During any fiscal year, funds that would otherwise be withheld from obligation or expenditure under section 490 of the Foreign Assistance Act of 1961 may be obligated or expended beginning October 1 of such fiscal year provided that:*

*(1) REPORT.—Not later than September 15 of the previous fiscal year the President has submitted to the appropriate congressional committees a report identifying each country determined by the President to be a major drug transit country or major illicit drug producing country as defined in section 481(e) of the Foreign Assistance Act of 1961.*

*(2) DESIGNATION AND JUSTIFICATION.—In each report under paragraph (1), the President shall also—*

(A) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961; and

(B) include a justification for each country so designated.

(3) *LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.*—In the case of a country identified in a report under paragraph (1) that is also designated under paragraph (2) in the report, United States assistance may be provided to such country in the subsequent fiscal year only if the President determines and reports to the appropriate congressional committees that—

(A) provision of such assistance to the country in such fiscal year is vital to the national interests of the United States; or

(B) subsequent to the designation being made under paragraph (2)(A), the country has made substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961.

(4) *INTERNATIONAL COUNTERNARCOTICS AGREEMENT DEFINED.*—In this section, the term “international counternarcotics agreement” means—

(A) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

(B) any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues relating to the control of illicit drugs, such as—

(i) the production, distribution, and interdiction of illicit drugs;

(ii) demand reduction;

(iii) the activities of criminal organizations;

(iv) international legal cooperation among courts, prosecutors, and law enforcement agencies (including the exchange of information and evidence);

(v) the extradition of nationals and individuals involved in drug-related criminal activity;

(vi) the temporary transfer for prosecution of nationals and individuals involved in drug-related criminal activity;

(vii) border security;

(viii) money laundering;

(ix) illicit firearms trafficking;

(x) corruption;

(xi) control of precursor chemicals;

(xii) asset forfeiture; and

(xiii) related training and technical assistance, and includes, where appropriate, timetables and objective and measurable standards to assess the progress made by participating countries with respect to such issues.

(5) *APPLICATION.*—(A) Section 490 (a) through (h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)–(h)) shall not apply during any fiscal year with respect to any country identified in the report required by paragraph (1) of this section.

(B) Notwithstanding paragraphs (1) through (5)(A) of this section, the President may apply the procedures set forth in section 490 (a) through (h) of the Foreign Assistance Act of 1961 during any fiscal year with respect to any country determined to be a major drug transit country or major illicit drug producing country as defined in section 481(e) of the Foreign Assistance Act of 1961.

(6) *STATUTORY CONSTRUCTION.*—Nothing in this section supersedes or modifies the requirement in section 489(a) of the Foreign Assistance Act of 1961 (with respect to the International Narcotics Control Strategy Report) for the transmittal of a report not later than March 1, each fiscal year under that section.

(7) *TRANSITION RULE.*—For funds obligated or expended under this section in fiscal year 2003, the date for submission of the report required by paragraph (1) of this section shall be at least 15 days before funds are obligated or expended.

(8) *EFFECTIVE DATE.*—This section shall take effect upon the date of enactment of this Act into law and shall remain in effect thereafter unless Congress enacts subsequent legislation repealing such section.

## ***DIVISION B—SECURITY ASSISTANCE ACT OF 2002***

### ***TITLE X—GENERAL PROVISIONS***

#### ***SEC. 1001. SHORT TITLE.***

*This division may be cited as the “Security Assistance Act of 2002”.*

#### ***SEC. 1002. DEFINITIONS.***

*In this division:*

(1) *DEFENSE ARTICLE.*—*The term “defense article” has the meaning given the term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794 note).*

(2) *DEFENSE SERVICE.*—*The term “defense service” has the meaning given the term in section 47(4) of the Arms Export Control Act (22 U.S.C. 2794 note).*

(3) *EXCESS DEFENSE ARTICLE.*—*The term “excess defense article” has the meaning given the term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)).*

## **TITLE XI—VERIFICATION OF ARMS CONTROL AND NONPROLIFERATION AGREEMENTS**

### **SEC. 1101. VERIFICATION AND COMPLIANCE BUREAU PERSONNEL.**

(a) *IN GENERAL.*—Of the amount authorized to be appropriated by section 111(a)(1)(A), \$14,000,000 is authorized to be available for the Bureau of Verification and Compliance of the Department of State for Bureau-administered activities, including the Key Verification Assets Fund and to upgrade Bureau spaces for certification as a Sensitive Compartmented Information Facility (SCIF).

(b) *ADDITIONAL PERSONNEL.*—In addition to the amount made available under subsection (a), \$1,800,000 is authorized to be available for the fiscal year 2003 from the Department's American Salaries Account, for the purpose of hiring new personnel to carry out the Bureau's responsibilities, as set forth in section 112 of the Arms Export Control and Nonproliferation Act of 1999 (113 Stat. 1501A–486), as enacted into law by section 1000(a)(7) of Public Law 106–113, including the assignment of one full-time person to the Bureau to manage the document control, tracking, and printing requirements of the Bureau's operation in a SCIF.

### **SEC. 1102. KEY VERIFICATION ASSETS FUND.**

Of the total amount made available to the Department for fiscal year 2003, \$7,000,000 is authorized to be available within the Verification and Compliance Bureau's account to carry out section 1111 of the Arms Control and Nonproliferation Act of 1999 (113 Stat. 1501A–486), as enacted into law by section 1000(a)(7) of Public Law 106–113.

### **SEC. 1103. REVISED VERIFICATION AND COMPLIANCE REPORTING REQUIREMENTS.**

Section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)) is amended by striking “January 31” and inserting “April 15”.

## **TITLE XII—MILITARY AND RELATED ASSISTANCE**

### **Subtitle A—Foreign Military Sales and Financing Authorities**

#### **SEC. 1201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section \$4,107,200,000 for fiscal year 2003.

#### **SEC. 1202. RELATIONSHIP OF FOREIGN MILITARY SALES TO UNITED STATES NONPROLIFERATION INTERESTS.**

(a) *AUTHORIZED PURPOSES.*—The first sentence of section 4 of the Arms Export Control Act (22 U.S.C. 2754) is amended by inserting “for preventing or hindering the proliferation of weapons of

mass destruction and of the means of delivering such weapons,” after “self-defense.”

(b) **DEFINITION OF “WEAPONS OF MASS DESTRUCTION”.**—Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

- (1) by striking “and” at the end of paragraph (8);
- (2) by striking the period at the end of paragraph (9) and inserting “; and”; and
- (3) by adding at the end the following new paragraph:

“(10) ‘weapons of mass destruction’ has the meaning provided by section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2717; 50 U.S.C. 2302(1)).”

**SEC. 1203. OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.**

Section 43(c) of the Arms Export Control Act (22 U.S.C. 2792(c)), is amended by striking “\$72,500” and inserting “\$86,500”.

**SEC. 1204. ARMS EXPORT CONTROL ACT PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT HAVE REPEATEDLY PROVIDED SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.**

The second sentence of section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) is amended—

- (1) by striking “groups or” and inserting “groups,”; and
- (2) by inserting before the period the following: “, or willfully aid or abet the efforts of an individual or group to use, develop, produce, stockpile, or otherwise acquire chemical, biological, or radiological weapons”.

**SEC. 1205. CONGRESSIONAL NOTIFICATION OF SMALL ARMS AND LIGHT WEAPONS LICENSE APPROVALS; REPORTS.**

(a) **CONGRESSIONAL NOTIFICATION OF EXPORT LICENSE APPROVALS.**—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by inserting “(or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more)” after “\$50,000,000 or more”.

(b) **REPORT.**—Section 40A(c) of the Arms Export Control Act (22 U.S.C. 2785(c)) is amended by inserting before the period the following: “and the numbers, range, and findings of end-use monitoring of United States transfers of small arms and light weapons”.

(c) **ANNUAL MILITARY ASSISTANCE REPORTS.**—Section 655(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)(3)) is amended by inserting before the period at the end the following: “, including, in the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful under section 922 of title 18, United States Code, that were licensed for export during the period covered by the report”.

(d) **REPORT ON ARMS BROKERING.**—Not later than June 30, 2003, the Secretary shall submit a report to the appropriate congressional committees on activities of registered arms brokers, which shall discuss—

- (1) the role of such brokers in the United States and other countries;
- (2) United States law, regulations, and policy regarding arms brokers;

- (3) violations of the Arms Export Control Act;
- (4) United States resources and personnel devoted to the monitoring of arms brokers;
- (5) any needed changes in law, regulation, policy, or resources; and
- (6) any implications for the regulation of arms brokers in other countries.

**SEC. 1206. TREATMENT OF TAIWAN RELATING TO TRANSFERS OF DEFENSE ARTICLES AND DEFENSE SERVICES.**

Notwithstanding any other provision of law, for purposes of the transfer or possible transfer of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other provision of law, Taiwan shall be treated as though it were designated a major non-NATO ally (as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q))).

## **Subtitle B—International Military Education and Training**

**SEC. 1211. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the President \$85,000,000 for fiscal year 2003 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training).

**SEC. 1212. HUMAN RIGHTS VIOLATIONS.**

(a) **ANNUAL REPORT.**—Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new section:

**“SEC. 549. HUMAN RIGHTS REPORT.**

“(a) **IN GENERAL.**—Not later than March 1 of each year, the Secretary of State shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing, to the extent practicable, any involvement of a foreign military or defense ministry civilian participant in education and training activities under this chapter in a violation of internationally recognized human rights reported under section 116(d) of this Act subsequent to such participation.

“(b) **FORM.**—The report described in subsection (a) shall be in unclassified form, but may include a classified annex.”.

(b) **RECORDS REGARDING FOREIGN PARTICIPANTS.**—Section 548 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347g) is amended—

(1) by striking “In” and inserting:

“(a) **DEVELOPMENT AND MAINTENANCE OF DATABASE.**—In”; and

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

“(b) **ANNUAL LIST OF FOREIGN PERSONNEL.**—For the purposes of preparing the report required pursuant to section 549 of this Act, the Secretary of State may annually request the Secretary of Defense to provide information contained in the database, with respect to a list submitted to the Secretary of Defense by the Secretary of State, that contains the names of foreign personnel or military units. To the extent practicable, the Secretary of Defense shall provide, and

the Secretary of State may take into account, the information contained in the database, if any, relating to the Secretary of State's submission.

“(c) **UPDATING OF DATABASE.**—If the Secretary of State determines and reports to Congress under section 549 of this Act that a foreign person identified in the database maintained pursuant to this section was involved in a violation of internationally recognized human rights, the Secretary of Defense shall ensure that the database is updated to contain such fact and all relevant information.”.

**SEC. 1213. PARTICIPATION IN POST-UNDERGRADUATE FLYING TRAINING AND TACTICAL LEADERSHIP PROGRAMS.**

Section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c) is amended by adding at the end the following new subsection:

“(c)(1) The President is authorized to enter into cooperative arrangements providing for the participation of foreign and United States military and civilian defense personnel in post-undergraduate flying training and tactical leadership programs at training locations in Southwest Asia without charge to participating foreign countries, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act). Such training must satisfy common requirements with the United States for post-undergraduate flying and tactical leadership training.

“(2) Cooperative arrangements under this subsection shall require an equitable contribution of support and services from each participating country. The President may waive the requirement for an equitable contribution of a participating foreign country if he determines that to do so is important to the national security interests of the United States.

“(3) Costs incurred by the United States shall be charged to the current applicable appropriations accounts or funds of the participating United States Government agencies.”.

## **Subtitle C—Assistance for Select Countries**

**SEC. 1221. ASSISTANCE FOR ISRAEL AND EGYPT.**

(a) **AUTHORIZATION OF APPROPRIATIONS FOR ISRAEL.**—Section 513 of the Security Assistance Act of 2000 (Public Law 106–280) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “2001 and 2002” and inserting “2002 and 2003”; and

(ii) by adding at the end the following new sentence: “Such funds are authorized to be made available on a grant basis as a cash transfer.”;

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

“(3) **ADDITIONAL ESF ASSISTANCE FOR FISCAL YEAR 2003.**—Only for fiscal year 2003, in addition to the amount computed under paragraph (2) for that fiscal year, an additional amount of \$200,000,000 is authorized to be made available for ESF assistance for Israel, notwithstanding section 531(e) or 660(a) of the Foreign Assistance Act of 1961, for defensive, nonlethal, antiterrorism assistance, which amount shall be considered, for

*purposes of subsection (d), as an amount appropriated by an Act making supplemental appropriations.”;*

*(2) in subsection (c)(1), by striking “2001 and 2002” and inserting “2002 and 2003”;*

*(3) in subsection (c)(3), by striking “Funds authorized” and all that follows through “later” and inserting: “Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) of this subsection for fiscal years 2002 and 2003 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2002, and not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2003, or October 31 of the respective fiscal year, whichever is later.”; and*

*(4) in subsection (c)(4)—*

*(A) by striking “fiscal year 2001” and inserting “fiscal years 2002 and 2003”; and*

*(B) by striking “\$520,000,000” and inserting “\$535,000,000 for fiscal year 2002 and not less than \$550,000,000 for fiscal year 2003”.*

*(b) AUTHORIZATION OF APPROPRIATIONS FOR EGYPT.—Section 514 of the Security Assistance Act of 2000 (Public Law 106–280) is amended—*

*(1) by striking “2001 and 2002” each place it appears and inserting “2002 and 2003”; and*

*(2) in subsection (e), by striking “Funds estimated” and all that follows through “and” at the end of paragraph (2) and inserting the following: “Funds estimated to be outlayed for Egypt under subsection (c) during fiscal years 2002 and 2003 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2002, and not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2003, or by October 31 of the respective fiscal year, whichever is later, provided that—*

*“(1) withdrawal of funds from such account shall be made only on authenticated instructions from the Defense Finance and Accounting Service of the Department of Defense;*

*“(2) in the event such account is closed, the balance of the account shall be transferred promptly to the appropriations account for the Foreign Military Financing Program.”.*

**SEC. 1222. SECURITY ASSISTANCE FOR GREECE AND TURKEY.**

*(a) IN GENERAL.—Of the amount made available for the fiscal year 2003 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.)—*

*(1) \$1,120,000 for fiscal year 2003 is authorized to be available for Greece; and*

*(2) \$2,800,000 for fiscal year 2003 is authorized to be available for Turkey.*

*(b) USE FOR PROFESSIONAL MILITARY EDUCATION.—Of the amounts available under paragraphs (1) and (2) of subsection (a)*

for fiscal year 2003, \$500,000 of each such amount should be available for purposes of professional military education.

(c) *USE FOR JOINT TRAINING.*—It is the sense of Congress that, to the maximum extent practicable, amounts available under subsection (a) that are used in accordance with subsection (b) should be used for joint training of Greek and Turkish officers.

(d) *REPEAL.*—Effective October 1, 2002, section 512 of the Security Assistance Act of 2000 (Public Law 106–280; 114 Stat. 856) is repealed.

**SEC. 1223. SECURITY ASSISTANCE FOR CERTAIN OTHER COUNTRIES.**

(a) *FMF FOR CERTAIN OTHER COUNTRIES.*—Of the total amount made available for the fiscal year 2003 under section 23 of the Arms Export Control Act (22 U.S.C. 2763), the following amounts are authorized to be available on a grant basis for the following countries:

- (1) *THE BALTIC STATES.*—For all of the Baltic states of Estonia, Latvia, and Lithuania, \$22,000,000.
- (2) *BULGARIA.*—For Bulgaria, \$11,000,000.
- (3) *THE CZECH REPUBLIC.*—For the Czech Republic, \$11,000,000.
- (4) *GEORGIA.*—For Georgia, \$7,000,000.
- (5) *HUNGARY.*—For Hungary, \$11,000,000.
- (6) *JORDAN.*—For Jordan, \$198,000,000.
- (7) *MALTA.*—For Malta, \$1,150,000.
- (8) *THE PHILIPPINES.*—For the Philippines, \$25,000,000.
- (9) *POLAND.*—For Poland, \$16,000,000.
- (10) *ROMANIA.*—For Romania, \$12,000,000.
- (11) *SLOVAKIA.*—For Slovakia, \$9,000,000.
- (12) *SLOVENIA.*—For Slovenia, \$5,000,000.

(b) *IMET.*—Of the amount made available for the fiscal year 2003 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), the following amounts are authorized to be available for the following countries:

- (1) *THE BALTIC STATES.*—For all of the Baltic states of Estonia, Latvia, and Lithuania, \$3,300,000.
- (2) *BULGARIA.*—For Bulgaria, \$1,370,000.
- (3) *THE CZECH REPUBLIC.*—For the Czech Republic, \$1,900,000.
- (4) *GEORGIA.*—For Georgia, \$1,200,000.
- (5) *HUNGARY.*—For Hungary, \$1,900,000.
- (6) *JORDAN.*—For Jordan, \$4,000,000.
- (7) *MALTA.*—For Malta, \$350,000.
- (8) *THE PHILIPPINES.*—For the Philippines, \$2,000,000.
- (9) *POLAND.*—For Poland, \$2,000,000.
- (10) *ROMANIA.*—For Romania, \$1,500,000.
- (11) *SLOVAKIA.*—For Slovakia, \$950,000.
- (12) *SLOVENIA.*—For Slovenia, \$950,000.

(c) *REPEALS.*—Sections 511 (a) and (b) and 515 of the Security Assistance Act of 2000 are repealed.

**SEC. 1224. ASSISTANCE TO LEBANON.**

(a) *PROHIBITION.*—Notwithstanding any other provision of law, \$10,000,000 of the amounts made available for fiscal year 2003 or any subsequent fiscal year that are allocated for assistance to Lebanon under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund)

may not be obligated unless and until the President certifies to the appropriate congressional committees that—

(1) the armed forces of Lebanon have been deployed to the internationally recognized border between Lebanon and Israel; and

(2) the Government of Lebanon is effectively asserting its authority in the area in which such armed forces have been deployed.

(b) **REQUIREMENT RELATING TO FUNDS WITHHELD.**—Notwithstanding any other provision of law, any funds withheld pursuant to subsection (a) may not be programmed in order to be used for a purpose other than for assistance to Lebanon until the last month of the fiscal year in which the authority to obligate such funds lapses.

## **Subtitle D—Excess Defense Article and Drawdown Authorities**

### **SEC. 1231. EXCESS DEFENSE ARTICLES FOR CERTAIN COUNTRIES.**

(a) **AUTHORITY.**—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during the fiscal year 2003 funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former Yugoslavia Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the authority provided under this section should be utilized only for those countries demonstrating a genuine commitment to democracy and human rights.

### **SEC. 1232. ANNUAL LISTING OF POSSIBLE EXCESS DEFENSE ARTICLES.**

Section 25(a) of the Arms Export Control Act (22 U.S.C. 2765(a)) is amended—

(1) by striking “and” at the end of paragraph (12)(B);

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

“(13) a list of weapons systems that are significant military equipment (as defined in section 47(9) of this Act), and numbers thereof, that are believed likely to become available for transfer as excess defense articles during the next 12 months; and”.

### **SEC. 1233. LEASES OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.**

Section 61(b) of the Arms Export Control Act (22 U.S.C. 2796(b)), is amended—

(1) by striking “(b) Each lease agreement” and inserting “(b)(1) Each lease agreement”;

(2) by striking “of not to exceed five years” and inserting “which may not exceed (A) five years, and (B) a specified period of time required to complete major refurbishment work of the leased articles to be performed prior to the delivery of the leased articles,”; and

(3) by adding at the end the following:  
 “(2) In this subsection, the term ‘major refurbishment work’ means work for which the period of performance is 6 months or more.”.

**SEC. 1234. PRIORITY WITH RESPECT TO TRANSFER OF EXCESS DEFENSE ARTICLES.**

Section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)) is amended by striking “and to major non-NATO allies on such southern and southeastern flank” and inserting “, to major non-NATO allies on such southern and southeastern flank, and to the Philippines”.

## **Subtitle E—Other Political-Military Assistance**

**SEC. 1241. DESTRUCTION OF SURPLUS WEAPONS STOCKPILES.**

Of the funds authorized to be appropriated to the President for fiscal year 2003 to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), relating to development assistance, up to \$10,000,000 is authorized to be made available for the destruction of surplus stockpiles of small arms, light weapons, and other munitions.

## **Subtitle F—Antiterrorism Assistance**

**SEC. 1251. AUTHORIZATION OF APPROPRIATIONS.**

Section 574(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa–4(a)) is amended by striking “and \$73,000,000 for fiscal year 2002” and inserting “, \$73,000,000 for fiscal year 2002, and \$64,200,000 for fiscal year 2003”.

## **Subtitle G—Other Matters**

**SEC. 1261. ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.**

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

“(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed \$100,000,000 for fiscal year 2003.

“(B) Of the amount specified in subparagraph (A) for fiscal year 2003, not more than \$100,000,000 may be made available for stockpiles in the State of Israel.”

**SEC. 1262. REVISED MILITARY ASSISTANCE REPORTING REQUIREMENTS.**

(a) **EXCEPTION FOR CERTAIN COUNTRIES.**—Section 656(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416(a)) is amended—

(1) by striking “(a) ANNUAL REPORT.—Not” and inserting the following:

“(a) ANNUAL REPORT.—

“(1) IN GENERAL.—Not”; and

(2) by adding at the end the following:

“(2) *EXCEPTION FOR CERTAIN COUNTRIES.*—Paragraph (1) does not apply to any NATO member, Australia, Japan, or New Zealand, unless one of the appropriate congressional committees has specifically requested, in writing, inclusion of such country in the report. Such request shall be made not later than 90 calendar days prior to the date on which the report is required to be transmitted.”.

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

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) *QUARTERLY REPORTS ON GOVERNMENT-TO-GOVERNMENT ARMS EXPORTS.*—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

**SEC. 1263. CONSULTATION WITH CONGRESS WITH REGARD TO TAIWAN.**

Beginning 180 days after the date of enactment of this Act, and every 180 days thereafter, the President shall provide detailed briefings to and consult with the appropriate congressional committees regarding the United States security assistance to Taiwan, including the provision of defense articles and defense services.

## **TITLE XIII—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE**

### **Subtitle A—General Provisions**

**SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

(a) *AUTHORIZATION.*—Section 585 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb-4) is amended—

(1) in subsection (a), by striking all after “chapter” and inserting “\$162,000,000 for fiscal year 2003.”; and

(2) in subsection (c)—

(A) in the subsection heading by striking “FISCAL YEAR 2001”; and

(B) by striking “2001” and inserting “2002”.

(b) *SUBALLOCATIONS.*—Of the amount authorized to be appropriated to the President for fiscal year 2003 by section 585 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb-4)—

(1) \$2,000,000 is authorized to be available for such fiscal year for the purpose of carrying out section 584 of the Foreign Assistance Act of 1961, as added by section 1303 of this Act; and

(2) \$65,000,000 for fiscal year 2003 are authorized to be available for science and technology centers in the independent states of the former Soviet Union.

(c) *CONFORMING AMENDMENT.*—Section 302 of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 853) is repealed.

(d) *FURTHER AUTHORIZATION.*—There is authorized to be appropriated under “Nonproliferation, Anti-terrorism, Demining, and Related Programs” \$382,400,000 for fiscal year 2003.

**SEC. 1302. NONPROLIFERATION TECHNOLOGY ACQUISITION PROGRAMS FOR FRIENDLY FOREIGN COUNTRIES.**

(a) *IN GENERAL.*—For the purpose of enhancing the nonproliferation and export control capabilities of friendly countries, of the amount authorized to be appropriated for fiscal year 2003 by section 585 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.), the Secretary is authorized to make available—

(1) \$5,000,000 for the procurement and provision of nuclear, chemical, and biological detection systems, including spectroscopic and pulse echo technologies; and

(2) \$10,000,000 for the procurement and provision of x-ray systems capable of imaging sea-cargo containers.

(b) *REPORTS ON TRAINING PROGRAM.*—

(1) *INITIAL REPORT.*—Not later than March 31, 2003, the Secretary shall submit a report to the appropriate congressional committees setting forth his plans and budget for a multiyear training program to train foreign personnel in the utilization of the systems described in subsection (a).

(2) *SUBSEQUENT REPORTS.*—Not later than March 31, 2004, and annually thereafter for the next three years, the Secretary shall submit a report to the appropriate congressional committees describing the progress, current status, and budget of that training program and of the provision of those systems.

**SEC. 1303. INTERNATIONAL NONPROLIFERATION AND EXPORT CONTROL TRAINING.**

Chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended—

(1) by redesignating sections 584 and 585 as sections 585 and 586, respectively; and

(2) by inserting after section 583 the following:

**“SEC. 584. INTERNATIONAL NONPROLIFERATION EXPORT CONTROL TRAINING.**

“(a) *GENERAL AUTHORITY.*—The President is authorized to furnish, on such terms and conditions consistent with this chapter (but whenever feasible on a reimbursable basis), education and training to appropriate military and civilian personnel of foreign countries for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction conducted by the United States.

“(b) *ADMINISTRATION OF COURSES.*—The Secretary of State shall have overall responsibility for the development and conduct of international nonproliferation education and training programs under this section, and may utilize other departments and agencies of the United States, as appropriate, to recommend personnel for the education and training and to administer specific courses of instruction.

“(c) *PURPOSES.*—Education and training activities conducted under this section shall be—

“(1) of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation;

*“(2) designed to encourage effective and mutually beneficial relations and increased understanding between the United States and friendly countries; and*

*“(3) designed to improve the ability of friendly countries to utilize their resources with maximum effectiveness, thereby contributing to greater self-reliance by such countries.*

*“(d) PRIORITY TO CERTAIN COUNTRIES.—In selecting personnel for education and training pursuant to this section, priority should be given to personnel from countries determined by the Secretary of State to be countries frequently transited by proliferation-related shipments of cargo.”.*

**SEC. 1304. RELOCATION OF SCIENTISTS.**

*(a) REINSTATEMENT OF CLASSIFICATION AUTHORITY.—Section 4 of the Soviet Scientists Immigration Act of 1992 (Public Law 102–509; 106 Stat. 3316; 8 U.S.C. 1153 note) is amended by striking subsection (d) and inserting the following:*

*“(d) DURATION OF AUTHORITY.—The authority under subsection (a) shall be in effect during the following periods:*

*“(1) The period beginning on the date of the enactment of this Act and ending 4 years after such date.*

*“(2) The period beginning on the date of the enactment of the Security Assistance Act of 2002 and ending 4 years after such date.”.*

*(b) LIMITATION ON NUMBER OF SCIENTISTS ELIGIBLE FOR VISAS UNDER AUTHORITY.—Section 4(c) of such Act (8 U.S.C. 1153 note) is amended by striking “750” and inserting “950”.*

*(c) LIMITATION ON ELIGIBILITY.—Section 4(a) of that Act (8 U.S.C. 1153 note) is amended by adding at the end the following new sentence: “A scientist is not eligible for designation under this subsection if the scientist has previously been granted the status of an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).”.*

*(d) CONSULTATION REQUIREMENT.—The Attorney General shall consult with the Secretary, the Secretary of Defense, the Secretary of Energy, and the heads of other appropriate agencies of the United States regarding—*

*(1) previous experience in implementing the Soviet Scientists Immigration Act of 1992; and*

*(2) any changes that those officials would recommend in the regulations prescribed under that Act.*

**SEC. 1305. INTERNATIONAL ATOMIC ENERGY AGENCY REGULAR BUDGET ASSESSMENTS AND VOLUNTARY CONTRIBUTIONS.**

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

*(1) The Department has concluded that the International Atomic Energy Agency (in this section referred to as the “IAEA”) is a critical and effective instrument for verifying compliance with international nuclear nonproliferation agreements, and that it serves as an essential barrier to the spread of nuclear weapons.*

*(2) The IAEA furthers United States national security objectives by helping to prevent the proliferation of nuclear weapons material, especially through its work on effective verification and safeguards measures.*

(3) *The IAEA can also perform a critical role in monitoring and verifying aspects of nuclear weapons reduction agreements between nuclear weapons states.*

(4) *The IAEA has adopted a multifaceted action plan, to be funded by voluntary contributions, to address the threats posed by radioactive sources that could be used in a radiological weapon and will be the leading international agency in this effort.*

(5) *As the IAEA has negotiated and developed more effective verification and safeguards measures, it has experienced significant real growth in its mission, especially in the vital area of nuclear safeguards inspections.*

(6) *Nearly two decades of zero budget growth have affected the ability of the IAEA to carry out its mission and to hire and retain the most qualified inspectors and managers, as evidenced in the decreasing proportion of such personnel who hold doctorate degrees.*

(7) *Increased voluntary contributions by the United States will be needed if the IAEA is to increase its safeguards activities and also to implement its action plan to address the worldwide risks posed by lost or poorly secured radioactive sources.*

(8) *Although voluntary contributions by the United States lessen the IAEA's budgetary constraints, they cannot readily be used for the long-term capital investments or permanent staff increases necessary to an effective IAEA safeguards regime.*

(9) *The recent United States decision to accept a 25 percent IAEA regular budget assessment was based upon a correct interpretation of existing law. It was not the intent of Congress that the United States contributions to all United Nations-related organizations and activities be reduced pursuant to the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-405 et seq.), which sets 22 percent assessment rates as benchmarks for the general United Nations budget, the Food and Agricultural Organization, the World Health Organization, and the International Labor Organization. Rather, contributions for an important and effective agency such as the IAEA should be maintained at levels commensurate with the criticality of its mission.*

(10) *The Secretary should negotiate a gradual and sustained increase in the regular budget of the International Atomic Energy Agency, which should begin with the 2004 budget.*

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Of the funds authorized to be appropriated for Nonproliferation, Anti-terrorism, Demining, and Related Programs there is authorized to be appropriated \$60,000,000 for fiscal year 2003 for a United States voluntary contribution to the International Atomic Energy Agency, including for the purpose of implementing the Protection Against Nuclear Terrorism program adopted by the International Atomic Energy Agency Board of Governors in March 2002.

**SEC. 1306. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000.**

(a) **REPORTS ON PROLIFERATION TO IRAN.**—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106-178; 114 Stat. 39; 50

U.S.C. 1701 note) is amended by adding at the end the following new subsection:

“(e) **CONTENT OF REPORTS.**—Each report under subsection (a) shall contain, with respect to each foreign person identified in such report, a brief description of the type and quantity of the goods, services, or technology transferred by that person to Iran, the circumstances surrounding the transfer, the usefulness of the transfer to Iranian weapons programs, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over the person.”.

(b) **DETERMINATION EXEMPTING FOREIGN PERSONS FROM CERTAIN MEASURES UNDER THE ACT.**—Section 5(a)(2) of such Act is amended by striking “systems” and inserting “systems, or weapons listed on the Wassenaar Arrangement Munitions List of July 12, 1996, or any subsequent revision of that list”.

**SEC. 1307. AMENDMENTS TO THE NORTH KOREA THREAT REDUCTION ACT OF 1999.**

(a) **RESTRICTIONS.**—Section 822(a) of the North Korea Threat Reduction Act of 1999 (subtitle B of title VIII of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat. 1501A–472) is amended by striking “nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement,” each of the two places it appears and inserting “specified nuclear item,”.

(b) **SPECIFIED NUCLEAR ITEM DEFINED.**—Section 823 of the North Korea Threat Reduction Act of 1999 is amended by inserting at the end the following:

“(5) **SPECIFIED NUCLEAR ITEM.**—The term ‘specified nuclear item’ includes—

“(A) nuclear material, facilities, components, or other goods, services, or technology the transfer of which to North Korea would be required by the Atomic Energy Act of 1954 to be subject to an agreement for cooperation, as defined in section 11 b. of that Act (42 U.S.C. 2014 b.), between the United States and North Korea; and

“(B) components that are listed on Annex A or Annex B to the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information Circular INFCIRC/254/Rev. 5/Part 1, or any subsequent revision thereof).”.

**SEC. 1308. ANNUAL REPORTS ON THE PROLIFERATION OF MISSILES AND ESSENTIAL COMPONENTS OF NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL WEAPONS.**

(a) **REPORT.**—Not later than March 1, 2003, and annually thereafter, the President shall transmit to the designated congressional committees an annual report on the transfer by any country of weapons, technology, components, or materials that can be used to deliver, manufacture (including research and experimentation), or weaponize nuclear, biological, chemical or radiological weapons (in this section referred to as “NBC weapons”) to any country other than a country referred to in subsection (d) that is seeking to possess or otherwise acquire such weapons, technology, or materials, or other system that the Secretary or the Secretary of Defense has rea-

son to believe could be used to develop, acquire, or deliver NBC weapons.

(b) *MATTERS TO BE INCLUDED.*—Each such report shall include—

(1) *the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, shells, warheads and other weaponization technology and materials that the Secretary or the Secretary of Defense has reason to believe may be intended for the delivery of NBC weapons;*

(2) *international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and*

(3) *the transfer of technology, test equipment, radioactive materials, feedstocks and cultures, and all other specialized materials that the Secretary or the Secretary of Defense has reason to believe could be used to manufacture NBC weapons.*

(c) *CONTENT OF REPORT.*—Each such report shall include the following with respect to preceding calendar year:

(1) *The status of missile, aircraft, and other NBC weapons delivery and weaponization programs in any such country, including efforts by such country or by any subnational group to acquire MTCR-controlled equipment, NBC-capable aircraft, or any other weapon or major weapon component which may be utilized in the delivery of NBC weapons, whose primary use is the delivery of NBC weapons, or that the Secretary or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.*

(2) *The status of NBC weapons development, acquisition, manufacture, stockpiling, and deployment programs in any such country, including efforts by such country or by any subnational group to acquire essential test equipment, manufacturing equipment and technology, weaponization equipment and technology, and radioactive material, feedstocks or components of feedstocks, and biological cultures and toxins.*

(3) *A description of assistance provided by any person or government, after the date of the enactment of this Act, to any such country or subnational group in the acquisition or development of—*

(A) *NBC weapons;*

(B) *missile systems, as defined in the MTCR or that the Secretary or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and*

(C) *aircraft and other delivery systems and weapons that the Secretary or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.*

(4) *A listing of those persons and countries that continue to provide such equipment or technology described in paragraph (3) to any country or subnational group as of the date of submission of the report, including the extent to which foreign persons and countries were found to have knowingly and materially assisted such programs.*

(5) A description of the use of, or substantial preparations to use, the equipment of technology described in paragraph (3) by any foreign country or subnational group.

(6) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other arrangements.

(7) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

(8) A summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(b)(4)) and under section 73(d) of the Arms Export Control Act (22 U.S.C. 2797b(d)).

(9) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

(10) A description of each transfer by any person or government during the preceding 12-month period which is subject to sanctions under the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484).

(d) *EXCLUSIONS.*—The countries excluded under subsection (a) are Australia, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom, and the United States.

(e) *CLASSIFICATION OF REPORT.*—The Secretary shall make every effort to submit all of the information required by this section in unclassified form. Whenever the Secretary submits any such information in classified form, the Secretary shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

(f) *DEFINITIONS.*—In this section:

(1) *DESIGNATED CONGRESSIONAL COMMITTEES.*—The term “designated congressional committees” means—

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

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

(2) *MISSILE; MTCR; MTCR EQUIPMENT OR TECHNOLOGY.*—The terms “missile”, “MTCR”, and “MTCR equipment or technology” have the meanings given those terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(3) *PERSON.*—The term “person” means any United States or foreign individual, partnership, corporation, or other form of

association, or any of its successor entities, parents, or subsidiaries.

(4) **WEAPONIZE; WEAPONIZATION.**—The term “weaponize” or “weaponization” means to incorporate into, or the incorporation into, usable ordnance or other militarily useful means of delivery.

(g) **REPEALS.**—

(1) **IN GENERAL.**—The following provisions of law are repealed:

(A) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(B) Section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5606).

(C) Section 1607(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102-484).

(D) Paragraph (d) of section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of title I of division A of Public Law 104-208; 110 Stat. 3009-171).

(2) **CONFORMING AMENDMENTS.**—Section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is amended—

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

(B) in paragraph (c), by striking “; and” and inserting a period.

## **Subtitle B—Russian Federation Debt Reduction for Nonproliferation**

### **SEC. 1311. SHORT TITLE.**

This subtitle may be cited as the “Russian Federation Debt for Nonproliferation Act of 2002”.

### **SEC. 1312. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds the following:

(1) It is in the vital security interests of the United States to prevent the spread of weapons of mass destruction to additional states or to terrorist organizations, and to ensure that other nations’ obligations to modify their stockpiles of such arms in accordance with treaties, executive agreements, or political commitments are fulfilled.

(2) In particular, it is in the vital national security interests of the United States to ensure that—

(A) all stocks of nuclear weapons and weapons-usable nuclear material in the Russian Federation are secure and accounted for;

(B) stocks of nuclear weapons and weapons-usable nuclear material that are excess to military needs in the Russian Federation are monitored and reduced;

(C) any chemical or biological weapons, related materials, and facilities in the Russian Federation are destroyed;

(D) the Russian Federation’s nuclear weapons complex is reduced to a size appropriate to its post-Cold War mis-

sions, and its experts in weapons of mass destruction technologies are shifted to gainful and sustainable civilian employment;

(E) the Russian Federation's export control system blocks any proliferation of weapons of mass destruction, the means of delivering such weapons, and materials, equipment, know-how, or technology that would be used to develop, produce, or deliver such weapons; and

(F) these objectives are accomplished with sufficient monitoring and transparency to provide confidence that they have in fact been accomplished and that the funds provided to accomplish these objectives have been spent efficiently and effectively.

(3) United States programs should be designed to accomplish these vital objectives in the Russian Federation as rapidly as possible, and the President should develop and present to Congress a plan for doing so.

(4) Substantial progress has been made in United States-Russian Federation cooperative programs to achieve these objectives, but much more remains to be done to reduce the urgent risks to United States national security posed by the current state of the Russian Federation's weapons of mass destruction stockpiles and complexes.

(5) The threats posed by inadequate management of weapons of mass destruction stockpiles and complexes in the Russian Federation remain urgent. Incidents in years immediately preceding 2001, which have been cited by the Russia Task Force of the Secretary of Energy Advisory Board, include—

(A) a conspiracy at one of the Russian Federation's largest nuclear weapons facilities to steal nearly enough highly enriched uranium for a nuclear bomb;

(B) an attempt by an employee of the Russian Federation's premier nuclear weapons facility to sell nuclear weapons designs to agents of Iraq and Afghanistan; and

(C) the theft of radioactive material from a Russian Federation submarine base.

(6) Addressing these threats to United States and world security will ultimately consume billions of dollars, a burden that will have to be shared by the Russian Federation, the United States, and other governments, if these threats are to be neutralized.

(7) The creation of new funding streams could accelerate progress in reducing these threats to United States security and help the government of the Russian Federation to fulfill its responsibility for secure management of its weapons stockpiles and complexes as United States assistance phases out.

(8) The Russian Federation has a significant foreign debt, a substantial proportion of which it inherited from the Soviet Union.

(9) Past debt-for-environment exchanges, in which a portion of a country's foreign debt is canceled in return for certain environmental commitments or payments by that country, suggest that a debt-for-nonproliferation exchange with the Russian Federation could be designed to provide additional funding for nonproliferation and arms reduction initiatives.

(10) *Most of the Russian Federation's official bilateral debt is held by United States allies that are advanced industrial democracies. Since the issues described pose threats to United States allies as well, United States leadership that results in a larger contribution from United States allies to cooperative threat reduction activities will be needed.*

(11) *At the June 2002 meeting of the G-8 countries, agreement was achieved on a G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, under which the advanced industrial democracies committed to contribute \$20,000,000,000 to nonproliferation programs in the Russian Federation during a 10-year period, with each contributing country having the option to fund some or all of its contribution through reduction in the Russian Federation's official debt to that country.*

(12) *The Russian Federation's Soviet-era official debt to the United States is estimated to be \$480,000,000 in Lend-Lease debt and \$2,250,000,000 in debt as a result of credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.).*

(b) *PURPOSES.—The purposes of this subtitle are—*

*(1) to facilitate the accomplishment of the United States objectives described in the findings set forth in subsection (a) by providing for the use of a portion of the Russian Federation's foreign debt to fund nonproliferation programs, thus allowing the use of additional resources for these purposes; and*

*(2) to help ensure that the resources made available to the Russian Federation are targeted to the accomplishment of the United States objectives described in the findings set forth in subsection (a).*

#### **SEC. 1313. DEFINITIONS.**

*In this subtitle:*

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

*(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and*

*(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.*

(2) *COST.—The term “cost” has the meaning given that term in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).*

(3) *RUSSIAN FEDERATION NONPROLIFERATION INVESTMENT AGREEMENT OR AGREEMENT.—The term “Russian Federation Nonproliferation Investment Agreement” or “Agreement” means the agreement between the United States and the Russian Federation entered into under section 1315(a).*

(4) *SOVIET-ERA DEBT.—The term “Soviet-era debt” means debt owed as a result of loans or credits provided by the United States (or any agency of the United States) to the Union of Soviet Socialist Republics under the Lend Lease Act of 1941 or the Commodity Credit Corporation Charter Act.*

(5) *STATE SPONSOR OF INTERNATIONAL TERRORISM.—The term “state sponsor of international terrorism” means those countries that have been determined by the Secretary of State,*

for the purposes of section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or section 6(j) of the Export Administration Act of 1979, to have repeatedly provided support for acts of international terrorism.

**SEC. 1314. AUTHORITY TO REDUCE THE RUSSIAN FEDERATION'S SOVIET-ERA DEBT OBLIGATIONS TO THE UNITED STATES.**

**(a) AUTHORITY TO REDUCE DEBT.—**

(1) *IN GENERAL.*—Upon the entry into force of a Russian Federation Nonproliferation Investment Agreement, the President may reduce amounts of Soviet-era debt owed by the Russian Federation to the United States (or any agency or instrumentality of the United States) that are outstanding as of the last day of the fiscal year preceding the fiscal year for which appropriations are available for the reduction of debt, in accordance with this subtitle.

(2) *LIMITATION.*—The authority provided by paragraph (1) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of reducing any debt pursuant to such subsection are made in advance.

(3) *SUPERSEDES EXISTING LAW.*—The authority provided by paragraph (1) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(r)) or section 321 of the International Development and Food Assistance Act of 1975.

**(b) IMPLEMENTATION.—**

(1) *DELEGATION OF AUTHORITY.*—The President may delegate any authority conferred upon the President in this subtitle to the Secretary of State.

(2) *ESTABLISHMENT OF TERMS AND CONDITIONS.*—Consistent with this subtitle, the President shall establish the terms and conditions under which loans and credits may be reduced pursuant to subsection (a).

(3) *IMPLEMENTATION.*—In exercising the authority of subsection (a), the President—

(A) shall notify—

(i) the Department of State, with respect to obligations of the former Soviet Union under the Lend Lease Act of 1941; and

(ii) the Commodity Credit Corporation, with respect to obligations of the former Soviet Union under the Commodity Credit Corporation Act;

(B) shall direct the cancellation of old obligations and the substitution of new obligations consistent with the Russian Federation Nonproliferation Investment Agreement; and

(C) shall direct the appropriate agency to make an adjustment in the relevant accounts to reflect the new debt treatment.

(4) *DEPOSIT OF REPAYMENTS.*—All repayments of outstanding loan amounts under subsection (a) that are not designated under a Russian Federation Nonproliferation Investment Agreement shall be deposited in the United States Government accounts established for repayments of the original obligations.

(5) *NOT TREATED AS FOREIGN ASSISTANCE.*—Any reduction of Soviet-era debt pursuant to this subtitle shall not be considered assistance for the purposes of any provision of law limiting assistance to a country.

(c) *AUTHORIZATION OF APPROPRIATION.*—

(1) *IN GENERAL.*—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of modifying any Soviet-era debt obligation pursuant to subsection (a), there are authorized to be appropriated to the President such sums as may be necessary.

(2) *AVAILABILITY OF FUNDS.*—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

**SEC. 1315. RUSSIAN FEDERATION NONPROLIFERATION INVESTMENT AGREEMENT.**

(a) *IN GENERAL.*—

(1) *IN GENERAL.*—The President is authorized to enter into an agreement with the Russian Federation under which an amount equal to the value of the debt reduced pursuant to section 1314 will be used to promote the nonproliferation of weapons of mass destruction and the means of delivering such weapons. An agreement entered into under this section may be referred to as the “Russian Federation Nonproliferation Investment Agreement”.

(2) *CONGRESSIONAL NOTIFICATION.*—The President shall notify the appropriate congressional committees at least 15 days in advance of the United States entering into a Russian Federation Nonproliferation Investment Agreement.

(b) *CONTENT OF THE AGREEMENT.*—The Russian Federation Nonproliferation Investment Agreement shall ensure that—

(1) an amount equal to the value of the debt reduced pursuant to this subtitle will be made available by the Russian Federation for agreed nonproliferation programs and projects;

(2) each program or project funded pursuant to the Agreement will be approved by the President;

(3) the administration and oversight of nonproliferation programs and projects will incorporate best practices from established threat reduction and nonproliferation assistance programs;

(4) each program or project funded pursuant to the Agreement will be subject to monitoring and audits conducted by or for the United States Government to confirm that agreed funds are expended on agreed projects and meet agreed targets and benchmarks;

(5) unobligated funds for investments pursuant to the Agreement will not be diverted to other purposes;

(6) funds allocated to programs and projects pursuant to the Agreement will not be subject to any taxation by the Russian Federation;

(7) all matters relating to the intellectual property rights and legal liabilities of United States firms in any project will be agreed upon before the expenditure of funds would be authorized for that project; and

(8) not less than 75 percent of the funds made available for each nonproliferation program or project under the Agreement will be spent in the Russian Federation.

(c) *USE OF EXISTING MECHANISMS.*—It is the sense of Congress that, to the extent practicable, the boards and administrative mechanisms of existing threat reduction and nonproliferation programs should be used in the administration and oversight of programs and projects under the Agreement.

(d) *JOINT AUDITING.*—It is the sense of Congress that the United States and the Russian Federation should consider commissioning the United States General Accounting Office and the Russian Chamber of Accounts to conduct joint audits to ensure that the funds saved by the Russian Federation as a result of any debt reduction are used exclusively, efficiently, and effectively to implement agreed programs or projects pursuant to the Agreement.

(e) *STRUCTURE OF THE AGREEMENT.*—It is the sense of Congress that the Agreement should provide for significant penalties—

(1) if funds obligated for approved programs or projects are determined to have been misappropriated; and

(2) if the President is unable to make the certification required by section 1317(a) for two consecutive years.

**SEC. 1316. INDEPENDENT MEDIA AND THE RULE OF LAW.**

Notwithstanding section 1315 (a)(1) and (b)(1), up to 10 percent of the amount equal to the value of the debt reduced pursuant to this subtitle may be used to promote a vibrant, independent media sector and the rule of law in the Russian Federation through an endowment to support the establishment of a “Center for an Independent Press and the Rule of Law” in the Russian Federation, which shall be directed by a joint United States-Russian Board of Directors in which the majority of members, including the chairman, shall be United States personnel, and which shall be responsible for management of the endowment, its funds, and the Center’s programs.

**SEC. 1317. RESTRICTION ON DEBT REDUCTION AUTHORITY.**

(a) *PROLIFERATION TO STATE SPONSORS OF TERRORISM.*—Subject to the provisions of subsection (c), the debt reduction authority provided by section 1314 may not be exercised unless and until the President certifies to the appropriate congressional committees that the Russian Federation has made material progress in stemming the flow of sensitive goods, technologies, material, and know-how related to the design, development, and production of weapons of mass destruction and the means to deliver them to state sponsors of international terrorism.

(b) *ANNUAL DETERMINATION.*—If, in any annual report to Congress submitted pursuant to section 1321, the President cannot certify that the Russian Federation continues to meet the condition required in subsection (a), then, subject to the provisions of subsection (c), the debt reduction authority provided by section 1314 may not be exercised unless and until such certification is made to the appropriate congressional committees.

(c) *PRESIDENTIAL WAIVER.*—The President may waive the requirements of subsection (a) or (b) for a fiscal year if the President—

(1) determines that application of the subsection for a fiscal year would be counter to the national interest of the United States; and

(2) so reports to the appropriate congressional committees.

**SEC. 1318. DISCUSSION OF RUSSIAN FEDERATION DEBT REDUCTION FOR NONPROLIFERATION WITH OTHER CREDITOR STATES.**

*It is the sense of Congress that the President and such other appropriate officials as the President may designate should pursue discussions with other creditor states with the objectives of—*

(1) ensuring that other advanced industrial democracies, especially the largest holders of Soviet-era Russian debt, dedicate significant proportions of their bilateral official debt with the Russian Federation or equivalent amounts of direct assistance to the G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, as agreed upon in the Statement by G-8 Leaders on June 27, 2002; and

(2) reaching agreement, as appropriate, to establish a unified Russian Federation official debt reduction fund to manage and provide financial transparency for the resources provided by creditor states through debt reductions.

**SEC. 1319. IMPLEMENTATION OF UNITED STATES POLICY.**

*It is the sense of Congress that implementation of debt-for-nonproliferation programs with the Russian Federation should be overseen by the coordinating mechanism established pursuant to section 1334 of this Act.*

**SEC. 1320. CONSULTATIONS WITH CONGRESS.**

*The President shall consult with the appropriate congressional committees on a periodic basis to review the implementation of this subtitle and the Russian Federation's eligibility for debt reduction pursuant to this subtitle.*

**SEC. 1321. ANNUAL REPORTS TO CONGRESS.**

*Not later than December 31, 2003, and not later than December 31 of each year thereafter, the President shall prepare and transmit to Congress a report concerning actions taken to implement this subtitle during the fiscal year preceding the fiscal year in which the report is transmitted. The report on a fiscal year shall include—*

(1) a description of the activities undertaken pursuant to this subtitle during the fiscal year;

(2) a description of the nature and amounts of the loans reduced pursuant to this subtitle during the fiscal year;

(3) a description of any agreement entered into under this subtitle;

(4) a description of the progress during the fiscal year of any projects funded pursuant to this subtitle;

(5) a summary of the results of relevant audits performed in the fiscal year; and

(6) a certification, if appropriate, that the Russian Federation continued to meet the condition required by section 1317(a), and an explanation of why the certification was or was not made.

## **Subtitle C—Nonproliferation Assistance Coordination**

### **SEC. 1331. SHORT TITLE.**

*This subtitle may be cited as the “Nonproliferation Assistance Coordination Act of 2002”.*

### **SEC. 1332. FINDINGS.**

*Congress finds that—*

*(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states;*

*(2) although these efforts are in the United States national security interest, the effectiveness of these efforts has suffered from a lack of coordination within and among United States Government agencies;*

*(3) increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian Federation weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states; and*

*(4) increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union make advisable the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.*

### **SEC. 1333. DEFINITIONS.**

*(a) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—In this subtitle, the term “independent states of the former Soviet Union” has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).*

*(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this subtitle, the term “the appropriate committees of Congress” means the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate and the Committees on International Relations, Armed Services, and Appropriations of the House of Representatives.*

### **SEC. 1334. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE.**

*(a) IN GENERAL.—The President shall establish a mechanism to coordinate, with the maximum possible effectiveness and efficiency, the efforts of United States Government departments and agencies engaged in formulating policy and carrying out programs for achieving nonproliferation and threat reduction.*

(b) *MEMBERSHIP.*—The coordination mechanism established pursuant to subsection (a) shall include—

(1) representatives designated by—

(A) the Secretary of State;

(B) the Secretary of Defense;

(C) the Secretary of Energy;

(D) the Secretary of Commerce;

(E) the Attorney General; and

(F) the Director of the Office of Homeland Security, or the head of a successor department or agency; and

(2) such other executive branch officials as the President may select.

(c) *LEVEL OF REPRESENTATION.*—To the maximum extent possible, each department or agency's representative designated pursuant to subsection (b)(1) shall be an official of that department or agency who has been appointed by the President with the advice and consent of the Senate.

(d) *CHAIR.*—The President shall designate an official to direct the coordination mechanism established pursuant to subsection (a). The official so designated may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

#### **SEC. 1335. PURPOSES AND AUTHORITY.**

(a) *PURPOSES.*—

(1) *IN GENERAL.*—The primary purpose of the coordination mechanism established pursuant to section 1334 of this Act should be—

(A) to exercise continuing responsibility for coordinating worldwide United States nonproliferation and threat reduction efforts to ensure that they effectively implement United States policy; and

(B) to enhance the ability of participating departments and agencies to anticipate growing nonproliferation areas of concern.

(2) *PROGRAM MONITORING AND COORDINATION.*—The coordination mechanism established pursuant to section 1334 of this Act should have primary continuing responsibility within the executive branch of the Government for—

(A) United States nonproliferation and threat reduction efforts, and particularly such efforts in the independent states of the former Soviet Union; and

(B) coordinating the implementation of United States policy with respect to such efforts.

(b) *AUTHORITY.*—In carrying out the responsibilities described in subsection (a), the coordination mechanism established pursuant to section 1334 of this Act should have, at a minimum, the authority to—

(1) establish such subcommittees and working groups as it deems necessary;

(2) direct the preparation of analyses on issues and problems relating to coordination within and among United States departments and agencies on nonproliferation and threat reduction efforts;

(3) direct the preparation of analyses on issues and problems relating to coordination between the United States public and private sectors on nonproliferation and threat reduction efforts, including coordination between public and private spending on nonproliferation and threat reduction programs and coordination between public spending and private investment in defense conversion activities of the independent states of the former Soviet Union;

(4) provide guidance on arrangements that will coordinate, deconflict, and maximize the utility of United States public spending on nonproliferation and threat reduction programs, and particularly such efforts in the independent states of the former Soviet Union;

(5) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union or other countries of concern to voluntarily report these efforts to it;

(6) direct the preparation of analyses on issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts, and particularly such efforts in the independent states of the former Soviet Union; and

(7) consider, and make recommendations to the President with respect to, proposals for such new legislation or regulations relating to United States nonproliferation efforts as may be necessary.

**SEC. 1336. ADMINISTRATIVE SUPPORT.**

All United States departments and agencies shall provide, to the extent permitted by law, such information and assistance as may be requested by the coordination mechanism established pursuant to section 1334 of this Act, in carrying out its functions and activities under this subtitle.

**SEC. 1337. CONFIDENTIALITY OF INFORMATION.**

Information which has been submitted to or received by the coordination mechanism established pursuant to section 1334 of this Act in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by it only for the purpose of carrying out the functions set forth in this subtitle.

**SEC. 1338. STATUTORY CONSTRUCTION.**

Nothing in this subtitle—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing United States department or agency over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the coordination mechanism established pursuant to section 1334 of this Act shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

**SEC. 1339. REPORTING AND CONSULTATION.**

(a) **PRESIDENTIAL REPORT.**—Not later than 120 days after each inauguration of a President, the President shall submit a report to

*the Congress on his general and specific nonproliferation and threat reduction objectives and how the efforts of executive branch agencies will be coordinated most effectively, pursuant to section 1334 of this Act, to achieve those objectives.*

*(b) CONSULTATION.—The President should consult with and brief, from time to time, the appropriate committees of Congress regarding the efficacy of the coordination mechanism established pursuant to section 1334 of this Act in achieving its stated objectives.*

## **Subtitle D—Iran Nuclear Proliferation Prevention Act of 2002**

### **SEC. 1341. SHORT TITLE.**

*This subtitle may be cited as the “Iran Nuclear Proliferation Prevention Act of 2002”.*

### **SEC. 1342. WITHHOLDING OF VOLUNTARY CONTRIBUTIONS TO THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR PROGRAMS AND PROJECTS IN IRAN.**

*Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following:*

*“(d)(1) Notwithstanding subsection (c), if the Secretary of State determines that programs and projects of the International Atomic Energy Agency in Iran are inconsistent with United States nuclear nonproliferation and safety goals, will provide Iran with training or expertise relevant to the development of nuclear weapons, or are being used as a cover for the acquisition of sensitive nuclear technology, the limitations of subsection (a) shall apply to such programs and projects, and the Secretary of State shall so notify the appropriate congressional committees (as defined in section 3 of the Foreign Relations Authorization Act, Fiscal Year 2003).*

*“(2) A determination made by the Secretary of State under paragraph (1) shall be effective for the 1-year period beginning on the date of the determination.”.*

### **SEC. 1343. ANNUAL REVIEW BY SECRETARY OF STATE OF PROGRAMS AND PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY; UNITED STATES OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF THE AGENCY.**

#### **(a) ANNUAL REVIEW.—**

*(1) IN GENERAL.—The Secretary shall undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency (IAEA) in the countries described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and shall determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals.*

*(2) REPORT.—Not later than one year after the date of enactment of this Act, and on an annual basis thereafter for five years, the Secretary shall submit to Congress a report containing the results of the review under paragraph (1).*

*(b) OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF INTERNATIONAL ATOMIC ENERGY AGENCY.—The Secretary shall direct the United States representative to the International Atomic Energy Agency to oppose programs of the Agency that are determined by the Secretary under the review conducted under subsection (a)(1)*

*to be inconsistent with nuclear nonproliferation and safety goals of the United States.*

**SEC. 1344. REPORTING REQUIREMENTS.**

*(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and on an annual basis thereafter for five years, the Secretary, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to Congress a report that contains—*

*(1) a description of the total amount of annual assistance to Iran from the International Atomic Energy Agency;*

*(2) a list of Iranian officials in leadership positions at the Agency;*

*(3) the expected timeframe for the completion of the nuclear power reactors at the Bushehr nuclear power plant;*

*(4) a summary of the nuclear materials and technology transferred to Iran from the Agency in the preceding year that could assist in the development of Iran's nuclear weapons program; and*

*(5) a description of all programs and projects of the International Atomic Energy Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and any inconsistencies between the technical cooperation and assistance programs and projects of the Agency and United States nuclear nonproliferation and safety goals in those countries.*

*(b) ADDITIONAL REQUIREMENT.—The report required to be submitted under subsection (a) shall be submitted in an unclassified form, to the extent appropriate, but may include a classified annex.*

**SEC. 1345. SENSE OF CONGRESS.**

*It is the sense of Congress that the President should pursue internal reforms at the International Atomic Energy Agency that will ensure that all programs and projects funded under the Technical Cooperation and Assistance Fund of the Agency are compatible with United States nuclear nonproliferation policy and international nuclear nonproliferation norms.*

## **TITLE XIV—EXPEDITING THE MUNITIONS LICENSING PROCESS**

**SEC. 1401. LICENSE OFFICER STAFFING.**

*(a) FUNDING.—Of the amount authorized to be appropriated by section 111(a)(1)(A), \$10,000,000 is authorized to be available for salaries and expenses of the Office of Defense Trade Controls of the Department.*

*(b) ASSIGNMENT OF LICENSE REVIEW OFFICERS.—Effective January 1, 2003, the Secretary shall assign to the Office of Defense Trade Controls of the Department a sufficient number of license review officers to ensure that the average weekly caseload for each officer does not routinely exceed 40.*

*(c) DETAILEES.—Given the priority placed on expedited license reviews in recent years by the Department of Defense, the Secretary of Defense should ensure that 10 military officers are continuously*

*detailed to the Office of Defense Trade Controls of the Department of State on a nonreimbursable basis.*

**SEC. 1402. FUNDING FOR DATABASE AUTOMATION.**

*Of the amount authorized to be appropriated by section 111(a)(2), \$4,000,000 is authorized to be available for the Office of Defense Trade Controls of the Department for the modernization of information management systems.*

**SEC. 1403. INFORMATION MANAGEMENT PRIORITIES.**

(a) **OBJECTIVE.**—*The Secretary shall establish a secure, Internet-based system for the filing and review of applications for export of Munitions List items.*

(b) **ESTABLISHMENT OF AN ELECTRONIC SYSTEM.**—*Of the amount made available pursuant to section 1402 of this Act, \$3,000,000 is authorized to be available to fully automate the Defense Trade Application System, and to ensure that the system—*

*(1) is a secure, electronic system for the filing and review of Munitions List license applications;*

*(2) is accessible by United States companies through the Internet for the purpose of filing and tracking their Munitions List license applications; and*

*(3) is capable of exchanging data with—*

*(A) the Export Control Automated Support System of the Department of Commerce;*

*(B) the Foreign Disclosure and Technology Information System and the USXPORTS systems of the Department of Defense;*

*(C) the Export Control System of the Central Intelligence Agency; and*

*(D) the Proliferation Information Network System of the Department of Energy.*

(c) **MUNITIONS LIST DEFINED.**—*In this section, the term “Munitions List” means the United States Munitions List of defense articles and defense services controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).*

**SEC. 1404. IMPROVEMENTS TO THE AUTOMATED EXPORT SYSTEM.**

(a) **CONTRIBUTION TO THE AUTOMATED EXPORT SYSTEM.**—*Of the amount provided under section 1402 of this Act, \$250,000 is authorized to be available for the purpose of—*

*(1) providing the Department with full access to the Automated Export System;*

*(2) ensuring that the system is modified to meet the needs of the Department, if such modifications are consistent with the needs of other United States Government agencies; and*

*(3) providing operational support.*

(b) **MANDATORY FILING.**—*The Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of Treasury, shall publish regulations in the Federal Register to require, upon the effective date of those regulations, that all persons who are required to file export information under chapter 9 of title 13, United States Code, file such information through the Automated Export System.*

(c) **REQUIREMENT FOR INFORMATION SHARING.**—*The Secretary shall conclude an information-sharing arrangement with the heads of the United States Customs Service and the Census Bureau—*

(1) to allow the Department to access information on controlled exports made through the United States Postal Service; and

(2) to adjust the Automated Export System to parallel information currently collected by the Department.

(d) **SECRETARY OF TREASURY FUNCTIONS.**—Section 303 of title 13, United States Code, is amended by striking “, other than by mail,”.

(e) **FILING EXPORT INFORMATION, DELAYED FILINGS, PENALTIES FOR FAILURE TO FILE.**—Section 304 of title 13, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “the penal sum of \$1,000” and inserting “a penal sum of \$10,000”; and

(B) in the third sentence, by striking “a penalty not to exceed \$100 for each day’s delinquency beyond the prescribed period, but not more than \$1,000,” and inserting “a penalty not to exceed \$1,000 for each day’s delinquency beyond the prescribed period, but not more than \$10,000 per violation”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) Any person, other than a person described in subsection (a), required to submit export information, shall file such information in accordance with any rule, regulation, or order issued pursuant to this chapter. In the event any such information or reports are not filed within such prescribed period, the Secretary of Commerce (and officers of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed \$1,000 for each day’s delinquency beyond the prescribed period, but not more than \$10,000 per violation.”.

(f) **ADDITIONAL PENALTIES.**—

(1) **IN GENERAL.**—Section 305 of title 13, United States Code, is amended to read as follows:

**“SEC. 305. PENALTIES FOR UNLAWFUL EXPORT INFORMATION ACTIVITIES.**

**“(a) CRIMINAL PENALTIES.**—

**“(1) FAILURE TO FILE; SUBMISSION OF FALSE OR MISLEADING INFORMATION.**—Any person who knowingly fails to file or knowingly submits false or misleading export information through the Shippers Export Declaration (SED) (or any successor document) or the Automated Export System (AES) shall be subject to a fine not to exceed \$10,000 per violation or imprisonment for not more than 5 years, or both.

**“(2) FURTHERANCE OF ILLEGAL ACTIVITIES.**—Any person who knowingly reports any information on or uses the SED or the AES to further any illegal activity shall be subject to a fine not to exceed \$10,000 per violation or imprisonment for not more than 5 years, or both.

**“(3) FORFEITURE PENALTIES.**—Any person who is convicted under this subsection shall, in addition to any other penalty, be subject to forfeiting to the United States—

“(A) any of that person’s interest in, security of, claim against, or property or contractual rights of any kind in the

*goods or tangible items that were the subject of the violation;*

*“(B) any of that person’s interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and*

*“(C) any of that person’s property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.*

*“(b) CIVIL PENALTIES.—The Secretary (and officers of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed \$10,000 per violation on any person violating the provisions of this chapter or any rule, regulation, or order issued thereunder, except as provided in section 304. Such penalty may be in addition to any other penalty imposed by law.*

*“(c) CIVIL PENALTY PROCEDURE.—*

*“(1) IN GENERAL.—Whenever a civil penalty is sought for a violation of this section or of section 304, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code.*

*“(2) COMMENCEMENT OF CIVIL ACTIONS.—If any person fails to pay a civil penalty imposed under this chapter, the Secretary may request the Attorney General to commence a civil action in an appropriate district court of the United States to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the date the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.*

*“(3) REMISSION OR MITIGATION OF PENALTIES.—The Secretary may remit or mitigate any penalties imposed under paragraph (1) if, in the Secretary’s opinion—*

*“(A) the penalties were incurred without willful negligence or fraud; or*

*“(B) other circumstances exist that justify a remission or mitigation.*

*“(4) APPLICABLE LAW FOR DELEGATED FUNCTIONS.—If, pursuant to section 306, the Secretary delegates functions under this section to another agency, the provisions of law of that agency relating to penalty assessment, remission or mitigation of such penalties, collection of such penalties, and limitations of actions and compromise of claims, shall apply.*

*“(5) DEPOSIT OF PAYMENTS IN GENERAL FUND OF THE TREASURY.—Any amount paid in satisfaction of a civil penalty imposed under this section or section 304 shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts.*

*“(d) ENFORCEMENT.—*

*“(1) BY THE SECRETARY OF COMMERCE.—The Secretary of Commerce may designate officers or employees of the Office of*

*Export Enforcement to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.*

*“(2) BY THE COMMISSIONER OF CUSTOMS.—The Commissioner of Customs may designate officers or employees of the Customs Service to enforce the provisions of this chapter, or to conduct investigations pursuant to this chapter.*

*“(e) REGULATIONS.—The Secretary of Commerce shall promulgate regulations for the implementation and enforcement of this section.*

*“(f) EXEMPTION.—The criminal fines provided for in this section are exempt from the provisions of section 3571 of title 18, United States Code.”.*

*(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 13, United States Code, is amended by striking the item relating to section 305 and inserting the following:*

*“305. Penalties for unlawful export information activities.”.*

**SEC. 1405. ADJUSTMENT OF THRESHOLD AMOUNTS FOR CONGRESSIONAL REVIEW PURPOSES.**

*(a) IN GENERAL.—The Arms Export Control Act is amended—*

*(1) in section 3(d) (22 U.S.C. 2753(d))—*

*(A) in paragraphs (1) and (3)(A), by striking “The President may not” and inserting “Subject to paragraph (5), the President may not”; and*

*(B) by adding at the end of the following new paragraph:*

*“(5) In the case of a transfer to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on consent of the President set forth in paragraphs (1) and (3)(A) shall apply only if the transfer is—*

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

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

*(2) in section 36 (22 U.S.C. 2776)—*

*(A) in subsection (b)—*

*(i) in paragraph (1), by striking “(1) In the case of” and inserting “(1) Subject to paragraph (6), in the case of”;*

*(ii) in paragraph (5)(C), by striking “(C) If” and inserting “(C) Subject to paragraph (6), if”; and*

*(iii) by adding at the end of the following new paragraph:*

*“(6) The limitation in paragraph (1) and the requirement in paragraph (5)(C) shall apply in the case of a letter of offer to sell to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not author-*

ize a new sales territory that includes any country other than such countries only if the letter of offer involves—

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

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

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

(B) in subsection (c)—

(i) in paragraph (1), by striking “(1) In the case of” and inserting “(1) Subject to paragraph (5), in the case of”; and

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

“(5) In the case of an application by a person (other than with regard to a sale under section 21 or 22 of this Act) for a license for the export to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on the issuance of the license set forth in paragraph (1) shall apply only if the license is for export of—

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

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

(3) in section 63(a) (22 U.S.C. 2796b(a))—

(A) by striking “In the case of” and inserting “(1) Subject to paragraph (2), in the case of”; and

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

“(2) In the case of an agreement described in paragraph (1) that is entered into with a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, the limitations in paragraph (1) shall apply only if the agreement involves a lease or loan of—

“(A) major defense equipment valued (in terms of its replacement cost less any depreciation in its value) at \$25,000,000 or more; or

“(B) defense articles valued (in terms of their replacement cost less any depreciation in their value) at \$100,000,000 or more.”; and

(4) in section 47 (22 U.S.C. 2794), as amended by section 1202(b) of this Act—

(A) by striking “and” at the end of paragraph (9);

(B) by striking the period at the end of paragraph (10) and inserting “; and”; and

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

“(11) ‘Sales territory’ means a country or group of countries to which a defense article or defense service is authorized to be reexported.”.

(b) *LICENSES FOR EXPORTS TO INDIA AND PAKISTAN.*—Section 9001(e) of the Department of Defense Appropriations Act, Fiscal

*Year 2000 (Public Law 106–79) is amended by adding at the end the following: “The application of these requirements shall be subject to the dollar amount thresholds specified in that section.”.*

**SEC. 1406. CONGRESSIONAL NOTIFICATION OF REMOVAL OF ITEMS FROM THE MUNITIONS LIST.**

*Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)) is amended by striking the third sentence and inserting the following: “The President may not remove any item from the Munitions List until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961. Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.”.*

## **TITLE XV—NATIONAL SECURITY ASSISTANCE STRATEGY**

**SEC. 1501. BRIEFING ON THE STRATEGY.**

*Not later than March 31, 2003, officials of the Department and the Department of Defense shall brief the appropriate congressional committees regarding their plans and progress in formulating and implementing a national security assistance strategy. This briefing shall include—*

- (1) a description of how, and to what extent, the elements of the strategy recommended in section 501(b) of the Security Assistance Act of 2000 (22 U.S.C. 2305(b)) have been or will be incorporated in security assistance plans and decisions;*
- (2) the number of out-years considered in the strategy;*
- (3) a description of the actions taken to include the programs listed in section 501(c) of the Security Assistance Act of 2000 (22 U.S.C. 2305(c)), as well as similar programs of military training or other assistance to the military or security forces of a foreign country;*
- (4) a description of how a national security assistance strategy is being implemented regarding specific countries;*
- (5) a description of any programmatic changes adopted or expected as a result of adopting a strategic approach to security assistance policymaking;*
- (6) a description of any obstacles encountered in formulating or implementing a national security assistance strategy; and*
- (7) a description of any resource or legislative needs highlighted by this process.*

**SEC. 1502. SECURITY ASSISTANCE SURVEYS.**

*(a) UTILIZATION.—The Secretary should utilize security assistance surveys in preparation of a national security assistance strategy pursuant to section 501 of the Security Assistance Act of 2000 (22 U.S.C. 2305).*

*(b) FUNDING.—Of the amount made available for the fiscal year 2003 under section 23 of the Arms Export Control Act (22 U.S.C.*

2763), \$2,000,000 is authorized to be available to the Secretary to conduct security assistance surveys, or to request such surveys, on a reimbursable basis, by the Department of Defense or other United States Government agencies. Such surveys shall be conducted consistent with the requirements of section 26 of the Arms Export Control Act (22 U.S.C. 2766).

## **TITLE XVI—MISCELLANEOUS PROVISIONS**

### **SEC. 1601. NUCLEAR AND MISSILE NONPROLIFERATION IN SOUTH ASIA.**

(a) *UNITED STATES POLICY.*—It shall be the policy of the United States, consistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (21 U.S.T. 483), to encourage and work with the governments of India and Pakistan to achieve the following objectives by September 30, 2003:

- (1) Continuation of a nuclear testing moratorium.
- (2) Commitment not to deploy nuclear weapons.
- (3) Commitment not to deploy ballistic missiles that can carry nuclear weapons and to restrain the ranges and types of missiles developed or deployed.
- (4) Agreement by both governments to bring their export controls in accord with the guidelines and requirements of the Nuclear Suppliers Group.
- (5) Agreement by both governments to bring their export controls in accord with the guidelines and requirements of the Zangger Committee.
- (6) Agreement by both governments to bring their export controls in accord with the guidelines, requirements, and annexes of the Missile Technology Control Regime.
- (7) Establishment of a modern, effective system to control the export of sensitive dual-use items, technology, technical information, and materiel that can be used in the design, development, or production of weapons of mass destruction and ballistic missiles.
- (8) Conduct of bilateral meetings between Indian and Pakistani senior officials to discuss security issues and establish confidence-building measures with respect to nuclear policies and programs.

(b) *FURTHER UNITED STATES POLICY.*—It shall also be the policy of the United States, consistent with its obligations under the Treaty on the Nonproliferation of Nuclear Weapons (21 U.S.T. 483), to encourage, and, where appropriate, to work with, the Governments of India and Pakistan to achieve not later than September 30, 2003, the establishment by those governments of modern, effective systems to protect and secure their nuclear devices and materiel from unauthorized use, accidental employment, or theft. Any such dialogue with India or Pakistan would not be represented or considered, nor would it be intended, as granting any recognition to India or Pakistan, as appropriate, as a nuclear weapon state (as defined in the Treaty on the Non-Proliferation of Nuclear Weapons).

(c) *REPORT.*—Not later than March 1, 2003, the President shall submit to the appropriate congressional committees a report describ-

ing United States efforts to achieve the objectives listed in subsections (a) and (b), the progress made toward the achievement of those objectives, and the likelihood that each objective will be achieved by September 30, 2003.

**SEC. 1602. REAL-TIME PUBLIC AVAILABILITY OF RAW SEISMOLOGICAL DATA.**

The head of the Air Force Technical Applications Center shall make available to the public, immediately upon receipt or as soon after receipt as is practicable, all raw seismological data provided to the United States Government by any international monitoring organization that is directly responsible for seismological monitoring.

**SEC. 1603. DETAILING UNITED STATES GOVERNMENTAL PERSONNEL TO INTERNATIONAL ARMS CONTROL AND NON-PROLIFERATION ORGANIZATIONS.**

(a) *IN GENERAL.*—The Secretary, in consultation with the Secretaries of Defense and Energy and the heads of other relevant United States departments and agencies, as appropriate, should develop measures to improve the process by which United States Government personnel may be detailed to international arms control and nonproliferation organizations without adversely affecting the pay or career advancement of such personnel.

(b) *REPORT REQUIRED.*—Not later than May 1, 2003, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives setting forth the measures taken under subsection (a).

**SEC. 1604. DIPLOMATIC PRESENCE OVERSEAS.**

(a) *PURPOSE.*—The purpose of this section is to—

(1) elevate the stature given United States diplomatic initiatives relating to nonproliferation and political-military issues; and

(2) develop a group of highly specialized, technical experts with country expertise capable of administering the nonproliferation and political-military affairs functions of the Department.

(b) *AUTHORITY.*—To carry out the purposes of subsection (a), the Secretary is authorized to establish the position of Counselor for Nonproliferation and Political Military Affairs in United States diplomatic missions overseas, to be filled by individuals who are career Civil Service officers or Foreign Service officers committed to follow-on assignments in the Nonproliferation Bureau or the Political Military Affairs Bureau of the Department.

(c) *TRAINING.*—After being selected to serve as Counselor, any person so selected shall spend not less than 10 months in language training courses at the Foreign Service Institute, or in technical courses administered by the Department of Defense, the Department of Energy, or other appropriate departments and agencies of the United States, except that such requirement for training may be waived by the Secretary.

**SEC. 1605. COMPLIANCE WITH THE CHEMICAL WEAPONS CONVENTION.**

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

(1) On April 24, 1997, the Senate provided its advice and consent to ratification of the Chemical Weapons Convention

*subject to the condition, among others, that the President certify that no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.*

*(2) Congress enacted the same condition into law as section 304(f)(1) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724(f)(1)).*

*(3) Part II, paragraph 57, of the Verification Annex of the Convention requires that all samples requiring off-site analysis under the Convention shall be analyzed by at least two laboratories that have been designated as capable of conducting such testing by the OPCW.*

*(4) The only United States laboratory currently designated by the OPCW is the United States Army Edgewood Forensic Science Laboratory.*

*(5) In order to comply with the Chemical Weapons Convention, the certification submitted pursuant to condition (18) of the resolution of ratification of the Chemical Weapons Convention, and the requirements of section 304(f)(1) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724(f)(1)), the United States must possess, at a minimum, a second OPCW-designated laboratory.*

*(6) The possession of a second OPCW-designated laboratory is necessary in view of the potential for a challenge inspection to be initiated against the United States by a foreign nation.*

*(7) The possession of a third OPCW-designated laboratory would enable the OPCW to implement its normal sample analysis procedures, which randomly assign real and manufactured samples so that no laboratory knows the origin of a given sample.*

*(8) To qualify as a designated laboratory, a laboratory must be certified under ISO Guide 25 or a higher standard and complete three proficiency tests. The laboratory must have the full capability to handle substances listed on Schedule 1 of the Annex on Schedules of Chemicals of the Chemical Weapons Convention. In order to handle such substances in the United States, a laboratory also must operate under a bailment agreement with the United States Army.*

*(9) Several existing United States commercial laboratories have approved quality control systems, already possess bailment agreements with the United States Army, and have the capabilities necessary to obtain OPCW designation.*

*(10) In order to bolster the legitimacy of United States analysis of samples taken on its national territory, it is preferable that one designated laboratory not be a United States Government facility.*

*(b) ESTABLISHMENT OF NON-GOVERNMENTAL DESIGNATED LABORATORY.—*

*(1) REPORT.—Not later than March 1, 2003, the United States National Authority, as designated under section 101 of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6711) (referred to in this section as the “National Authority”), shall submit to the appropriate congressional committees a report detailing a plan for securing OPCW designa-*

tion of a nongovernmental United States laboratory by December 1, 2004.

(2) *DIRECTIVE.*—Not later than June 1, 2003, the National Authority shall select, through competitive procedures, a nongovernmental laboratory within the United States to pursue designation by the OPCW.

(3) *DELEGATION.*—The National Authority may delegate the authority and administrative responsibility for carrying out paragraph (2) to one or more of the heads of the agencies described in section 101(b)(2) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6711(b)(2)).

(c) *DEFINITIONS.*—In this section:

(1) *CHEMICAL WEAPONS CONVENTION OR CONVENTION.*—The term “Chemical Weapons Convention” or “Convention” means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Opened for Signature and Signed by the United States at Paris on January 13, 1993, including the following protocols and memorandum of understanding:

(A) *The Annex on Chemicals.*

(B) *The Annex on Implementation and Verification.*

(C) *The Annex on the Protection of Confidential Information.*

(D) *The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.*

(E) *The Text on the Establishment of a Preparatory Commission.*

(2) *OPCW.*—The term “OPCW” means the Organization for the Prohibition of Chemical Weapons established under the Convention.

## **TITLE XVII—AUTHORITY TO TRANSFER NAVAL VESSELS**

### **SEC. 1701. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN COUNTRIES.**

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

(1) *POLAND.*—To the Government of Poland, the OLIVER HAZARD PERRY class guided missile frigate WADSWORTH (FFG 9).

(2) *TURKEY.*—To the Government of Turkey, the KNOX class frigates CAPODANNO (FF 1093), THOMAS C. HART (FF 1092), DONALD B. BEARY (FF 1085), McCANDLESS (FF 1084), REASONER (FF 1063), and BOWEN (FF 1079).

(b) *TRANSFERS BY SALE.*—The President is authorized to transfer vessels to foreign governments and foreign governmental entities on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) *MEXICO.*—To the Government of Mexico, the NEWPORT class tank landing ship FREDERICK (LST 1184).

(2) *TAIWAN.*—*To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the KIDD class guided missile destroyers KIDD (DDG 993), CALLAGHAN (DDG 994), SCOTT (DDG 995), and CHANDLER (DDG 996).*

(3) *TURKEY.*—*To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigates ESTOCIN (FFG 15) and SAMUEL ELIOT MORISON (FFG 13).*

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

(d) *COSTS OF TRANSFERS ON GRANT BASIS.*—*Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer authorized to be made on a grant basis under subsection (a).*

(e) *WAIVER AUTHORITY.*—*For a vessel transferred on a grant basis pursuant to authority provided by subsection (a)(2), the President may waive reimbursement of charges for the lease of that vessel under section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) for a period of one year before the date of the transfer of that vessel.*

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

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

And the Senate agree to the same.

Amend the title so as to read: “An Act to authorize appropriations for the Department of State for fiscal year 2003, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal year 2003, and for other purposes.”

And the Senate agree to the same.

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HENRY HYDE,  
CHRISTOPHER H. SMITH,  
TOM LANTOS,  
HOWARD L. BERMAN,  
ILEANA ROS-LEHTINEN,

From the Committee on the Judiciary for consideration of sections 234, 236, 709, 710, and 844 and section 404 of the

Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,  
JOHN CONYERS, Jr.,  
*Managers on the Part of the House.*

JOE BIDEN,  
PAUL S. SARBANES,  
CHRIS DODD,  
JOHN F. KERRY,  
JESSE HELMS,  
DICK LUGAR,  
CHUCK HAGEL,  
*Managers on the Part of the Senate.*

## JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1646) to authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes, submit the following joint statement in the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

### FOREIGN RELATIONS AUTHORIZATION ACT FOR FISCAL YEAR 2003

#### Title I—Authorization of Appropriations

##### *Sec. 111. Administration of Foreign Affairs*

This section authorizes appropriations under the heading “Administration of Foreign Affairs” for fiscal year 2003. This section authorizes a total of \$4,970,890,000 for fiscal year 2003.

Sec. 111(a)(1) Diplomatic and Consular Programs. This section authorizes \$4,030,023,000 for fiscal year 2003. Of the amounts authorized by this section \$564,000,000 is for worldwide security upgrades; \$20,000,000 is for the Bureau of Democracy, Human Rights and Labor; and \$2,000,000 is for recruitment of minority groups.

Sec. 111(a)(2) authorizes \$200,000,000 for fiscal year 2003 for the Capital Investment Fund.

Sec. 111(a)(3) authorizes \$555,000,000 for fiscal year 2003 for Embassy Security, Construction and Maintenance. These funds are in addition to funds authorized to be appropriated for this purpose by section 604 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act FY 2000 and 2001.

Sec. 111(a)(4) authorizes \$9,000,000 for fiscal year 2003 for Representation Allowances.

Sec. 111(a)(5) authorizes \$11,000,000 for fiscal year 2003 for Protection of Foreign Missions and Officials.

Sec. 111(a)(6) authorizes \$15,000,000 for fiscal year 2003 for Emergencies in the Diplomatic and Consular Service.

Sec. 111(a)(7) authorizes \$1,250,000 in fiscal year 2003 for Repatriation Loans.

Sec. 111(a)(8) authorizes \$18,817,000 for fiscal year 2003 for Payment to the American Institute in Taiwan.

Sec. 111(a)(9) authorizes \$30,800,000 for fiscal year 2003 for the Office of the Inspector General.

Subsection (b) provides that funds authorized by subsection (a)(5) are authorized to remain available until September 30, 2004.

*Sec. 112. United States educational, cultural, and public diplomacy programs*

This section authorizes appropriations totaling \$260,000,000 for fiscal year 2003 for Fulbright and other educational and cultural exchange programs.

Sec. 112(1)(A) authorizes \$135,000,000 for Fulbright Academic Exchange Programs. Of the amounts authorized, \$5,000,000 is authorized for the Vietnam Fulbright Academic Exchange Program. Also of the amounts authorized, \$1,000,000 is for the New Century Scholars Initiative—HIV/AIDS.

Sec. 112(1)(B) authorizes \$125,000,000 for fiscal year 2003 for other educational and cultural exchange programs. Of the amounts authorized, \$500,000 is for Tibetan Exchanges, \$500,000 is for East Timorese Scholarships, \$500,000 is for Montenegro Parliamentary Development, \$750,000 is for South Pacific Exchanges, \$750,000 is for the Israel-Arab Peace Partners Program and, \$500,000 is for Sudanese scholarships.

*Sec. 112(2) National Endowment for Democracy*

Authorizes \$42,000,000 for fiscal year 2003 for the National Endowment for Democracy. Of the amounts authorized, \$1,000,000 is available for Reagan-Fascell Democracy Fellows.

*Sec. 112(3) East-West Center*

Authorizes \$15,000,000 for fiscal year 2003 for the East-West Center.

*Sec. 112(4) North-South Center*

Authorizes \$2,500,000 for fiscal year 2003 for the North-South Center.

*Sec. 113. Contributions to international organizations*

Sec. 113(a) authorizes \$891,378,000 for fiscal year 2003 for assessed contributions to international organizations.

Sec. 113(b) authorizes \$725,981,000 for fiscal year 2003 for assessed contributions to international peacekeeping.

Sec. 113(c), (d), (e). These sections include restrictions or limits on UN funding for framework treaties, technical provisions regarding foreign currency exchange rates, and refunds of excess contributions to international organizations which have been carried in previous Acts.

*Sec. 114. International commissions*

Authorizes \$66,385,000 for fiscal year 2003 for U.S. contributions to the International Boundary and Water Commission, United States and Mexico; the International Boundary Commission, United States and Canada; the International Joint Commission; and the International Fisheries Commission. These funds enable the United States to meet its obligations as a participant in international commissions including those dealing with American boundaries and related matters with Canada and Mexico and international fisheries commissions.

*Sec. 115. Migration and Refugee Assistance*

Authorizes \$820,000,000 for fiscal year 2003 for Migration and Refugee Assistance. This section enables the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, and through private volunteer agencies, governments, and bilateral assistance, as authorized by law.

This section also includes subauthorizations for Tibetan refugees in India and Nepal, refugees resettling in Israel, and humanitarian assistance for displaced Burmese.

*Sec. 116. Grants to the Asia Foundation*

Authorizes \$15,000,000 for fiscal year 2003 for grants to the Asia Foundation.

Mobile library. The Managers take note of the actions taken by the U.S. Interests Section in Havana, Cuba to use a portion of the funds allocated for outreach to independent organizations inside the island and expansion of independent libraries, to establish a mobile library that will ensure broader distribution of approved materials to pro-democracy forces throughout the island.

SUBTITLE B—UNITED STATES INTERNATIONAL BROADCASTING  
ACTIVITIES

*Sec. 121. Authorization of appropriations*

Sec. 121(a)(1) authorizes \$485,823,000 for fiscal year 2003 for international broadcasting operations. Of the amounts authorized, \$35,000,000 is authorized for Radio Free Asia.

Sec. 121(2) authorizes \$13,740,000 for fiscal year 2003 for Broadcasting Capital Improvements.

Sec. 121(3) authorizes \$25,923,000 for fiscal year 2003 for Broadcasting to Cuba.

Sec. 121(b) continues authorization for broadcasting to the PRC and neighboring countries.

Sec. 121(c) authorizes an additional \$20,000,000 for fiscal year 2003 for the Middle East Radio Network of Voice of America.

Mobile library. The Managers take note of the actions taken by the U.S. Interests Section in Havana, Cuba to use a portion of the funds allocated for outreach to independent organizations inside the island and expansion of independent libraries, to establish a mobile library that will ensure broader distribution of approved materials to pro-democracy forces throughout the island.

Title II—Department of State Authorities and Activities

*Sec. 201. Emergency evacuation services*

Under current law, the State Department has authority to use appropriated funds to evacuate private U.S. citizens (and accompanying dependents or guardians), as well as third-country nationals, when their lives are endangered by war, civil unrest, or natural disaster. This section clarifies the Department's authority to

retain reimbursements for emergency evacuation services from private U.S. citizens and third-country nationals.

*Sec. 202. Special agent authorities*

This section makes three changes to the authorities of Diplomatic Security (DS) Agents. First, paragraph (1) gives such agents authority to obtain and execute search and arrest warrants as well as obtain and serve subpoenas and summonses issued under the authority of the United States. Under current law, agents may exercise these authorities only for offenses involving passport and visa cases. This limitation may handicap agents, for example, who are carrying out their protective functions in a situation in which an individual wanted on a federal warrant poses a threat to the protected person. The broader authority provided in this section is similar to authority possessed by numerous law enforcement agents throughout the federal government. Paragraph (2) makes a technical correction to section 37(a) of the State Department Basic Authorities Act to make clear that a Secretary of State named by a "President-elect" is entitled to protection by Diplomatic Security agents. Paragraph (3) gives DS agents the authority to make arrests without warrant for any federal offense committed in their presence, or for any felony cognizable under the law of the United States if the agents have reasonable grounds to believe that the person has committed or is committing such felony. Under current law, agents may exercise this authority in limited circumstances. As with paragraph (1), this provision gives DS agents the same authority granted to numerous other federal law enforcement agents.

Subsection (b) provides that the exercise of certain authorities contained in section 37(a) of the State Department Basic Authorities Act shall be subject to an agreement with the Attorney General, the Secretary of State, and the Secretary of the Treasury.

Subsection (c) provides that the authorities in paragraph 2 and 5 of such subsection may not be exercised until the Secretary of State submits the agreement described above to the appropriate committees and publishes a notice in the Federal Register.

*Sec. 203. International Litigation Fund*

This section allows the State Department to be reimbursed for costs associated with representing American citizens or companies in international claims. The section would allow the Department to deduct and retain 1.5% of payments of at least \$100,000 up to \$5 million, and 1% of payments above \$5 million received by the Department from foreign governments or foreign entities as a result of the Department's pursuit of claims on behalf of U.S. citizens or others. The funds so retained would be placed into the International Litigation Fund, which was established by Congress in 1994 to provide a dependable and flexible source of funds for expenses relating to preparing or prosecuting a proceeding before an international tribunal, or a claim by or against a foreign government or other foreign entity. The Fund has no dedicated source of money; rather, it is dependent on voluntary contributions, transfers from other agencies, or reprogrammings. Similar deductions are taken from Iran-U.S. Claims Tribunal awards of the Foreign Claims Settlement Commission.

*Sec. 204. State Department records of overseas deaths of U.S. citizens from unnatural causes*

This section requires the Secretary of State to collect certain information regarding the deaths of U.S. citizens when those deaths result from non-natural causes. This information will be maintained in a data base on a country-by-country basis and will be available to the public.

This section is intended to provide specific information to potential travelers about deaths of American citizens overseas when those deaths result from non-natural causes. The current Consular Information Sheets tend to warn of generalized dangers, such as "Several tourists have been killed or injured in jet-ski accidents, particularly when participating in group tours." The information provided must be specific enough to alert the U.S. public to potential dangers to enable the reader to make an informed decision. The Managers intend that this section will be applied in a manner consistent with the Privacy Act. The section requires that the information be gathered to the "maximum extent practicable." This should be read as a rule of reason. Consular officials should gather information from reports presented directly to them, from media reports, and from other sources. They are not required, for the purposes of this section, to engage in exhaustive investigations.

*Sec. 205. Foreign relations historical series*

This provision makes two amendments to increase reporting to Congress on the implementation of Title IV of the State Department Basic Authorities Act, relating to the Foreign Relations of the United States Historical Series. In 1991, Congress enacted Title IV out of concern for the timeliness and historical accuracy of the series, and mandated that it be a "thorough, accurate and reliable documentary record of major U.S. foreign policy decisions and significant U.S. diplomatic activity." Title IV requires, among other things, that the Secretary ensure that volumes in the series be published not more than 30 years after the events recorded. A decade after the law was enacted, the Department remains out of compliance with this provision. These reporting requirements will facilitate oversight by Congress of implementation of Title IV.

*Sec. 206. Expansion of eligibility for award of certain construction contracts*

This section would amend eligibility limitations for award of certain contracts for construction, alteration, or repair of State Department buildings and grounds abroad. Currently, bidder qualifications are determined on the basis of nationality of ownership, evidence that the bidder has performed similar construction work in the United States, and other criteria. The amendment would modify the "similar construction work" criterion to include work performed at a U.S. diplomatic or consular establishment abroad, thus enlarging the pool of potentially qualified bidders.

*Sec. 207. International Chancery Center*

This section amends section 1 of the International Center Act to establish an account in the Treasury into which advances from foreign governments and international organizations may be depos-

ited and whose proceeds may be invested in public debt obligations. Currently, such advances are held in a public bank account.

*Sec. 208. Travel to Great Lakes fisheries meetings*

This section makes a change to the Great Lakes Fishery Act of 1956 to increase from 5 to 10 the number of government officials permitted to travel to the annual meeting. This section is needed to reflect a change in the meeting structure for the Great Lakes Fisheries Commission (GLFC), which promotes environmental protection and economic development among the Great Lakes member states and Canada. When section 4 of the Great Lakes Fisheries Act of 1956 was originally enacted, the GLFC held two annual meetings per year with five members of the Great Lakes Fisheries Advisory Committee attending each meeting. The GLFC now holds only one annual meeting. This provision will permit the State Department to fund the travel of up to 10 members of the advisory committee to the one annual meeting.

*Sec. 209. Correction of Fishermen's Protective Act of 1967*

This section makes a technical correction to section 7 of the Fishermen's Protective Act of 1967 (P.L. 83-680), which was enacted to deter foreign governments from seizing U.S. commercial fishing vessels based on claims to a fisheries jurisdiction not recognized by the United States. One of the State Department's primary responsibilities under the Act is to administer funds from which reimbursement could be sought by U.S. vessel owners. Recent amendments erroneously transferred certain responsibilities from the Secretary of the Interior to the Secretary of Commerce, rather than to the Secretary of State.

*Sec. 210. Use of funds received by International Boundary and Water Commission*

This provision permits the U.S. Section of the International Boundary and Water Commission to receive reimbursements from the North American Development Bank and the Border Environment Cooperation Committee.

*Sec. 211. Fee collections relating to intercountry adoptions and affidavits of support*

This section amends Section 403 of the Intercountry Adoption Act of 2000 and Section 232 of the Foreign Relations Authorization Act, Fiscal Years 2000 and 2001. These amendments permit the expenditure of funds collected by the Department under those statutory provisions.

*Sec. 212. Annual reports on compliance with the Hague Convention on the civil aspects of international child abduction*

This section makes permanent the reporting requirement enacted in Section 2803(a) of the Foreign Affairs Reform and Restructuring Act of 1998 pertaining to compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

The Managers are alarmed by the State Department's continuing lack of success in serious child abduction cases involving Germany, Sweden and many other countries. Success should be de-

terminated by whether the reunion of left-behind parent and abducted child has occurred. Establishment of child abduction commissions, study groups and other bodies are no substitute for reunions.

The State Department's performance in assisting Americans whose children have been wrongfully taken or retained abroad is hampered by the lack of involvement and personal diplomacy by chiefs of mission. It is also hampered by relegation of consular issues to a second tier of importance by Department and embassy Managers. This must change.

The Managers expect that the annual report will address the primary issue as to whether a parent-child reunion occurred as a separate and distinct matter from the issue of whether the case has been resolved. The Managers also expect that the State Department's child abduction report will be made available on the State Department's web page. The report should also be disseminated to all state and local governments, to ensure that child abduction issues are taken into account by these authorities as appropriate.

The Managers considered amending the child abduction reporting requirement in order to address concerns raised regarding previous reports. However, the Managers decided to simply extend the requirement for a report indefinitely, with the expectation that the State Department will respond to the concerns stated above.

*Sec. 213. Repeal of provision regarding housing for foreign agricultural attache*

This section repeals Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (P.L. 106-387) limiting the authority of the State Department to sell overseas property.

*Sec. 214. United States policy with respect to Jerusalem as the capital of Israel*

This section contains four provisions related to the recognition of Jerusalem as Israel's capital. It urges the President to immediately begin the process of relocating the U.S. Embassy in Israel to Jerusalem. It bars the use of funds for the operation of the U.S. consulate in Jerusalem unless the consulate is under the supervision of the U.S. Ambassador to Israel. It denies funds for the publication of official U.S. government documents listing capital cities unless they identify Jerusalem as the capital of Israel. Finally, it allows U.S. citizens born in Jerusalem to have Israel listed, upon request, as their place of birth on passports.

*Sec. 215. Report concerning efforts to promote Israel's diplomatic relations with other countries*

This section requires the Secretary of State to submit a report concerning United States efforts to promote Israel's diplomatic relations with other countries. The report is required not later than 60 days after the date of the enactment of this Act.

*Sec. 216. Continuation of reporting requirements*

This section continues reports initially enacted in 1998 relating to Saudi claims, the implementation of the LIBERTAD Act, and deaths of Americans by terrorist activities.

SUBTITLE B—EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY  
AUTHORITIES

*Sec. 221. Fulbright-Hays authorities*

This provision amends subsection 112(d) of the Mutual Educational and Cultural Exchange Act of 1961, as amended (“Fulbright-Hays Act”), to clarify that the Bureau of Educational and Cultural Affairs may administer programs authorized by several other Acts to the extent such programs are consistent with the purposes of the Fulbright-Hays Act.

*Sec. 222. Extension of requirement for scholarships for Tibetans and Burmese*

This section extends the authorization for the exchange and scholarship programs for Tibetan and Burmese exiles (contained in Public Law 104–319) through fiscal year 2003.

*Sec. 223. Plan related to public diplomacy activities*

This section requires the Secretary of State to submit a plan for integrating public diplomacy policy into overall policy formulation and implementation, for improving coordination and communication between public diplomacy officers and the State Department’s regional bureaus, and between public diplomacy officers and the Under Secretary of State for Public Diplomacy. At present, public diplomacy considerations are not always adequately addressed in the formulation and implementation of policy, policy coordination is minimal, and public diplomacy officers lack direct channels of communication to the Assistant Secretaries in the regional bureaus or to the Under Secretary for Public Diplomacy.

*Sec. 224. Advisory Committee on Cultural Diplomacy*

This section establishes, on a temporary basis, an advisory committee on cultural diplomacy to assist the Undersecretary for Public Diplomacy and the Assistant Secretary for Educational and Cultural Affairs in devising initiatives to expand such programming and increase the use of public-private partnerships to fund such programming. The conference committee believes that expansion of cultural diplomacy—the presentation of creative, visual and performing arts abroad—could have significant benefits to U.S. diplomacy. Unfortunately, direct funding for such programs has declined considerably in recent years. Under Section 105(f) of the Fulbright-Hays Act, the Department has authority to accept funds from the private sector for such activities. The Managers urge the Department and the Advisory Committee to explore ways of increasing private sector support for such programming. The Managers urge the Secretary to consider candidates nominated by organizations such as the National Assembly of State Art Agencies, the Association of Performing Arts Presenters, and Americans for the Arts.

*Sec. 225. Allocation of funds for “American Corners” in the Russian Federation*

This section authorizes \$500,000 for fiscal year 2003 for “American Corners” centers in host libraries in the Russian Federation. A number of such centers already exist. The Managers believe that the inclusion of information about United States history, government, culture and values in Russian libraries and access to computers and the Internet in these centers will enhance U.S. programs of assistance and increase Russian citizens’ awareness about the United States.

*Sec. 226. Report relating to Commission on Security and Cooperation in Europe*

This section rewrites and updates a current reporting requirement of the Department of State to the Commission on Security and Cooperation in Europe, a joint Executive-Congressional commission.

*Sec. 227. Amendments to the Vietnam Education Foundation Act of 2000*

This section makes technical amendments to the Vietnam Education Foundation Act of 2000, including clarification of the duties of the Foundation’s Board of Directors and the status and tenure of its members.

*Sec. 228. Ethical issues in international health*

This section requires the Secretary to fund exchanges to provide opportunities to researchers in developing countries to participate in activities related to ethical issues in human subject research, as described in subsection (c). Subsection (b) requires the Secretary to coordinate such programs that may be conducted by USAID and other federal agencies. The Managers intend that these exchanges will help develop expertise in countries where pharmaceutical companies conduct human and other trials so that the developing country has the ability to evaluate the design of such trials.

*Sec. 229. Conforming amendments*

This section contains several technical and conforming amendments which were overlooked in recent Foreign Relations Authorization Acts.

SUBTITLE C—CONSULAR AUTHORITIES

*231. Report on visa issuance to inadmissible aliens*

Under current law, the Department of State reports to Congress periodically about non-immigrant visa applications which are refused because the applicant is ineligible under section 212(a)(3) of the Immigration and Nationality Act, relating to security and other grounds. This section adds a requirement that the Department report twice a year on visas issued pursuant to waivers of ineligibility under Section 212(a)(3), including so-called “silent” waivers. As with the current report under Section 51(a) of the Basic Authorities Act, this report may be submitted in classified form.

*Sec. 232. Denial of entry into United States of Chinese and other nationals engaged in coerced organ or bodily tissue transplantation*

This section prohibits the issuance of a U.S. visa and the entry into the United States to any person who has been directly involved with the coercive transplantation of human organs or bodily tissue unless there are substantial grounds for believing that this individual has discontinued his or her involvement with, and support for, such practices. The visa denial must be based upon “credible and specific information.” The prohibition does not apply to a head of state, head of government, or cabinet-level minister. The provision may be waived by the Secretary of State when it is in the national interest to do so. The Managers are concerned about continued reports of involuntary organ harvesting in nations such as the People’s Republic of China. A recent study by the Laogai Research Foundation suggests that a number of Chinese doctors who have received specialized medical training in the United States may have been involved in the practice of harvesting organs from executed prisoners without permission from the potential donors or their families.

*Sec. 233. Processing of visa applications*

This section states that (1) it shall be the policy of the State Department to process visa applications of immediate relatives and fiancées of U.S. citizens within 30 days of receiving all necessary documents; and (2) it should be the policy of the Department to process applications sponsored by someone other than an immediate relative within 60 days.

*Sec. 234. Machine readable visas*

This section provides a cap on the use of funds collected by the State Department for machine readable visas for fiscal year 2003. Funds exceeding \$460 million may only be used subject to re-programming.

SUBTITLE D—MIGRATION AND REFUGEES

*Sec. 241. Prohibition on funding the involuntary return of refugees*

Subsection 241(a) makes permanent a provision of current law contained in previous Foreign Relations Authorization Acts prohibiting the use of funds appropriated to the State Department for the involuntary return of refugees to countries in which they have a well-founded fear of persecution, except on grounds recognized as precluding refugee protection under the 1951 Convention and 1967 Protocol. The provision does not prohibit funding for the return of persons who had been found to be non-refugees by a process genuinely calculated to identify and protect refugees.

Subsection 241(b) requires that notice be given to the appropriate congressional committees prior to use of funds appropriated to the State Department for the involuntary return of any person. The subsection provides a limited exception in cases where prior notice is impracticable due to an emergency involving a threat to human life. The notice provision provides an opportunity for congressional oversight to ensure that the prohibition on funding the

return of refugees is strictly observed. The managers recognize that activities described in this section may require expedition and that the notice required by this section may therefore be provided in whatever way is most appropriate under the circumstances. The notice required by this section may be written or oral, may be provided whether or not Congress is in session, and in appropriate cases may be provided in classified form. The notice provision does not require the Department to delay any return pending congressional approval or review.

Subsection(c) makes clear that the provisions of this section do not apply to the return of persons pursuant to removal proceedings under the Immigration and Nationality Act or to extradition proceedings, because the law governing these activities provides adequate protections for persons subject to these proceedings, including an opportunity to be heard on any claim that he or she would face persecution upon return.

Subsection (d) defines "effect the involuntary return" as requiring by means of physical force or circumstances amounting to a threat thereof a person to return to a country against his or her will, regardless of whether the person is present in the U.S. and regardless of whether the U.S. acts directly or through an agent. The language "regardless of whether the United States acts directly or through an agent" applies to situations in which the United States contracts with, makes arrangements with, or funds another government or an organization to carry out a project or activity on its behalf. The Managers do not intend it to apply to situations in which the United States contributes funds to another government or an organization as part of a general or special appeal or program and in which United States funds will be commingled with those of other contributors.

This provision applies only to funds appropriated to the Department including the Diplomatic and Consular Programs account and the International Narcotics Control and Law Enforcement account. It does not apply to any funds transferred to the Department from other federal agencies. However, the Managers expect that the Department will notify the appropriate congressional committees as soon as practicable of any case in which the Department uses transferred funds to effect involuntary returns, so that the committees may decide whether further legislation is necessary.

*Sec. 242. U.S. membership in the International Organization for Migration*

This section provides Congressional approval of certain amendments to the constitution of the International Organization for Migration (IOM). These amendments were adopted in 1998 by the IOM governing body, of which the United States is a member. The proposed amendments to the IOM constitution concern four issues of internal IOM governance.

*Sec. 243. Report on overseas refugee processing*

This section requires a report on overseas processing of refugees for admission to the United States. In particular, the report should assess the needs of refugees who do not currently have access to U.S. resettlement programs, despite the dramatic decline in

U.S. refugee admissions over the last decade. With respect to refugee groups and profiles that should be carefully considered in connection with the preparation of this report, the Managers adopt by reference the explanatory material for section 252 in the House International Relations Committee report (107–57) on H.R. 1646.

### Title III—Organization and Personnel of the Department of State

#### SUBTITLE A—ORGANIZATIONAL MATTERS

##### *Sec. 301. Comprehensive workforce plan*

This section requires the State Department to submit to Congress a comprehensive workforce plan within 6 months of the date of enactment. It also requires that the Department develop within 1 year of the date of enactment a domestic staffing model to assist in determining workforce needs in future years. The Managers are concerned that the Department has failed to devote sufficient attention to workforce planning. In particular, the Managers are dismayed at the Department's apparent inability to match staffing requirements to meet the policy needs of overseas posts and stateside offices. This requires dramatically improved coordination between the post mission plans, the regional bureaus policy priorities, and the Bureau of Personnel.

##### *Sec. 302. "Rightsizing" overseas posts*

This section requires the Department to establish both an internal and an interagency task force to review issues of overseas staffing presence. This follows through on numerous reports, including that of the Overseas Presence Advisory Panel, that details the need to "right size" overseas posts—i.e., staffing the post to the mission. Reports on the progress of each of these task forces are required.

##### *Sec. 303. Qualifications of certain officers of the Department of State*

This section amends Section 1 of the State Department Basic Authorities Act of 1956 to require the officer with primary responsibility for international narcotics and law enforcement, or that officer's principal deputy, to have substantial professional qualifications in the fields of management and Federal law enforcement or international narcotics policy.

#### SUBTITLE B—PERSONNEL MATTERS

##### *Sec. 311. Thomas Jefferson Star for Foreign Service*

In 1999, Congress created the "Foreign Service Star" to honor U.S. government employees killed or wounded in the line of duty overseas. This provision amends the name of the award to "Thomas Jefferson Star for Foreign Service." The change was requested by the State Department. The award is authorized for all personnel serving at overseas missions.

##### *Sec. 312. Presidential Rank Awards*

This provision amends the Foreign Service Act of 1980 in order to restore parity between Senior Foreign Service and Senior Execu-

tive Service Presidential Awards. This parity was lost upon enactment of a provision in the FY 1999 Treasury and General Government Appropriations Act which altered the system for awards to senior executives in the civil service, but neglected to make a similar change for Senior Foreign Service Officers.

*Sec. 313. Foreign Service National Savings Fund*

This section amends Section 408 of the Foreign Service Act to explicitly authorize the Department of the Treasury to hold foreign national retirement funds and accumulated interest. Section 408 provides that the employees hired by the Department and other agencies overseas are compensated based on prevailing wage rates and compensation practices to the extent consistent with public interest. In particular, section 408 explicitly provides the authority for such agencies and their locally engaged staff to make payments to a trust or other fund in a financial institution in order to finance future benefits for such staff. The Department believes that having the Department of Treasury act as a financial institution to hold the funds contributed by the agencies and their locally engaged staff (i.e., the funds contributed based on prevailing practice or the funds voluntarily contributed by the locally engaged staff) would provide a safe and secure means of ensuring the overseas staff's retirement needs are adequately met.

*Sec. 314. Clarification of separation for cause*

This section revises section 610 of the Foreign Service Act of 1980, related to separation from the Service for cause, to make the provision more comprehensible. Several recent amendments to Section 610 have necessitated this change. This section is not intended to make substantive changes to Section 610.

*Sec. 315. Dependents on family visitation travel*

This section provides Foreign Service families who are separated because of an assignment to an unaccompanied post greater flexibility in arranging authorized family visits. Currently only the Foreign Service Officer may travel to visit family within a certain dollar limitation. This provision would allow for other family members to be authorized to travel in order to meet on authorized family visits at locations other than their home leave addresses.

*Sec. 316. Health education and disease prevention programs*

This section amends Section 904(b) of the Foreign Service Act of 1980 in order that the Department may better allow its medical professionals to provide counseling and educational materials to foreign national employees of U.S. missions concerning diseases to which they are exposed but that may not be attributable to the workplace. The Office of Medical Services currently provides on-the-job illness and injury services for locally-engaged staff. This provision permits the Department to provide health information and counseling. This is not intended to include any activities contrary to U.S. government policy on family planning.

*Sec. 317. Correction of time limitations for grievance filing*

This section amends section 1104(a) of the Foreign Service Act of 1980 to correct a drafting error made in the most recent Foreign Relations Authorization Act (P.L. 106–113). This is a technical correction. The literal requirement of the 1999 amendment—that a grievance involving a supervisor be filed “in no case less than two years after the occurrence giving rise to the grievance”—imposes a waiting period, contrary to the intent of Congress.

*Sec. 318. Training authorities*

This section would make permanent a pilot program authorized in 1998 at the Foreign Service Institute (FSI) which permitted the FSI to provide, on a reimbursable or advance-of-funds basis, appropriate training and related services to employees of U.S. companies which do business abroad, and to family members of such employees, when such training is in the national interest. The pilot program also authorized training, on a reimbursable basis, to Members of Congress or the Judiciary and employees of the legislative and judicial branches. This section requires a report every other year, so Congress can monitor the situation and ensure that such training is not interfering with the primary mission of the FSI.

*Sec. 319. Unaccompanied air baggage*

This section relates to unaccompanied air baggage of dependent personnel. Under current law, dependent children (of government personnel) on educational travel are allowed to ship up to 250 pounds of baggage between the United States and the employee's post. The law, however, does not cover any storage of effects. Thus, students often spend much of the summer without their baggage because it is in transit either to or from the post. The provision would allow dependent children who attend school in the United States the option of either leaving their belongings in short-term commercial storage in the United States, if there is no additional cost, instead of shipping their baggage to post. Local storage is a common-sense alternative.

*Sec. 320. Emergency medical advance payments*

In 1999, Congress provided agencies the authority to advance up to three months' pay to an employee assigned or located outside of the United States on government authorization (i.e., on temporary duty), when the employee or family member must undergo certain medical treatments abroad. Such authority is extended to foreign national employees and non-family member United States citizen employees hired abroad when such individuals need medical care while they are located outside their country of employment on U.S. Government authorization.

*Sec. 321. Retirement credit for certain government service preformed abroad*

Because of changes made in 1986 to federal retirement law, individuals who worked for the Department of State in U.S. missions abroad under part-time, intermittent or temporary (“PIT”) appointments after January 1, 1989, were not eligible to pay into a federal retirement system for that service, or receive credit for that service,

in order to improve their future retirement situations. The Department of State amended its regulations in 1998 to cover PIT appointees. The amendment created an inequity for PIT appointees who were employed between 1989 and 1998, since that employment time could not be “purchased” or credited toward any federal retirement system. This section is intended to remedy this inequity by permitting individuals with creditable service as PIT appointees between 1989 and 1998 to receive credit and make a deposit into the Federal Employees Retirement System for all or part of that period. It also recognizes the value added by PIT appointees, who are generally the dependents of Foreign Service or U.S. Armed Forces members, to official operations abroad. The Managers believe that this remedy addresses a basic inequity, however unintended, created by various changes to federal retirement law.

*Sec. 322. Computation of Foreign Service retirement annuities as if locality pay were made to overseas stationed Foreign Service members*

This section addresses a retirement and pay issued identified by the State Department. At present, “locality pay”—which is provided to employees serving in the United States—is included in the calculation of Foreign Service retirement. Foreign Service Officers serving overseas do not receive locality pay. Thus, as they near retirement, they have a significant financial incentive to seek assignment to Washington, D.C. This often deprives overseas posts of the more experienced officers. Under this section, an officer, while serving overseas, will have his or her annuity calculated as if he or she were actually receiving locality pay.

*Sec. 323. Plan for improving recruitment of veterans into the Foreign Service*

This section requires the Secretary of State to submit a plan to improve the recruitment of veterans to serve as candidates for the Foreign Service. The Managers believe that the United States armed forces provide a largely untapped recruitment pool of qualified individuals with international experience, as well as writing, reporting and analytical skills.

*Sec. 324. Report concerning minority employment*

This section requires a report on the status of minority recruitment and promotion efforts in the Department of State for both the Civil and Foreign Service. It is similar to a provision adopted in the Foreign Relations Authorization Act, Fiscal Years 1998 and 1999, and adds a requirement for information regarding recruitment and promotion of the Civil Service to the preexisting provision.

*Sec. 325. Use of funds authorized for minority recruitment*

This section requires the Department to provide additional information on minority recruitment efforts at the Department. Subsection (a) provides that amounts specifically authorized for minority recruitment under section 111 shall be used only for activities directly related to minority recruitment. Salaries of employees involved in recruitment efforts are not to be counted toward that amount. Subsection (b) provides that the State Department must

expand its recruitment efforts to 25 percent of Historically Black Colleges and Universities and 25 percent of Hispanic-serving institutions, as defined by law. Subsection (c) requires the Secretary to establish a database relating to efforts to recruit members of minority groups into the Foreign and Civil Service and to report on the evaluation of efforts to recruit such individuals. The Managers are concerned that the Department has not made enough progress in recruiting and promoting members of minority groups to serve in the Foreign and Civil Service. The Managers incorporate by reference the description of the provision in the House passed version of H.R. 1646, section 343, in House Report 107–57.

*Sec. 326. Assignments and details of personnel to the American Institute in Taiwan*

This section authorizes the detail of U.S. government employees to the American Institute in Taiwan (AIT) if the Secretary determines it is in the national interest to do so. Former federal employees who work at AIT have sometimes been disadvantaged by comparison to employees who remain in federal service without a break in service. The grievance rights of separated Foreign Service Officers who work at AIT are far more restricted; former Civil Service employees at AIT cannot apply for “State only” vacancies upon their return; and eligible family members working at AIT cannot earn credit toward retirement. This section corrects that situation.

*Sec. 327. Annual reports on foreign language competence*

This section changes the date related to a report on foreign language competence. This change converts the report from a calendar year to a fiscal year basis and alters the required date of submission of the report.

*Sec. 328. Travel of children of members of the Foreign Service assigned abroad*

This section amends Section 901 of the Foreign Service Act to provide a child under 21 with the additional flexibility regarding authorized travel when the child is separated from his or her parents.

#### Title IV—International Organizations

*Sec. 401. Payment of the third installment of arrearages*

This section amends several conditions that must be certified pursuant to section 941 in the United Nations Reform Act of 1999 to pay the third and last installment of arrearages to the UN and other international organizations under that Act. This section would “de-link” all UN agencies allowing arrearage payments to each international organization upon certification of the conditions established for that particular agency, without linking such payments to the certification of conditions for other organizations. This section would also facilitate certification of other “year three” conditions.

*Sec. 402. Limitation on the U.S. share of assessments for UN peacekeeping operations in calendar years 2001 through 2004*

This section amends section 404(b)(2) of the Foreign Relations Authorization Act, FY94 and FY95, which places a cap of 25 percent on the rate of payment by the U.S. of UN assessments for peacekeeping. This would allow full payment for those assessments in calendar years 2001 through 2004 at the following rates: 28.15 percent for calendar year 2001; 27.90 percent for calendar year 2002 and; 27.40 for calendar year 2003 and 2004. This cap of 25 percent would be restored after 2004.

*Sec. 403. Limitation on the U.S. share of assessments for UN regular budget*

This provision codifies the 22 percent cap on the U.S. assessment rate for the UN regular budget—as negotiated by the then-UN Ambassador Holbrooke in December of 2000. It is consistent with a condition enacted in the United Nations Reform Act of 1999.

*Sec. 404. Promotion of sound financial practices by the UN*

This provision notes that the U.S. pays its dues to the UN regular budget at least ten months late every year and that other countries have begun to adopt a similar practice. This late payment of U.S. dues results in the UN engaging in unsound budgetary practices. It states the sense of the Congress that the U.S. should initiate a process to synchronize the payment of its assessment to the UN, its affiliated agencies and other international organizations over a multi-year period so the U.S. can resume paying its dues at the beginning of each calendar year. It authorizes such sums as may be necessary to carry out this policy.

*Sec. 405. Reports to Congress on UN activities*

This section amends the UN Participation Act by eliminating the requirement to submit quarterly reports on U.S. participation in UN peacekeeping operations. It preserves the requirement for an annual report and consolidates requirements for two annual reports on U.S. financial contributions to international organizations.

*Sec. 406. Use of secret ballots within the UN*

This section requires a report regarding the use of secret ballots within the UN and its specialized agencies. This report shall also include a determination whether the use of these ballots serves the interests of the U.S.

*Sec. 407. Sense of Congress relating to Membership of the U.S. in UNESCO*

This section expresses the sense of Congress that the President should, in light of his announcement that the U.S. will rejoin the United Nations Educational, Scientific, and Cultural Organization, submit a report describing the merits of renewing U.S. membership in this organization and projecting the costs of such membership.

*Sec. 408 U.S. membership on the UN Commission on Human Rights and International Narcotics Control Board*

This section urges the U.S. to make every reasonable effort at the UN to secure a seat for the U.S. on the U.N. Commission on Human Rights, and for a U.S. national on the UN International Narcotics Control Board and to prevent membership on the Commission by any member state that, in the judgment of the Secretary, consistently violates internationally recognized human rights or has engaged in severe violations of religious freedom in that country.

*Sec. 409. Plan for enhanced Department of State efforts to place U.S. nationals in positions of employment in the UN and its specialized agencies*

This section calls for the Secretary of State to submit a report containing a plan describing the steps the Department will take to increase American representation in the UN and its specialized agencies.

Title V—U.S. International Broadcasting Activities

*Sec. 501. Modification of limitation on grant amounts to RFE/RL, Inc*

This section amends a current limit on grants to RFE/RL, Inc., raising it from \$75 million per year to \$85 million in fiscal year 2003.

*Sec. 502. Pay parity for senior executives of RFE/RL, Inc*

Under current law, RFE/RL grant funds may not be used to pay any salary or compensation in excess of the rate level IV of the Executive Schedule. The Broadcasting Board of Governors has interpreted this provision as placing a cap on the salaries of senior Managers of RFE/RL at the rate of pay for Executive Level IV, exclusive of locality pay. RFE/RL senior executives are not federal employees and do not receive locality pay under the Federal Employee Pay Comparability Act of 1990 (which provides for locality adjustments in certain high-cost areas). In order to provide pay parity for these senior employees, this provision would permit up to three senior RFE/RL Managers based in Washington to receive a salary benefit equivalent to the comparable Senior Executive Service salary with locality pay.

*Sec. 503. Authority to contract for local broadcasting services outside the United States*

This section amends current law relating to authority to enter into contracts for certain capabilities. Under current law, the Broadcasting Board of Governors may enter into contracts for periods not to exceed 7 years for circuit capacity to distribute radio and television programs. This section provides authority to enter into contracts for up to 10 years in order to acquire local broadcasting services outside the United States.

*Sec. 504. Personal services contracting pilot program*

This section provides the International Broadcasting Bureau (IBB) with the authority to implement a pilot program to utilize personal services contracts in the United States. The authority is capped at 60 employees at any one time.

*Sec. 505. Travel by Voice of America correspondents*

This section exempts Voice of America (VOA) correspondents from the security responsibilities of the Secretary of State under Section 103 of the Diplomatic Security Act and from the Chief of Mission responsibilities in Section 207 of the Foreign Service Act of 1980. Although VOA correspondents are on the federal payroll, they are unique in that they are working journalists. Accordingly, their independent decisions on when and where to cover the news should not be governed by other considerations. The Managers expect that the VOA Director will take appropriate steps to ensure that VOA correspondents do not take undue risks that threaten their personal security.

*Sec. 506. Reports on broadcasting personnel*

This section requires the Broadcasting Board of Governors to submit a report on its efforts to diversify the workforce at the International Broadcasting Agency.

*Sec. 507. Conforming amendments*

This section makes technical and conforming amendments to the U.S. International Broadcasting Act to correct technical errors made in previous Foreign Relations Authorization Acts.

## Title VI—Miscellaneous Provisions

### SUBTITLE A—MIDDLE EAST PEACE COMMITMENTS ACT OF 2002

*Sec. 601. Short title*

This subtitle is the “Middle East Peace Commitments Act of 2002.”

*Sec. 602. Findings*

This section describes the most basic commitments made by Palestine Liberation Organization (PLO) in an exchange of letters between the late Prime Minister Yitzhak Rabin and Chairman Yasser Arafat on September 13, 1993. These commitments include resolving outstanding issues through peaceful means, renouncing terrorism and violence, and assuming responsibility over all PLO personnel.

*Sec. 603. Reports*

This section requires the President to make a determination and to report every six months (initially 60 days after enactment of the legislation) on whether the PLO and/or the Palestinian Authority (PA) are abiding by their commitments as specified in Section 602.

*Sec. 604. Imposition of sanctions*

This section provides that, if it is determined (in the Section 603 report) that the PLO and/or the PA are not in compliance with the commitments specified in Section 602, then the President is required to impose at least one of four sanctions for a period of at least six months. The possible sanctions are: deny U.S. visas to PLO and PA officials, downgrade the status of the PLO office in Washington to an information office as existed before the Oslo accords, designate the PLO or its constituent groups as terrorist organizations, and cut off non-humanitarian U.S. assistance to the West Bank and Gaza. The President is allowed to waive the sanctions requirement upon making a determination that such a waiver is in the national security interest of the United States.

SUBTITLE B—TIBET POLICY

This subtitle lays out a comprehensive approach for American policy toward Tibet. The Committee believes that this statement of policy is warranted due to the failure of the Government of the People's Republic of China to preserve the distinct ethnic, cultural and religious identity of the Tibetan people and to enter into a dialog with the Dalai Lama or his representatives to reach a negotiated agreement on Tibet.

*Sec. 611. Short title*

This section entitles this subtitle as the "Tibetan Policy Act of 2002."

*Sec. 612. Statement of purpose*

This section states the purpose of this subtitle: to support the aspirations of the Tibetan people to safeguard their distinct identity.

*Sec. 613. Tibet negotiations*

This section urges the President and Secretary of State to encourage the Government of the People's Republic of China to enter into a dialogue with the Dalai Lama or his representatives leading to a negotiated agreement on Tibet, and to provide an annual report to the Congress on steps taken to encourage this dialogue and the status of discussions between the Government of China and the Dalai Lama. The Managers note that the Dalai Lama's special representative held talks with Chinese officials in Beijing and in Lhasa, Tibet, in September 2002, and hope that these talks will lead to a meaningful dialogue.

*Sec. 614. Reporting on Tibet*

This section mandates that a separate section on Tibet be included in the annual human rights report and the annual religious freedom report submitted by the Department of State to the Congress.

*Sec. 615. Congressional Executive Commission on the People's Republic of China*

This section amends the U.S.-China Relations Act of 2000 to include as issues to be considered by the Congressional-Executive Commission on the People's Republic of China (1) a description of the status of negotiations between the Government of the PRC and the Dalai Lama; and (2) measures taken to safeguard Tibet's distinct identity.

*Sec. 616. Economic development on the Tibetan plateau*

Subsection (a) of this section states that it is the policy of the United States to support economic development, cultural preservation, health care, and education and environmental sustainability for Tibetans inside Tibet. The Managers note that in 1980 Chinese Party Secretary Hu Yaobang formulated the Six Point Program for Tibet, which stated that the "Tibetan people's habits, customs, history and culture must be respected," that "all ideas that ignore and weaken Tibetan culture are wrong," and that "Tibet should lay down laws, rules and regulations according to its special characteristics to protect the right of national autonomy and its special national interests." Recognizing that the Dalai Lama is not seeking independence for Tibet, that in 1979 Deng Xiaoping offered to negotiate on all issues other than independence, and that President Jiang Zemin has stated that the door to negotiations is open if the Dalai Lama accepts that Tibet is an inseparable part of China, the Conference believes that the adoption by the current Chinese government of the principles formulated by Hu Yaobang would improve the potential for meaningful negotiations with the Dalai Lama and have a positive impact on United States-China relations. Subsection (b) mandates that the United States use its voice and vote in international financial institutions to support projects in Tibet designed in accordance with a set of principles, enumerated in subsection (d), that are designed to raise the standard of living for the Tibetan people and to make them self-sufficient. Subsection (c) states that Export-Import Bank and the Trade and Development Agency should support projects following these principles. Subsection (d) enumerates the principles which are to serve as guidelines for the projects that international financial institutions, non-governmental organizations and the U.S. government should support in Tibet.

*Sec. 617. Release of prisoners and access to prisons*

This section states that the President and Secretary of State should request the Government of the PRC to immediately release all Tibetan political prisoners including those known to be seriously ill and seek access for international humanitarian organizations to Tibetan prisoners.

*Sec. 618. Establishment of a U.S. branch office in Lhasa, Tibet*

This section urges the Secretary of State to make best efforts to establish an office in Lhasa, Tibet, to monitor developments in Tibet.

*Sec. 619. Requirement for Tibetan language training*

This section mandates that Tibetan language training be available to Foreign Service Officers and to make every effort to assign a Tibetan-speaking officer to the U.S. consulate in the PRC that monitors developments in Tibet.

*Sec. 620. Religious persecution in Tibet*

This section states that the U.S. Ambassador to China should seek to meet with the 11th Panchen Lama and request his release by the Government of the PRC.

*Sec. 621. United States Special Coordinator for Tibetan Issues*

This section mandates the establishment within the Department of State of a United States Special Coordinator for Tibetan Issues and outlines the central objective and duties of the Special Coordinator.

## SUBTITLE C—EAST TIMOR TRANSITION TO INDEPENDENCE ACT OF 2002

This subtitle specifies steps to be taken by the U.S. government to facilitate the transition of East Timor to independence. The Managers believe that it is in the interests of the United States to help the people of East Timor, who voted overwhelmingly for independence from Indonesia in August 1999, to realize their aspirations for a stable, prosperous democratic nation.

*Sec. 631. Short title*

This section entitles this subtitle as the “East Timor Transition to Independence Act of 2002.”

*Sec. 632. Bilateral assistance*

This section authorizes \$25 million for fiscal year 2003 for programs in East Timor.

*Sec. 633. Multilateral assistance*

This section mandates that the United States use its voice, vote and influence at each of the international financial institutions of which it is a member to support economic and democratic development in East Timor.

*Sec. 634. Trade and investment assistance*

Subsection (a) of this section urges the President of the Overseas Private Investment Corporation (OPIC) to initiate negotiations with the Government of East Timor to enter into a new agreement authorizing OPIC to carry out programs with respect to East Timor. Subsection (b) authorizes \$1 million to the Trade and Development Agency to carry out programs in East Timor. Subsection (c) encourages the U.S. Export-Import Bank to expand its activities with respect to East Timor.

*Sec. 635. Generalized System of Preferences*

This section urges the U.S. Trade Representative and the Customs Commissioner to send an assessment team to East Timor to

determine what products from East Timor would be eligible for benefits under the Generalized System of Preferences.

*Sec. 636. Authority for radio broadcasting*

This section provides that the Broadcasting Board of Governors should broadcast to East Timor in an appropriate language or languages.

*Sec. 637. Security assistance for East Timor*

Subsection (a) of this section requires the President to conduct a study and report to the appropriate Congressional committees on the extent to which East Timor's security needs can be met through provision of excess defense articles and on the extent to which international military education and training (IMET) assistance will enhance the professionalism of the armed forces of East Timor. Subsection (b) authorizes the provision of excess defense articles and IMET pending a certification that East Timor has established independent armed forces and that assisting those forces will promote U.S. national interests and human rights and professionalization of the armed services in East Timor.

*Sec. 638. Reporting requirement*

This section requires the Secretary of State to transmit a report within 180 days of enactment, and annually thereafter for five years, on various developments with respect to East Timor including the specific steps taken by U.S. agencies to assist East Timor.

SUBTITLE D—CLEAN WATER FOR THE AMERICAS PARTNERSHIP OF 2002

*Sec. 641. Short title*

This section entitles the subtitle as the "Clean Water for the Americas Partnership Act of 2002."

*Sec. 642. Definitions*

This section defines terms used in the subtitle.

*Sec. 643. Establishment of program*

This section authorizes the President to establish a Clean Water for the Americas Partnership.

*Sec. 644. Environmental assessment*

This section authorizes the President to conduct a comprehensive environmental assessment in the region to determine the most severe environmental problems threatening human health, which countries have them, and whether there is a market for the U.S. environmental industry in the region.

*Sec. 645. Establishment of American technology centers*

This section authorizes the President to establish Technology America Centers (TEAMs) in the region to link the U.S. environmental technology industry with local partners by providing logistic and information support to U.S. firms seeking opportunities for environmental projects.

*Sec. 646. Promotion of water quality, water treatment systems, and energy efficiency*

This section authorizes the President to provide matching grants to U.S. associations and non-profits for the purpose of promoting water quality, water treatment and energy efficiency in the region. These grants shall be used to support professional exchanges, academic fellowships, training programs, development of local chapters of associations or non-profits, and online exchanges.

*Sec. 647. Grants for feasibility studies within a designated sub-region*

This section authorizes 75/25 matching grants, through the Trade and Development Agency, for “pre-feasibility studies” for water projects within a subregion or an individual country of the Latin America/Caribbean region. These grants would provide potential investors in environmental projects, primarily water projects such as water treatment plants, a “jump-start” in getting these projects off the ground.

*Sec. 648. Clean Water Technical Support Committee*

This section authorizes the President to establish a Clean Water Technical Support Committee to provide technical support for water projects in the region.

*Sec. 649. Authorization of appropriations*

This section authorizes \$10 million for each of the fiscal years 2003 through 2005.

*Sec. 650. Report*

This section mandates a report to within two years of establishment of the program under Sec. 643 containing an assessment of the progress made in this program and any recommendations for legislative changes.

*Sec. 651. Termination date*

This section terminates the authorities provided by this subtitle three years after the establishment of the program, unless the President certifies that it would be in the national interest to maintain the program for an additional two-year period.

*Sec. 652. Effective date*

This section sets the effective date of this subtitle as 90 days after the date of enactment.

SUBTITLE E—FREEDOM INVESTMENT ACT OF 2002

*Section 661. Short title*

This section entitles this subtitle as the Freedom Investment Act of 2002.

*Sec. 662. Purposes*

This section states that the purposes of this subtitle are to: underscore that promoting and protecting human rights is in the national interest of the United States; is consistent with American

values and beliefs; and to establish a goal of devoting one percent of the State Department's operating budget to enhancing the ability of the United States to promote respect for human rights and the protection of human rights defenders.

*Sec. 663. Human rights activities at the Department of State*

This section expresses the sense of Congress that the budget for the Bureau of Democracy, Human Rights and Labor (DRL) should be substantially increased so that beginning in fiscal year 2005, one percent of the State Department's operating budget should be available for such bureau. It also expresses the sense of Congress that any assignment of an individual to a political officer position at a United States Mission abroad that has the primary responsibility for monitoring human rights developments in a foreign country should be made upon the recommendation of the Assistant Secretary for Democracy, Human Rights and Labor in conjunction with the head of the Department's regional bureau having primary responsibility for that country. This section also requires the Secretary to submit a plan for the Department to (1) improve integration of human rights policy into the Department's overall policy formulation and implementation, (2) achieve closer communication and policy coordination between DRL and the regional bureau, including between DRL and personnel at overseas posts, and (3) to assign persons in the manner described above.

With respect to funding, the Managers intend that the Department take seriously the goals established by this section. For the last few years the Department has been pressed to substantially increase the resources devoted to human rights in general and the DRL bureau in particular. The Managers believe this trend must continue so as to meet the goal defined above.

The Managers also believe that the Department needs to ensure that human rights concerns are considered at every level of decision making within the Department, from the country desk to the Secretary of State. While there has been some movement towards achieving this goal since the mid-1990's, the Managers intend that the Department think creatively in finding new ways to ensure that human rights is an integral component of U.S. foreign policy. In particular, the Managers believe that there needs to be more communication between DRL and the regional bureaus, which often have day-to-day operational responsibilities with respect to human rights matters, and most importantly, more direct communication between DRL and officers in the field. At a minimum the DRL Bureau needs to concur in any recommendation to assign a person to the particular position overseas. By giving such a role to the DRL Bureau, the Managers believe that Foreign Service Officers will be more likely to seek positions in DRL, since the Bureau will be able to further their career development. The Managers expect that in countries that have significant human rights problems, DRL would have a role in the assignment of senior positions responsible for such issues.

*Section 664. Human Rights and Democracy Fund*

This section authorizes \$21,500,000 for the Human Rights and Democracy Fund from funds appropriated under the "Economic

Support Fund” account. The Managers expect that this fund shall continue to be administered by the DRL bureau, as is the case today. The provision also contains a specific authorization for the Documentation Center of Cambodia and a Father John Kaiser Memorial Fund.

*Section 665. Reports on actions taken by the United States to encourage respect for human rights*

Subsection (a) of this section amends sections 116 and 502B of the Foreign Assistance Act to require that the report mandated by such sections include additional information with respect to each country for which the report indicates that extra-judicial killings, torture, or other serious violations of human rights have occurred. For each such country, the Department is required to report the extent to which the United States has taken or will take action to encourage an end to such practices. Subsection (b) of this section provides that reports on such matters may be submitted in a separate report.

The Managers intend that the reporting required by the amendments in this section be a serious and substantial report outlining a specifically tailored strategy for each country where there is substantial evidence indicating that the human rights abuses described in the section have occurred.

SUBTITLE F—ELIMINATION AND STREAMLINING OF REPORTING REQUIREMENTS

*Sec. 671. Elimination of certain reporting requirements*

This section eliminates several reporting requirements.

*Sec. 672. Biennial reports on programs to encourage good governance*

This section changes the annual report required to a biennial report.

SUBTITLE G—OTHER MATTERS

*Sec. 681. Amendments to the International Religious Freedom Act of 1998*

This section makes revisions to the International Religious Freedom Act of 1998 related to the Commission on International Religious Freedom created by the Act.

Subsection (a) amends the reporting requirement in the International Religious Freedom Act of 1998 to include information on discrimination against particular religious groups or members of such groups. In particular, the Managers are concerned about the use of “sect filters” as a violation of religious freedom as indicated in senate report 107–60, page 33.

Subsection (b) provides for staggered terms for Commission members.

Subsection (c) alters the date of the election of the Chair of the Commission.

Subsection (d) relates to vacancies.

Subsection (e) authorizes \$3,000,000 in fiscal year 2003.

Subsection (f) provides limited authority to procure non-governmental services.

Subsection (g) extends the Commission to 2011.

*Sec. 682. Amendments to the Victims of Trafficking and Violence Protection Act of 2000*

This section amends the Trafficking Victims Protection Act (Title I of the Victims of Trafficking and Violence Protection Act of 2000) to make clear that programs of assistance to foreign victims shall include, to the maximum extent practical, support to non-governmental organizations in foreign countries that provide protection and assistance to trafficking victims; for education and training of trafficking victims; for safe and voluntary integration or reintegration, as appropriate, of victims into families and/or communities; and for programs that assist families in locating their family members who are trafficking victims and in helping them to return to their homes, to integrate into the communities in which they are living, or to resettle in safe third countries, according to the wishes of the victim. This section also authorizes funding for fiscal year 2003 for programs and activities under the Trafficking Victims Protection Act.

*Sec. 683. Annual Human Rights Country Reports on Child Soldiers*

This section amends sections 116(d) and 502B of the Foreign Assistance Act of 1961 to require that the State Department's Country Reports on Human Rights Practices includes information related to each country's compliance with the standards set forth in the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

*Sec. 684. Extension of authority for Caucus on International Narcotics Control*

This section extends the authorization of the Senate Caucus on International Narcotics Control through September 30, 2005.

*Sec. 685. Participation of South Asia countries in international law enforcement*

This section provides that the Secretary of State shall ensure, where practicable, that appropriate government officials from countries in the South Asia region shall be eligible to attend courses at the International Law Enforcement Academies located in Bangkok, Thailand, and Budapest, Hungary, consistent with other provisions of law, with the goal of enhancing regional cooperation in the fight against transnational crime.

*Sec. 686. Payment of anti-terrorism judgments*

This section modifies section 2002 of the Victims of Trafficking and Violence Protection Act, which facilitates collection of damage awards imposed by certain judgments of United States courts against state sponsors of terrorism by amending (a)(2)(A)(ii) of that section to make additions to the persons covered by that section.

*Sec. 687. Reports on participation by small businesses in procurement contracts of USAID*

Concerns have been expressed regarding the amount of procurement by USAID from small business and small businesses owned and controlled by women and socially and economically disadvantaged individuals, among others. This section is intended to obtain additional information beyond the information that USAID has filed with the Small Business Administration regarding these matters.

*Sec. 688. Program to improve building construction and practices in Latin American countries*

To limit the economic and social cost of future natural disasters in the region, this section authorizes the President to carry out a program to improve building codes and practices in Latin America by: training appropriate professionals from the region in building codes, practices, and standards; translating American building and life safety codes into Spanish; and providing other relevant assistance as needed, including helping local government officials develop seismic micro-zonation maps.

While El Salvador and Ecuador are initial candidates for the activities authorized in this section, the Managers encourage the Administration to extend this program to other Latin American countries, as needed. The Managers also expect that the Administrator of the United States Agency for International Development will consider implementing the program through organizations which are not-for-profits standards development organizations, as defined in OMB Circular A119, to the maximum extent practicable, and possess the relevant experience with the Spanish language.

*Sec. 689. Sense of Congress relating to HIV/AIDS and UN peacekeeping operations*

This section expresses the sense of Congress that the President should direct the Secretary of State and the U.S. Representative to the U.N. to urge the UN to adopt an HIV/AIDS mitigation strategy as a component of UN peacekeeping operations. The Managers acknowledge the dangers associated with the use of peacekeeping forces that contain personnel infected with HIV/AIDS, especially when peacekeeping forces are usually deployed to areas already suffering from the disruption of social, economic, and civil order. This section urges the President to focus special diplomatic emphasis on the establishment of an HIV/AIDS mitigation strategy to be a component of standard UN peacekeeping procedures in order to minimize and, if possible eliminate, these additional dangers. The Managers believe that such a strategy could include specialized training for local officials in particularly hard-hit regions, such as East and Southern Africa, by USAID and similar organizations.

*Sec. 690. Sense of Congress relating to Magen David Adom Society*

This section recognizes that the Magen David Adom Society is the national humanitarian society in the State of Israel and that it follows all the principles of the International Red Cross and Red Crescent Movement. Since 1949 the Magen David Adom Society has been refused admission into the International Red Cross and

Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David as its symbol. The section states that it is the sense of Congress that (1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society; (2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member; (3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent; and (4) the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.

*Sec. 691. Sense of Congress regarding the location of Peace Corps offices abroad*

This section expresses the sense of Congress that the Secretary of State should give favorable consideration to requests by the Director of the Peace Corps to allow the Peace Corps to maintain offices in locations separate from the United States embassy to the degree consistent with security considerations.

*Sec. 692. Sense of Congress relating to resolution of Taiwan Strait issue*

This section expresses the sense of Congress that Taiwan is a democracy and it is the policy of the U.S. that a resolution of the Taiwan Strait issue must be peaceful and include the assent of the people of Taiwan.

*Sec. 693. Sense of Congress relating to display of the American flag at the American Institute in Taiwan*

This section expresses the sense of the Congress that the American Institute in Taiwan and the residence of the director of the American Institute in Taiwan should publicly display the flag of the United States in the same as manner as it is displayed at United States embassies, consulates, and official residences throughout the world.

*Sec. 694. Reports on activities in Colombia*

This section requires the Secretary of State to submit two separate reports to Congress on U.S.-funded activities in Colombia. The first report will summarize U.S. efforts to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights. The report also will establish timetables for these activities, justify delays in meeting previous timetables, and identify corrective measures to prevent future delays.

The second report relates to the activities of U.S. businesses that have entered into agreements with the Departments of State and Defense to administer counter-narcotics programs in Colombia. Given the crucial role of U.S. businesses in carrying out the counter-narcotics objectives of Plan Colombia and its successor programs, the Managers hope that this report will encourage the Administration to be more forthcoming as to the specifics of its part-

nership with U.S. businesses in Plan Colombia-related activities and the Administration's plans to transfer operational control of same to the appropriate Colombian authorities.

*Sec. 695. Report on United States-sponsored activities in Colombia*

This section requires the Secretary of State to provide the Congress with a report outlining a comprehensive strategy to eradicate all opium cultivation in Colombia and the impact of Plan Colombia on neighboring countries.

*Sec. 696. Report on extradition policy and practice*

This section requires a report on extradition practices. The Managers attach great importance to international law enforcement assistance, in particular as the war on terrorism proceeds. The Managers take note of important steps forward achieved recently by the Departments of State and Justice in the field of extradition. In particular, the Managers are aware that these Departments have concluded extradition agreements with several South American countries that require the extradition of nationals. This substantial achievement represents a major departure from the normal practice of civil law countries. These agreements eliminate a major bilateral law enforcement irritant where they are in force, and the Managers hope that this practice will be emulated by treaty partners in Europe and elsewhere.

*Sec. 697. Special Court for Sierra Leone*

This section authorizes appropriations of \$5 million in fiscal year 2003 to support the Special Court for Sierra Leone. This section also authorizes rewards for information that leads to the arrest of persons indicted by the Special Court.

*Sec. 698. United States Envoy for Peace in Sudan*

This section states that there should continue to be a United States Envoy for Peace in Sudan until there is a comprehensive settlement to the conflict in Sudan.

*Sec. 699. Transfer of proscribed weapons to persons or entities in the West Bank and Gaza*

This section authorizes certain sanctions against foreign persons or entities which knowingly transfer certain weapons to Palestinian entities in the West Bank or Gaza.

*Sec. 700. Sense of Congress relating to arsenic contamination in drinking water in Bangladesh*

This section expresses the sense of Congress that the Secretary of State should work with appropriate United States Government agencies, national laboratories, universities in the United States, the Government of Bangladesh, international financial institutions and organizations, and international donors to identify a long-term solution to the arsenic-contaminated drinking water problem in Bangladesh. It also requests a report on proposals to bring arsenic-free drinking water and to facilitate treatment for those who have already been affected by arsenic-contaminated drinking water in Bangladesh.

*Sec. 701. Policing reform and human rights in Northern Ireland*

This section reiterates the commitment of the Congress to promote respect for human rights by all parties in Northern Ireland. It calls for independent judicial public inquiries into the killings of defense lawyers Rosemary Nelson and Patrick Finucane and for the government of the United Kingdom to take appropriate measures to protect defense lawyers and human rights defenders, as well as for the decommissioning of weapons by the Irish Republican Army all other paramilitary groups and an end to punishment attacks and exiling by such groups. The section also requires the President to submit a report on the extent to which the governments of the United Kingdom and the Republic of Ireland have implemented the recommendations of the Patten Commission with respect to policing reform, on the status of investigations into the deaths of Rosemary Nelson, Patrick Finucane, and Robert Hammill, and on the status of decommissioning of weapons by the Irish Republican Army and other paramilitary organizations.

Finally, the section sets forth conditions on training or exchanges conducted by United States law enforcement agencies for the Police Service of Northern Ireland (PSNI) or its members to ensure that such programs promote the peace process and the professionalism of policing and does not include PSNI members who there are substantial grounds for believing have committed or condoned human rights violations.

*Sec. 702. Annual report on United States-Vietnam human rights dialogue meetings*

This section requires an annual report on the issues discussed at meetings of the United States-Vietnam human rights dialogues, and to what extent the Vietnamese government has made progress on certain human rights issues, including the following: improving commercial and criminal codes, releasing those imprisoned or detained on political or religious grounds, ending official restrictions on religious activity, promoting freedom of the press, improving prison conditions, respecting the rights of indigenous minority groups and of workers, and cooperating with U.S. requests to obtain access to those seeking to come to the United States as refugees or emigrants. The Managers believe that the bilateral dialogue can be an effective means of bringing about improvements in Vietnam's human rights policies if U.S. officials make concerted efforts to place specific issues and cases on the table and encourage the government of Vietnam to respond with concrete steps.

*Sec. 703. Sense of Congress regarding human rights violations in Indonesia*

This section expresses a sense of Congress that the Government of Indonesia should demonstrate progress toward ending human rights violations by the armed forces and make efforts to find and prosecute those responsible for the murders of Papuan leader Theys Eluay and Acehese human rights advocate Jafar Siddiq Hamzah, and U.S. citizens Edwin L. Burgon and Ricky L. Spier.

*Sec. 704. Report concerning the German Foundation “Remembrance, Responsibility, and the Future”*

This section directs the Secretary of State to report on the status of the agreement between the government of the United States and the Federal Republic of Germany concerning the Foundation that was established to distribute Holocaust era insurance claims and payments to Holocaust survivors who were forced into labor or slave labor. This report shall be submitted to appropriate congressional committees, either in writing or orally, within 180 days after the enactment of this Act, and every 180 days thereafter.

*Sec. 705. Sense of Congress on return of portraits of Holocaust victims to the artist Dina Babbitt*

This section expresses the sense of the Congress that the President and Secretary of State should make all efforts necessary to retrieve the original seven watercolor portraits painted by Dina Babbitt that are held by the Auschwitz-Birkenau State Museum.

*Sec. 706. International drug control certification procedures*

This section provides an alternative mechanism to Section 490 of Chapter 8 of part I of the Foreign Assistance Act of 1961 (relating to annual drug certification procedures). That mechanism requires the submission of a report to Congress by September 15 of the previous fiscal year setting forth the names of countries determined by the President to be major drug-transit or major illicit drug producers as defined in section 481(e) of the Foreign Assistance Act of 1961. In such reports the President must identify which, if any countries, included in the report have “demonstrably failed” to adhere to obligations under international counter narcotics agreements or have failed to take the counter narcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961 and give a rationale for such determinations.

The section also prohibits any country so identified from receiving U.S. assistance in the subsequent fiscal year unless the President determines that the continuation of assistance is vital to U.S. national interests, or after the initial determination on September 15 of the previous fiscal year, the President subsequently determines that such country is in fact adhering to its international obligations with respect to counter narcotics matters. Once the requirements of this section are fulfilled, funds that would be otherwise withheld pursuant to section 490 are available for obligation or expenditure on or after October 1 of the next fiscal year. If a report is filed pursuant to this section, section 490 (a) through (h) of the Foreign Assistance Act of 1961 will no longer apply in the new fiscal year for countries otherwise covered by that section which have been included in the report required under paragraph (1).

The section also contains a transition rule for fiscal year 2003 setting the date for the transmission of the report required under paragraph 1 of this section at not less than 15 days prior to the obligation or expenditure of any funds that would otherwise be withheld pursuant to Section 490 of the Foreign Assistance Act of 1961. Section 490 (a) through (h) would not apply in FY 2003 for any country included in this report.

Notwithstanding the above, this section would also allow the President to apply Section 490(a)–(h) of the Foreign Assistance Act of 1961 to any country determined to be a major drug transit or illicit drug producing country as defined in section 481(e) of that Act, at his discretion. The Managers believe that under either alternative, if a major drug producer or major transit country fails to qualify for assistance, and the President does not determine that the provision of assistance is nonetheless vital to U.S. national interests, then the President must also direct that United States Executive Directors to each multilateral bank to vote against loans or other utilization of funds to such country from such institutions as described in Sec. 490(a)(2) of the Foreign Assistance Act of 1961.

The Managers believe that the addition of this alternative approach gives the President more flexibility to implement a successful U.S. counter-narcotics policy.

## DIVISION B—SECURITY ASSISTANCE ACT OF 2002

### Title X—General Provisions

#### *Sec. 1001. Short Title*

This section designates the short title of Division B.

#### *Sec. 1002. Definitions*

This section provides definitions for purposes of Division B.

### Title XI—Verification of Arms Control and Nonproliferation Agreement

#### *Sec. 1101. Verification and Compliance Bureau personnel*

This section authorizes \$14,000,000 for fiscal year 2003 for the Bureau of Verification and Compliance. In addition, this section authorizes an additional \$1,800,000 in fiscal year 2003 for the purpose of hiring new personnel to carry out the Bureau's responsibilities including the assignment of one full-time person in the Bureau to manage the document control, tracking, and printing requirements of the Bureau's operation in a Sensitive Compartmented Information Facility (SCIF).

The Bureau of Verification and Compliance in the Department of State has been unable, with its current personnel and its wide responsibilities (which include some services of common concern for other bureaus), to fully support compliance analysis and enforcement, as well as U.S. negotiations in which verification is an important issue. The Managers therefore authorize a larger budget than requested for this Bureau, including \$1.8 million for additional personnel, which should remedy the problem.

The Managers applaud the Department of State for the improvement in the content of its congressionally-mandated nonproliferation reports; further improvement, however, is still needed. For example, the Managers expect the Verification and Compliance Bureau to address countries' compliance with their legal and political nonproliferation commitments, consistent with that Bureau's original statutory mandate. The intent of section 2(a)(1)(B) of the Iran Nonproliferation Act of 2000 (P.L. 106–178) was to cover items that would contribute to the nuclear, chemical, and biological weap-

ons capabilities, and the ballistic missile capabilities, of Iran. The reference in that Act to the Missile Technology Control Regime (MTCR) Annexes was not meant to imply that the report under that Act should cover only the transfer of components meeting every Annex criterion. Rather, items of the general type listed in the Annexes, which could also be used in MTCR-class missiles, should also be covered, consistent with section 2(a)(2) of the Act.

*Sec. 1102. Key Verification Assets Fund*

This section authorizes \$7,000,000 in fiscal year 2003 for the purposes of funding the Key Verification Assets Fund.

The Key Verification Assets Fund has had limited funding since it was created pursuant to section 1111 of the Arms Control and Nonproliferation Act of 1999, but has demonstrated an ability to leverage the work of other departments and agencies in technical aspects of arms control verification. Too often, Department of State funds are required to keep other departments' or agencies' verification assets functioning. While this is a valid and vital use of the Key Verification Assets Fund, the Managers hope that much of the increased funding authorized in this section can be used to promote improved verification, rather than merely to prevent significant degradation of U.S. verification capabilities.

*Sec. 1103. Revised verification and compliance reporting requirements*

This section modifies the date by which a report on arms control, nonproliferation and disarmament, and compliance is due. Under current law, the report is due on January 31st of each year. This objective has rarely been achieved, if ever. The Managers expect the deadline of April 15th set by this section to be a more realistic date and urge the executive branch to honor this revised requirement.

## Title XII—Military and Related Assistance

### SUBTITLE A—FOREIGN MILITARY SALES AND FINANCING AUTHORITIES

*Sec. 1201. Authorization of appropriations*

This section authorizes \$4,107,200,000 for fiscal year 2003 for Foreign Military Financing (FMF), which is the executive branch's requested amount.

*Sec. 1202. Relationship of foreign military sales to the U.S. non-proliferation interests*

This section amends section 4 of the Arms Export Control Act (AECA) to expand the purposes for which foreign military sales may be provided. This section also amends the AECA to provide a statutory definition of the term, "weapons of mass destruction."

Section 4 of the Arms Export Control Act permits U.S. arms sales or leases "solely for internal security, for legitimate self-defense, to permit the recipient country to participate in regional or collective arrangements or measures consistent with the Charter of the United Nations, or otherwise to permit the recipient country to participate in collective measures requested by the United Nations for the purpose of maintaining or restoring international peace and

security, or for the purpose of enabling foreign military forces in less-developed friendly countries to construct public works and to engage in other activities helpful to the economic and social development of such friendly countries.” The Managers’ amendment to that section makes clear that such sales or leases are also permitted for preventing or hindering the proliferation of weapons of mass destruction and the means for delivering such weapons. The urgent and significant nature of these threats to U.S. national security makes it necessary to marshal all available programs, including arms transfers, as appropriate, to halt proliferation.

*Sec. 1203. Official reception and representation expenses*

This section amends section 43(c) of the Arms Export Control Act (22 U.S.C. 2792) to increase the annual limit on the amount of funds that may be expended for official reception and representation expenses under the Arms Export Control Act from \$72,500 to \$86,500. Reception and representational expenses are an important part of the successful conduct of the Security Cooperation Program. Since 1993, the amount authorized for these expenses has remained at the same ceiling of \$72,500.

An additional increase for representational and entertainment expenses was sought by the Department of Defense through the fiscal year 2002 budget request for the Foreign Military Financing (FMF) Program, which is included in the Foreign Operations Appropriation. That FMF request, combined with section 1203, results in the total representational fund budget used by the Security Cooperation Organizations, to include the Security Assistance Offices (SAOs). Since 1993, an additional 33 SAOs have been opened. These additional 33 SAOs require new representational funding that is comparable to what SAOs in other countries receive, which is \$2,000 per office. The Department of Defense has indicated that section 1203 will result in no additional costs to that Department.

*Sec. 1204. Arms Export Control Act prohibition on transactions with countries that have repeatedly provided support for acts of international terrorism*

This section modifies section 40 of the Arms Export Control Act (AECA), which prohibits transactions with countries that have repeatedly provided support for acts of international terrorism.

Section 40 of the AECA (22 U.S.C. 2780) prohibits various arms transactions with certain countries, and subsection (d) of that section applies those limits to any country that the Secretary of State determines has repeatedly provided support for acts of international terrorism. Such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material.

The Managers believe that willfully aiding or abetting the proliferation of chemical, biological, or radiological agents to individuals or groups is an activity equally deserving of sanction under section 40 of AECA. Inclusion of the term, “radiological agents,” is not meant to bar legitimate and legal transfers of radiological material, such as nuclear reactor fuel or medical or industrial iso-

topes, for purely peaceful purposes. The Managers do intend, however, that if a country contributes to the proliferation of such materials to be used as or in radiological weapons, or with the knowledge or reason to believe that they would be so used, then section 40 of AECA should be applied.

*Sec. 1205. Congressional notification of small arms and light weapons license approval; reports*

This section amends section 36(c) of the Arms Export Control Act (AECA) to require that arms transfers consisting of defense articles that are firearms controlled under category I of the United States Munitions List be notified to the Congress, if such proposed transfers are valued at \$1,000,000 or more.

This section also includes three reporting requirements. First, this section amends section 40 of the AECA to require the executive branch to report on the numbers, range, and findings of end-use monitoring of U.S. transfers of small and light weapons. Second, this section amends section 655 of the Foreign Assistance Act to require additional information on small arms and light weapons including the aggregate dollar value and quantity of semiautomatic assault weapons or spare parts for such weapons that were licensed for export during the period covered by the report required by section 655. And third, this section requires a one-time report on activities of registered arms brokers.

*Sec. 1206. Treatment of Taiwan relating to transfers of defense articles and defense services*

This section requires that Taiwan shall be treated as though it were designated a major non-NATO ally for the purposes of the transfer or possible transfer of defense articles or defense services under the Arms Export Control Act, the Foreign Assistance Act or any other provision of law.

SUBTITLE B—INTERNATIONAL MILITARY EDUCATION AND TRAINING

*Sec. 1211. Authorization of appropriations*

This section authorizes \$85,000,000 for fiscal year 2003 for the International Military Education and Training (IMET) program. This level of funding is an increase of \$5,000,000 over the executive branch's request for fiscal year 2003, which reflects the Managers' strong support for the IMET program.

*Sec. 1212. Human rights violations*

This section requires additional reporting to the Congress regarding human rights violations by participants in the International Military Education and Training (IMET) program.

Current U.S. law requires that prospective IMET participants be screened to ensure that they do not have records of human rights violations. There is no requirement, however, to monitor their human rights records after receiving U.S. training. Last year, Congress mandated a new Department of Defense database on IMET participants after December 31, 2000, which does not require new collection of information but should help the Defense Department to keep track of the training it provides, and where its former

students go as their careers progress. One justification for the IMET program is that it provides human rights training and a consciousness about respecting human rights in its participants, who presumably will be more respectful of human rights concerns in their own countries. This provision will allow the executive branch and the Congress to better assess the impact of IMET human rights training.

The Managers believe that if a former IMET participant is found to have been involved in a human rights violation, reported in the Department of State's annual human rights report, that person's previous IMET training should be reported to the Congress. To assist the Secretary of State in determining whether there was any such involvement, section 1212 authorizes the Secretary to obtain from the Secretary of Defense, annually, any IMET participant database information with respect to a list containing the names of foreign personnel or military units. If it should be determined, as a result, that a former IMET participant was involved in a human rights violation, the Department of Defense shall update its IMET participant database to reflect that information. This process will give policymakers—and especially the Department of Defense itself—new information with which to evaluate and improve the effectiveness of IMET courses.

*Sec. 1213. Participation in post-undergraduate flying training and tactical leadership programs*

This section amends chapter 5 of the Foreign Assistance Act to provide the authority for the President to enter into bilateral or multilateral agreements with friendly foreign countries for the cooperative furnishing of post-undergraduate flying and tactical leadership training on a non-reimbursable basis at facilities in Southwest Asia.

The Managers believe that providing this authority to the President will allow the United States to better utilize the Gulf Air Warfare Center located in the United Arab Emirates. Access to this center will allow the United States to maintain influence with counterparts in the region, and will provide U.S. forces with access to an unparalleled training and range facility.

The Managers expect that the executive branch will work to ensure that the agreements between the U.S. and certain countries in Southwest Asia will be based on the equitable provision of support and services. The Managers intend that the language provided which allows a waiver for the requirement of equitable support and services should be used sparingly, if at all.

SUBTITLE C—SECURITY ASSISTANCE FOR SELECT COUNTRIES

*Sec. 1221. Security assistance for Israel and Egypt*

This section modifies provisions in current law to authorize Foreign Military Financing (FMF) and Economic Support Funds (ESF) at funding levels and under terms and conditions consistent with the executive branch's request for such programs for fiscal year 2003.

Beginning in fiscal year 2001, the United States began to reduce Economic Support Funds (ESF) assistance to the countries of

Israel and Egypt and to replace 50 percent of the reductions in ESF for Israel with an increase in the Foreign Military Financing (FMF) funds for that country. Section 1221 continues that process.

The Managers also note that this section authorizes \$200,000,000 in ESF for Israel for fiscal year 2003 for defensive, nonlethal antiterrorism assistance.

*Sec. 1222. Security assistance for Greece and Turkey*

This section authorizes assistance under the International Military Education and Training (IMET) program for fiscal year 2003 for Greece and Turkey.

This section continues policies established previously, notably in section 512 of the Security Assistance Act of 2000 (P.L. 106–280).

*Sec. 1223. Security assistance for certain other countries*

This section authorizes assistance for Foreign Military Financing (FMF) and International Military Education and Training (IMET) for fiscal year 2003 for selected countries.

The Managers believe that it is important to specify security assistance amounts for a number of countries of particular concern. In this year's bill, FMF and IMET amounts are specified for the Baltic states, Bulgaria, the Czech Republic, Georgia, Hungary, Jordan, Malta, the Philippines, Poland, Romania, Slovakia and Slovenia. Funding levels for these countries are at or slightly above the executive branch's request for fiscal year 2003.

*Sec. 1224. Assistance to Lebanon*

This section addresses U.S. assistance for Lebanon. Under this section, \$10,000,000 of the Economic Support Funds (ESF) allocated to Lebanon must be withheld for fiscal year 2003 and for all subsequent fiscal years unless and until the President certifies to the appropriate congressional committees for each fiscal year that (1) the armed forces of Lebanon have been deployed to the internationally recognized border between Lebanon and Israel; and (2) the Government of Lebanon is effectively asserting its authority in the area in which such armed forces have been deployed. The withheld funds may not be reprogrammed for any other purpose until the last month of the fiscal year in which the authority to obligate such funds lapses.

This provision is intended to persuade the Government of Lebanon to meet its obligation under UN Security Council Resolution 425, which calls for restoration of the Government of Lebanon's "effective authority" in Southern Lebanon, in the wake of Israel's May 2000 withdrawal from Southern Lebanon. The Israeli withdrawal and compliance with UNSCR 425 was certified by the UN Secretary-General and the UN Security Council President. The Government of Lebanon's failure to comply with UNSCR 425 has resulted in significant control of the border by Hizballah, which has initiated numerous attacks on Israeli soldiers and soil, resulting in several deaths and casualties. Allowing an organization designated as a foreign terrorist organization to operate on the Lebanese border during the war on terrorism is highly destabilizing in this volatile region.

SUBTITLE D—EXCESS DEFENSE ARTICLE AND DRAWDOWN  
AUTHORITIES

*Sec. 1231. Excess defense articles for certain countries*

This section authorizes funds of the Department of Defense to be expended for packing and shipping of excess defense articles (EDA) under section 516 of the Foreign Assistance Act.

The EDA program enables the United States to meet foreign policy objectives while simultaneously supporting U.S. friends and allies by improving their defense capabilities and enhancing interoperability, and to reduce U.S. stocks of excess equipment. Most Central and Southern European and Newly Independent States countries urgently seek U.S. EDA to replace former Soviet equipment as both a political statement and a way to enhance interoperability with NATO. In addition, certain countries, such as Estonia, Latvia and Lithuania, continue to require EDA as they build their defense forces from zero. Unfortunately, most of these countries cannot afford the packing, crating, handling and transportation (PCH&T) costs associated with EDA as they convert to market economies. Without extended authority to assume those costs, the EDA program becomes virtually unavailable to these countries.

In the Fiscal Year 2000 and 2001 Foreign Relations Authorization Act, Title XII—Security Assistance, sections 1211 and 1212, contained in the Fiscal Year 2001 Appropriations Act, P.L. 106–113, such authority was granted for fiscal year 2000 and fiscal year 2001 for EDA provided to Estonia, Georgia, Hungary, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Poland, Slovakia, Ukraine, and Uzbekistan. The same authority was provided for Mongolia for fiscal year 2001 and fiscal year 2002 in the Security Assistance Act of 2000, Section 707, P.L. 106–80.

Section 1231 extends these current authorities to fiscal year 2003 for certain specified Central and Southern European and certain other countries. Newly included countries include India, Pakistan, Tajikistan and Turkmenistan, all of which have offered assistance in the war on international terrorism.

*Sec. 1232. Annual listing of possible excess defense articles*

This section amends section 25 of the Arms Export Control Act (AECA) to require that the annual “Javits report” of possible arms transfers for the coming year include a list and amount of weapons systems that are significant military equipment that the executive branch believes are likely to become available for transfer as excess defense articles (EDA) during the next 12 months.

The Managers realize that often it is difficult to determine in advance what defense articles will become available for transfer as EDA and do not expect perfection in an annual listing of such articles. As new significant military equipment is deployed by the United States armed forces, however, the systems it replaces can become available at a predictable rate. Given the increasing strategic role that the transfer of EDA plays in U.S. relations with other countries, the Managers believe that such transfers should be the product of interagency strategic thinking and planning. In order to encourage such a process, section 1232 mandates this new reporting requirement.

*Sec. 1233. Leases of defense articles for foreign countries and international organizations*

This section modifies section 61 of the Arms Export Control Act (AECA) to provide authority to the President to enter into leases for defense articles from the stocks of the Department of Defense for fixed periods of time longer than five years in instances where the defense articles require major refurbishment work prior to delivery to the lessor foreign country or international organization.

Section 2796(b) of title 22, U.S.C., currently provides that the President may lease defense articles from the stocks of the Department of Defense to eligible foreign countries and international organizations for a fixed duration of not more than five years. Some defense articles require major refurbishment work prior to delivery to the eligible foreign country or international organization. By including the time needed to complete this required refurbishment work in the five-year limit on the overall lease, the actual amount of time the eligible party has the beneficial use of the leased defense article is often significantly reduced. Section 1233 provides authority to the President to enter into such leases for fixed periods of time longer than five years, with the period of time for which a particular lease may exceed five years being defined by the time required to perform the required refurbishment work. The recipient of the leased defense article will pay for the actual cost of the refurbishment work.

In recent years, as an economical and expeditious way to acquire modern defense capabilities to meet their defense requirements in the near term, several NATO allies have sought leases of nonexcess U.S. military fighter aircraft, ships, and tanks that needed major refurbishment. As a result, these allies have committed millions of dollars for the refurbishment work, as well as for the actual lease payments for the defense articles. In addition, they agree to return the refurbished defense articles in as good a condition as when they received them, while taking into consideration normal wear and tear. These major refurbishments may take 18 months or even more, such as with military fighter aircraft. Including the refurbishment time in the five-year lease limit can and often does seriously impact the actual beneficial time of use by the recipient.

In addition, adding a definition of "major refurbishment work" clearly identifies the specific activity that is acceptable outside the five-year lease limit and articulates the minimum period of time for such activity. The specific activity must be "major refurbishment work," and the minimum period of time for such activity is established at six months. The time required to complete the major refurbishment work, rather than the costs associated with this activity, must be the defining point, because it is the delay in delivery and the subsequent reduced amount of time of beneficial use by the recipient that is the major concern.

*Sec. 1234. Priority with respect to transfer of excess defense articles*

This section amends section 516 of the Foreign Assistance Act to require that the Philippines, along with other eligible countries

pursuant to that section, receive priority with respect to the delivery of excess defense articles.

#### SUBTITLE E—OTHER POLITICAL-MILITARY ASSISTANCE

##### *Sec. 1241. Destruction of surplus weapons stockpiles*

This section authorizes that of the assistance made available in fiscal year 2003 to carry out chapters 1 and 10 of part I of the Foreign Assistance Act (relating to development assistance), up to \$10,000,000 is authorized to be made available for the destruction of surplus stockpiles of small arms, light weapons, and other munitions.

From time to time, the United States has supported programs in developing countries to buy back and/or destroy small arms, light weapons, and other munitions that might otherwise be used in criminal activities or ethnic conflicts. Such programs can be especially useful in a country that is emerging from a period of civil war, as was the case in the country of Mali a few years ago when a U.S.-assisted gun buy-back program succeeded in removing from circulation a large number of weapons.

The Managers believe that carefully chosen programs of this sort should be encouraged. Since such programs may be vital to giving a country the stability that is needed for social and economic development, the Managers believe also that the judicious use of development assistance funds for this purpose is warranted. The small arms destruction program is expected to receive \$2,000,000 in fiscal year 2003 from the funds allotted to “Nonproliferation, Anti-terrorism, Demining, and Related Programs.” Section 1241 does not require that additional funds be made available to this program, but does give the Secretary that option. The Managers believe that these funds should not detract from existing or planned developmental or assistance projects using funds under this chapter of the Foreign Assistance Act.

#### SUBTITLE F—ANTITERRORISM ASSISTANCE

##### *Sec. 1251. Authorization of appropriations*

This section authorizes \$73,000,000 for fiscal year 2002 and \$64,200,000 for fiscal year 2003 for antiterrorism assistance, which reflect the executive branch’s request.

The Managers express their strong continued support for the Department of State’s antiterrorism assistance programs, which play an important role in improving other countries’ ability to protect U.S. diplomatic and military personnel overseas.

##### *Sec. 1261. Additions to United States war reserves stockpiles for allies*

This section amends section 514 of the Foreign Assistance Act to provide authority to transfer excess munitions items in the value of \$100,000,000 to the war reserve stockpile (WRSA) in Israel.

The Managers note that providing authority to enhance the WRSA in Israel supports the European Command’s (USEUCOM) strategy of forward engagement and assists the defense of Israel.

*Sec. 1262. Revised military assistance reporting requirements*

This section amends section 656 of the Foreign Assistance Act (FAA) to make clear that the annual foreign military training report does not apply to any NATO ally, Australia, Japan or New Zealand, unless one of the appropriate committees of Congress has specifically requested in writing the inclusion of such country in the report. As a matter of practice, each committee will file such written request regarding a country if either the chairman or the ranking minority member of that committee determines that such a request is advisable.

In addition, this section eliminates two reporting requirements. First, this section amends section 655 of the FAA to delete that portion of the annual military assistance report which requires information relating to military imports. And second, this section amends section 36 of the Arms Export Control Act to delete a portion of a report which requires estimates of U.S. military personnel, U.S. Government civilian personnel and U.S. civilian contract personnel in foreign countries assisting in the implementation of security assistance programs.

*Sec. 1263. Consultation with Congress with regard to Taiwan*

This section requires the President to provide biannual detailed briefings and consult with the Congress regarding U.S. security assistance to Taiwan, including the provision of defense articles and defense services.

The purpose of this provision is to embed in permanent law the briefing and consultation process with regard to arms transfers to Taiwan that has been required in annual appropriations laws and that reflects the current practice adopted by the executive branch.

Title XIII—Nonproliferation and Export Control Assistance

SUBTITLE A—GENERAL PROVISIONS

*Sec. 1301. Authorization of appropriations*

This section authorizes \$162,000,000 for fiscal year 2003 for Nonproliferation and Export Control Assistance. Of this amount, \$2,000,000 is authorized for section 584 of the Foreign Assistance Act of 1961, as added by section 1303 of this Act, and \$65,000,000 for fiscal year 2003 for science and technology centers in the independent states of the former Soviet Union. Finally, \$382,400,000 is authorized for fiscal year 2003 for “Nonproliferation, Anti-terrorism, Demining, and Related Programs.”

*Sec. 1302. Nonproliferation technology acquisition programs for friendly foreign countries*

The Managers have consistently supported programs to improve the border security and export control services of friendly foreign countries. Providing reasonably sophisticated detection equipment to those countries can help stem the flow of materials usable in weapons of mass destruction, whether they are radioactive materials or equipment for the manufacture of chemical weapons. To this end, section 1302 authorizes the Department of State to spend up to \$5 million annually to buy nuclear, chemical, and biological

detection systems for other countries' export control services, as well as \$10 million a year for x-ray systems to image sea-cargo containers. The Managers do not intend for these programs to take away from any existing programs or authorities. Rather, these are intended to be two very specific additions to the nonproliferation and export control tool kit.

To make effective use of these funds, however, the Secretary should develop and budget for a multiyear training plan to assist foreign personnel in the utilization of these detection systems. Although multiyear training will not be required in every case, it will in some; and follow-up training to ensure proper use and maintenance of the equipment will guard against the provision of equipment that is never used or that falls quickly into disrepair. The provision requires the Secretary to submit annual reports for four years to the Senate Foreign Relations and House International Relations Committees describing the systems provided and the progress, status, and budget for a multiyear training program to operate those systems.

*Sec. 1303. International nonproliferation and export control training*

The Department of State, working with other U.S. Government agencies and with governments and non-governmental organizations in friendly countries, has done much to improve export control law, regulations, procedures, and equipment around the world—and most notably in the independent states of the former Soviet Union. The Managers have supported these programs and worked to expand them. The Managers believe that such training, and especially training conducted in the United States where participants can observe a sophisticated export control system first-hand, deserves specific attention in the law. Section 1303 therefore adds nonproliferation export control training to the activities specifically authorized by Chapter 9 of Part II of the Foreign Assistance Act.

Education and training conducted under this section shall be of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation. The Managers see education and training in export control law, regulation, organization, and procedures as fully compliant with this requirement, although we must also train foreign personnel in detection and investigative techniques. The Managers also intend that this section not interfere with education and training programs that take place overseas. Rather, it reflects the Managers' belief that one important element in export control training consists of exposing participants to how our own export control system combines effectiveness with adherence to democratic principles and the rule of law.

*Sec. 1304. Relocation of scientists*

From 1992 through its expiration in 1996, the Soviet Scientists Immigration Act (P.L. 102-509) allowed a total of up to 750 highly skilled scientists and their families to be admitted to the United States without meeting the normal requirement that an alien's services in the sciences, arts, or business be sought by an employer

in the United States. Section 1304 revives this law for another 4 years and increases to 950 the total number of such scientists who, over the two 4-year periods, having met criteria set by the Attorney General, may be so admitted. The Attorney General is directed to consult with other departments and agencies to determine whether any changes are needed in the regulations governing this program, and use of this provision is denied to a scientist who has previously been granted the status of an alien lawfully admitted for permanent residence.

*Sec. 1305. International Atomic Energy Agency regular budget assessments*

The International Atomic Energy Agency (IAEA) is a particularly important international organization. It furthers U.S. national security objectives by helping to prevent the proliferation of nuclear weapons material, especially through its work on effective verification and safeguards measures. The Department of State has concluded that the IAEA "is a critical and effective instrument for verifying compliance with international nuclear nonproliferation agreements, and serves as an essential barrier to the spread of nuclear weapons." The organization is poised to become even more active and important, moreover, as more countries sign the new model safeguards protocol that grants the IAEA the right to inspect undeclared facilities, and as the nuclear weapons states seek its help in verifying warhead or fissile material storage or destruction agreements. In addition, in March 2002, the IAEA established an important new program to reduce the risks of nuclear or radiological terrorism.

Nearly two decades of "zero budget growth" have impaired the ability of the IAEA to carry out its mission and to hire and retain the most qualified inspectors and Managers. The proportion of safeguards inspectors who hold doctorate degrees has fallen from 32 percent in 1985 to 19 percent in 2000. In June 2001, IAEA Director General Dr. Mohamed El Baradei told his Board of Governors that zero real growth had left the safeguards mission underfunded by \$20 million in the regular budget, which "led to a situation where . . . we are in a position to carry out only adequate safeguards, not optimum safeguards, owing to our inability to modernize equipment and make full use of available new technologies." Voluntary contributions by the United States lessen the IAEA's budgetary constraints, but they cannot readily be used for the long-term capital investments or permanent staff increases necessary for an effective IAEA safeguards regime.

In light of these real problems in an agency upon which the United States depends to enforce the Nuclear Nonproliferation Treaty, the Managers believe that a gradual and sustained increase in the IAEA's regular budget is needed. The Managers also believe that more of that budget should be devoted to nuclear nonproliferation activities, but this cannot be achieved unless the total increases as well.

The IAEA's 2003 regular budget has already been fixed, so no increase in that budget can be achieved before 2004. Given the urgency of attending to materials that pose a risk of being used in nuclear or radiological terrorism, notably research reactor fuels

that use fissile material and “orphaned” radioactive sources, this section authorizes a \$10,000,000 increase in the United States voluntary contribution to the IAEA for 2003.

The Managers have been informed of the Administration’s decision no longer to insist that its approximate share of the IAEA budget be reduced from 25 percent to 22 percent, in keeping with reductions that are required by law in our contributions to most United Nations organizations. Section 308 makes clear that it was not the intent of Congress that the United States’ contributions to all United Nations-related organizations and activities be reduced pursuant to the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (contained in Appendix G of P.L. 106–113), which sets 22 percent assessment rates as benchmarks for the general United Nations budget, the Food and Agricultural Organization, the World Health Organization, and the International Labor Organization. Rather, contributions for an important and effective agency like the IAEA should be maintained at levels commensurate with the criticality of their missions.

*Sec. 1306. Amendments to the Iran Nonproliferation Act of 2000*

This section specifies in greater detail the content of the reports to the Congress that are required pursuant to the Iran Nonproliferation Act of 2000. It also makes clear that if a person only transfers to Iran advanced conventional weapons covered by section 2(a)(1)(E) of the Act, that person is not automatically exempt from sanctions. This amendment to section 5(a)(2) of the Act is in keeping with the original intent of Congress.

*Sec. 1307. Amendments to the North Korea Threat Reduction Act of 1999*

This section amends Section 822(a) of the North Korea Threat Reduction Act of 1999 (Subtitle B of title VIII of division A of HR 3427, as enacted into law by section 1000(a)(7)) by substituting for the existing listing of facilities, components, goods and so forth, the term “specified nuclear item,” which is further defined as such material, facilities, components, goods, services or technology which would be subject to an Agreement for Cooperation if exported to North Korea; and components that are listed in Annex A or B to the Nuclear Suppliers Group Guidelines.

*Sec. 1308. Annual report on the proliferation of missiles and essential components of nuclear, biological, and chemical weapons*

This section consolidates four existing reporting requirements into one annual report on the proliferation of missiles and nuclear, biological and chemical weapons.

SUBTITLE B—RUSSIAN FEDERATION DEBT REDUCTION FOR  
NONPROLIFERATION

*Sec. 1311. Short title*

This section states the short title as “Russian Federation Debt for Nonproliferation Act of 2002.”

*Sec. 1312. Findings and purposes*

This section sets forth findings regarding the United States' security interest in preventing the spread of weapons of mass destruction and reducing world stockpiles of such weapons, especially in the Russian Federation. Among the findings are that existing nonproliferation assistance programs have made substantial progress, but that the threats posed by inadequate management of weapons of mass destruction stockpiles and complexes in the Russian Federation remain urgent, especially the threat that weapons of mass destruction materials or technology will be sold or stolen and diverted to rogue states or terrorists.

New funding streams are needed for programs to stem these threats, and the burden will have to be shared by the Russian Federation, the United States, and other governments. The Russian Federation assumed the Soviet Union's debts and owes roughly \$2.7 billion to the United States and perhaps ten times that amount to other advanced industrialized countries. Debt reduction could be designed to provide additional funding for nonproliferation and arms reduction initiatives, and this funding could be especially large if U.S. friends and allies were to follow the U.S. lead in this regard. The bold June 2002 decision of the G-8 at its Kananaskis meeting to provide the Russian Federation "10 plus 10 over 10"—\$10,000,000,000 in U.S. nonproliferation assistance and \$10,000,000,000 in assistance from the other members over 10 years—includes the possibility of member states using debt reduction as a means of financing this assistance.

This section also states that it is in the vital national security interests of the United States that: all stocks of nuclear weapons and weapons-usable nuclear material in the Russian Federation are secure and accounted for; stocks of nuclear weapons and weapons-usable nuclear material that are excess to military needs in the Russian Federation are monitored and reduced; any chemical or biological weapons, related materials, and facilities in the Russian Federation are destroyed; the Russian Federation's nuclear weapons complex is reduced to a size appropriate to its post-Cold War missions, and its experts in weapons of mass destruction technologies are shifted to gainful and sustainable civilian employment; the Russian Federation's export control system blocks any proliferation of weapons of mass destruction, the means of delivering such weapons, and materials, equipment, know-how, or technology that would be used to develop, produce, or deliver such weapons; and these objectives are accomplished with sufficient monitoring and transparency to provide confidence that they have in fact been accomplished and that the funds provided to accomplish these objectives have been spent efficiently and effectively.

Subsection (b) states that the purposes of this subtitle are to facilitate the accomplishment of the United States objectives described in the findings set forth in subsection (a) by providing for the use of a portion of the Russian Federation's foreign debt to fund nonproliferation programs, and to help ensure that the resources made available to the Russian Federation are targeted to the accomplishment of these objectives. This subsection also states that the intent is to allow the use of additional resources for these purposes. Specifically, the Managers do not intend that debt reduc-

tion be used as a substitute for current direct assistance to non-proliferation programs in the Russian Federation.

*Sec. 1313. Definitions*

Section 1313 defines five terms of art. In particular, in this subtitle, the term “appropriate congressional committees” means the Committee on International Relations and the Committee on Appropriations of the House of Representatives, and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

*Sec. 1314. Authority to reduce the Russian Federation’s Soviet-era debt obligations to the United States*

The Russian Federation has assumed the debts owed by the former Soviet Union, including roughly \$480,000,000 in Lend-Lease debt dating back to U.S. assistance during World War II and \$2,240,000,000 in debt owed to the United States as a result of credits extended under Title I of the Agricultural Trade Development and Assistance Act of 1954. Section 1314 authorizes the President to reduce this debt after notifying the appropriate congressional committees of his intention at least 15 days in advance of any formal determination to do so, and allocates such sums as may be necessary in fiscal year 2003 for the cost of reduction in this debt. Debt reduction may be implemented upon entry into force of a “Russian Federation Nonproliferation Investment Agreement” authorized under section 1315. The authority provided by this section shall be available only to the extent, however, that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of reducing any debt pursuant to this section are made in advance.

The Managers understand that any debt reduction agreement reached pursuant to this subtitle is likely to involve the full value of the Russian Federation’s Soviet-era official debt to the United States. The purpose of the debt reduction will be to provide new funds for nonproliferation programs in the Russian Federation, rather than to provide debt relief to a country that is, after all, meeting its international financial obligations. The Managers hope, therefore, that any debt reduction agreement will encompass not only the face value of the debt, but also the interest or other debt servicing charges that would otherwise be owed.

*Sec. 1315. Russian Federation nonproliferation investment agreement*

This section authorizes the President, in consultation with other appropriate officials of the Federal Government, to enter into a “Russian Federation Nonproliferation Investment Agreement” with the Russian Federation concerning the use of the funds saved by that country as a result of any debt reduction provided pursuant to this subtitle. The Managers intend that such an agreement govern any debt reduction provided pursuant to sections 1314.

The Managers are especially cognizant of the need to ensure that funds provided through Russian Federation debt reduction be invested in nonproliferation programs or projects in an efficient and transparent manner. The Russian Federation Nonproliferation

Investment Agreement shall therefore ensure that: (1) an amount equal to the value of the debt reduced pursuant to this subtitle will be made available for agreed nonproliferation programs and projects; (2) each such program or project will be approved by the President; (3) administration and oversight of nonproliferation programs and projects will incorporate best practices from established threat reduction and nonproliferation assistance programs; (4) each program or project funded pursuant to the Agreement will be subject to audits conducted by or for the United States Government to confirm that agreed funds are expended on agreed projects and meet agreed targets and benchmarks; (5) unobligated funds for investments pursuant to the Agreement will not be diverted to other purposes; (6) funds allocated to programs and projects pursuant to the Agreement will not be subject to any taxation by the Russian Federation; (7) all matters relating to the intellectual property rights and legal liabilities of United States firms in a given project will be agreed upon before the expenditure of funds would be authorized for that project; and (8) not less than 75 percent of the funds made available for each nonproliferation program or project under the Agreement will be spent in the Russian Federation.

Further, this subsection expresses the sense of Congress that: to the extent practicable, the boards and administrative mechanisms of existing threat reduction and nonproliferation programs should be used in the administration and oversight of programs and projects under the Agreement; the United States and the Russian Federation should consider commissioning the General Accounting Office and the Russian Chamber of Accounts to conduct joint audits to ensure that the funds saved by the Russian Federation as a result of any debt reduction are used exclusively, efficiently, and effectively to implement agreed programs or projects pursuant to the Agreement; and the Agreement should provide for significant penalties if agreed funds are misappropriated, or if the President is unable to certify for two consecutive years that Russia has made material progress in stemming the flow of sensitive goods, technologies, material and know-how related to the design, development, and production of weapons of mass destruction and the means to deliver them to state sponsors of international terrorism, as required in section 1317.

*Sec. 1316. Independent media and the rule of law*

The United States has an important interest in encouraging the development of an independent media sector and the rule of law in the Russian Federation. Such developments would help develop Russian involvement in and cooperation with Western political and economic institutions, thereby increasing Russia's economic well-being and its likelihood of maintaining nonproliferation programs on its own (through increased transparency and a decreased incentive to profit from illicit technology sales). They would also make it less likely that a rogue operation to engage in proliferation could ever go undetected or unexposed.

Section 1316 therefore provides that up to 10 percent of the funds saved by the Russian Federation as a result of any debt relief provided pursuant to this subtitle may be used to promote a vibrant, independent media sector and the rule of law in the Rus-

sian Federation. The mechanism for this would be an endowment to support the establishment of a “Center for an Independent Press and the Rule of Law” in the Russian Federation, which shall be directed by a joint United States-Russian Board of Directors in which the majority of members, including the chairman, shall be United States personnel, and which shall be responsible for the management of the endowment, its funds, and the Center’s programs. While the President is not obligated to use the authority provided by this section, given events in Russia over the past year, in which independent media outlets have been closed or placed under government control, the Managers strongly urge the executive branch to explore exercising this authority.

*Sec. 1317. Restrictions on debt reduction authority*

The overarching framework for debt-for-nonproliferation under this subtitle is that benefits to the Russian Federation that flow from debt reduction and devoting the funds saved to nonproliferation programs are greater than any similar benefits gained from the proliferation of sensitive items and technologies to state sponsors of terrorism. As such, the first condition of any debt reduction is the need for the Russian Federation to stem the flow of sensitive goods, technologies, material, and know-how related to the research, design, development, and production of weapons of mass destruction and the means to deliver them to countries that have been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism. In particular, the Managers are most concerned regarding the proliferation of dual-use nuclear and missile goods, technologies, materials, and know-how to Iran. Section 1317 therefore conditions section 1314 concerning the authority to grant debt reduction by requiring the President to certify to the appropriate committees of Congress that the Russian Federation has made and continues to make “material progress” toward that end before any debt reduction can be provided. For this purpose, ‘material progress’ is defined as significant, measurable, and demonstrable reductions in Russian proliferation as measured on an annual basis. Until that certification can be made, no debt reduction can be provided, unless the President waives this requirement pursuant to the provisions of subsection (c).

This section also states in subsection (b) that if in any subsequent annual report to Congress submitted pursuant to section 1317 the President cannot certify that the Russian Federation continues to meet the condition required in subsection (a), then the authorities granted under this subtitle may not be exercised and funds may not be expended, unless and until such certification is made to the appropriate congressional committees. Under subsection (c), the President may waive the requirements of subsections (a) and (b) for a given fiscal year if the President determines that the imposition of those requirements in that fiscal year would be detrimental to the national interest of the United States and so reports to the appropriate committees of Congress.

*Sec. 1318. Discussion of Russian Federation debt reduction for nonproliferation with other creditor states*

Western countries, other than the United States, hold roughly 90 percent of the Russian Federation's Soviet-era official bilateral debt. Were these countries to join with the United States in allowing this debt to be used for nonproliferation programs in the Russian Federation, the funds available for such purposes would be greatly enhanced. Section 1318 expresses the sense of Congress that the President and other appropriate officials designated by the President should pursue discussions with other creditor states to: ensure that other advanced industrial democracies, especially the largest holders of Soviet-era Russian debt, dedicate significant proportions of their bilateral official debt with the Russian Federation or equivalent amounts of direct assistance to the G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, as agreed upon in the Statement by G-8 Leaders on June 27, 2002; and reach agreement, as appropriate, to establish a unified Russian Federation official debt reduction fund to manage and provide financial transparency for the resources provided by creditor states through debt reductions.

*Sec. 1319. Implementation of United States policy*

This section expresses the sense of Congress that implementation of debt-for-nonproliferation programs with the Russian Federation should be overseen by the coordinating mechanism established pursuant to section 1334 of this Act. This interagency committee is intended to coordinate all U.S. Government nonproliferation programs in the former Soviet Union and will be best situated to provide efficient and effective oversight and management of both existing nonproliferation programs and programs or projects resulting from any debt reduction.

*Sec. 1320. Consultations with Congress*

This section requires the President to consult with the appropriate congressional committees on a periodic basis to review the implementation of this subtitle and the Russian Federation's eligibility for debt reduction pursuant to this subtitle.

*Sec. 1321. Annual reports to Congress*

This section requires the President, no later than December 31, 2003, and annually by December 31 of each subsequent year, to prepare and transmit to Congress a report concerning actions taken to implement this subtitle during the fiscal year preceding the fiscal year in which the report is transmitted. The report shall include (1) a description of the activities undertaken pursuant to this subtitle during the fiscal year; (2) a description of the nature and amounts of the loans reduced pursuant to this subtitle during the fiscal year; (3) a description of any agreement entered into under this subtitle; (4) a description of the progress during the fiscal year of any projects funded pursuant to this subtitle; (5) a summary of the results of relevant audits performed in the fiscal year; and (6) a certification, if appropriate, that the Russian Federation continues to meet the condition required by section 1317(a) and an explanation as to why such certification was or was not made.

## SUBTITLE C—NONPROLIFERATION ASSISTANCE COORDINATION

*Sec. 1331. Short title*

This section states that this subtitle may be cited as the “Nonproliferation Assistance Coordination Act of 2002.”

*Sec. 1332. Findings*

This section states the findings of Congress. United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in keeping weapons of mass destruction and related material, technology and knowledge out of the hands of terrorists and rogue states. The many U.S. programs are managed by several departments, however, and repeated studies have cited a lack of effective coordination. For example, the Russia Task Force of the Secretary of Energy Advisory Board, chaired by former Senator (and now Ambassador) Howard Baker and former White House counsel Lloyd Cutler, said of these programs: “Coordination within and among U.S. Government agencies is insufficient and must be improved.” (Cited in Howard Baker and Lloyd Cutler, Co-Chairs, Russia Task Force, Secretary of Energy Advisory Board, A Report Card on the Department of Energy’s Nonproliferation Programs with Russia, January 10, 2001, p. 23.)

The Administration formed an interagency mechanism for its review of these programs, and the Managers believe that a similar approach is needed for continuing high-level coordination among programs. Private sector spending and foreign investment are increasingly important sources of employment for ex-weapons scientists in the former Soviet Union. Some of these efforts are channeled through U.S. Government or U.S.-supported institutions like the Department of Energy’s Initiatives for Proliferation Prevention program, the State Department’s International Science and Technology Centers program and the Cooperative Research and Development Foundation. The Managers also believe that nongovernmental efforts, like those of Ted Turner’s Nuclear Threat Initiative, will also play an important role, however, and the U.S. Government should coordinate its efforts with those of the private sector.

*Sec. 1333. Definitions*

This section defines terms used in this subtitle. It defines the term “independent states of the former Soviet Union” to have the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801). “Appropriate committees of Congress” is defined to mean the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate and the Committees on International Relations, Armed Services, and Appropriations of the House of Representatives.

*Sec. 1334. Establishment of committee on nonproliferation assistance*

This section directs the President to establish a mechanism to coordinate U.S. efforts in formulating and carrying out programs for achieving nonproliferation and threat reduction. This mechanism shall include: representatives designated, respectively, by the Secretaries of State, Defense, Energy, and Commerce, the Attorney

General, and the Director of the Office of Homeland Security or such successor department or agency; and any other executive branch official the President selects. Each department or agency representative should, to the maximum extent possible, have been appointed by the President with the advice and consent of the Senate. The President shall designate the chair of the coordination mechanism, and the chair may invite the head of any other department or agency to send a representative to participate from time to time in the activities of the coordinating committee.

*Sec. 1335. Purposes and authority*

This section directs that the interagency coordination mechanism should have the authority to commission analyses on issues relating to coordination of nonproliferation assistance programs within the U.S. Government, between the U.S. public and private sectors, and between the United States and other countries. Within the U.S. Government, the coordination mechanism should provide guidance to coordinate, de-conflict and maximize the utility of nonproliferation assistance programs. It should also consider and make recommendations, as necessary, to the President and Congress regarding proposals for new legislation or regulations relating to U.S. nonproliferation efforts in the independent states of the former Soviet Union. Given the large number of departments and congressional committees with a role in this effort, it will be especially useful for the Administration to bring agencies together and make coherent recommendations regarding the increased nonproliferation efforts that are clearly required today. As the aforementioned Baker-Cutler task force stated in its report to the Secretary of Energy, “[t]he most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen and sold to terrorists or hostile nation-states and used against American troops abroad or citizens at home.” (P. iii)

*Sec. 1336. Administrative support*

This section directs that all United States departments and agencies shall provide, to the extent permitted by law, such information and assistance as may be requested by the coordination mechanism in carrying out its functions and activities established pursuant to section 1334.

*Sec. 1337. Confidentiality of information*

This section assures that information which has been submitted or received in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by the coordination mechanism only for the purpose of carrying out the functions and activities set forth in this subtitle. This section does not, in and of itself, exempt such information from the Freedom of Information Act. It is intended, rather, to underscore the need for departmental representatives to discuss candidly the successes and shortfalls of their nonproliferation assistance programs and to enable committee members to “think outside the box” in formulating guidance for executive branch programs and recommendations to the President and Congress.

*Sec. 1338. Statutory construction*

Section 1338 makes clear that the Nonproliferation Assistance Coordination Act of 2002 does not remove the existing authority of any U.S. department or agency over nonproliferation efforts in the independent states of the former Soviet Union. The interagency coordination mechanism is not to be an operational agency. This subtitle does not give it the budgetary authority vested in the executive branch departments or in the Office of Management and Budget. Neither does this subtitle apply to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

*Sec. 1339. Reporting and consultation*

Section 1339 stipulates that not later than 120 days after each inauguration of a President of the United States of America, the President shall submit a report to the Congress on his or her general and specific nonproliferation and threat reduction objectives and how the efforts of executive branch agencies will be coordinated most effectively, pursuant to section 1334 of this Act, to achieve those objectives.

## SUBTITLE D—IRAN NUCLEAR PROLIFERATION PREVENTION ACT OF 2002

*Sec. 1341. Short title*

This section states that this subtitle may be cited as the “Iran Nuclear Proliferation Act of 2002.”

*Sec. 1342. Withholding of voluntary contributions to the IAEA for programs and projects in Iran*

This section amends Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) by adding at the end the following: “(d) (1) Notwithstanding subsection (c), if the Secretary of State determines that programs and projects of the International Atomic Energy Agency in Iran are inconsistent with United States nuclear nonproliferation and safety goals, will provide Iran with training or expertise relevant to the development of nuclear weapons, or are being used as a cover for the acquisition of sensitive nuclear technology, the limitations of subsection (a) shall apply to such programs and projects, and the Secretary of State shall so notify the appropriate congressional committees (as defined in section 3 of the Foreign Relations Authorization Act, Fiscal Year 2003.)”

*Sec. 1343. Annual review by Secretary of State of programs and projects of the IAEA; U.S. opposition to certain programs and projects of the agency*

This section directs the Secretary to undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency (IAEA) in the countries described in section 307(a) of the Foreign Assistance Act of 1961 (U.S.C. 2227(a)) and shall determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals. The Secretary shall also, not later than one year after the date of enactment of this Act, and on an annual basis thereafter for five years, submit to Congress a report containing the results of this review.

This section also directs the Secretary to direct the United States representative to the International Atomic Energy Agency to oppose programs of the Agency that are determined by the Secretary under the review conducted under subsection (a)(1) to be inconsistent with nuclear nonproliferation and safety goals of the United States.

*Sec. 1344. Reporting requirements*

This section requires that, not later than 180 days after the date of enactment of this Act, and on an annual basis thereafter for five years, the Secretary, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to Congress a report that contains (1) a description of the total amount of annual assistance to Iran from the International Atomic Energy Agency; (2) a list of Iranian officials in leadership positions at the Agency; (3) the expected time frame for the completion of the nuclear power reactors at the Bushehr nuclear power plant; (4) a summary of the nuclear materials and technology transferred to Iran from the Agency in the preceding year that could assist in the development of Iran's nuclear weapons program; and (5) a description of all programs and projects of the International Atomic Energy Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and any inconsistencies between the technical cooperation and assistance programs and projects of the Agency and United States nuclear nonproliferation and safety goals in those countries. The report required to be submitted under subsection (a) shall be submitted in an unclassified form, to the extent appropriate, but may include a classified annex.

*Sec. 1345. Sense of Congress*

This section states the sense of Congress that the President should pursue internal reforms at the International Atomic Energy Agency that will ensure that all programs and projects funded under the Technical Cooperation and Assistance Fund of the Agency are compatible with United States nuclear nonproliferation policy and international nuclear nonproliferation norms. Pursuant to section 307 of the Foreign Assistance Act, the Managers note the continued restrictions in that provision regarding Cuba which include limitations on U.S. funding for IAEA technical cooperation activities in that country.

Title XIV—Expediting the Munitions Licensing Process

*Sec. 1401. License officer staffing*

This section authorizes \$10,000,000 for fiscal year 2003 to be appropriated for “Diplomatic and Consular Programs” for salaries and expenses of the Office of Defense Trade Controls of the Department. This section also requires that, effective January 1, 2003, the Secretary shall assign to the Office of Defense Trade Controls of the Department a sufficient number of license review officers to ensure that the average weekly caseload for each officer does not routinely exceed 40. It is important to note that, given the qualitative differences between individual cases (e.g., in their technical com-

plexity), the caseload for some license review officers might appropriately be significantly fewer than 40 cases per week.

Finally, given the priority placed on expedited license reviews in recent years by the Department of Defense, this section states that the Secretary of Defense should ensure that military officers are continuously detailed to the Office of Defense Trade Controls of the Department of State on a nonreimbursable basis.

*Sec. 1402. Funding for database automation*

This section directs that of the amount authorized to be appropriated under the appropriations account of the Department entitled "Capital Investment Fund" for fiscal year 2003, \$4,000,000 is authorized to be available for the Office of Defense Trade Controls of the Department for the modernization of information management.

*Sec. 1403. Information management priorities*

Sec. 1403 requires the Secretary to establish a secure, Internet-based system for the filing and review of applications for export of United States Munitions List items. Of the amount made available pursuant to section 1402, \$3,000,000 is authorized to be available to fully automate the Defense Trade Application System, and to ensure that the system: (1) is a secure, electronic system for the filing and review of Munitions List license applications; (2) is accessible by United States companies through the Internet for the purpose of filing and tracking their Munitions List license applications; and (3) is capable of exchanging data with the Export Control Automated Support System of the Department of Commerce, the Foreign Disclosure and Technology Information System and the USXPORTS systems of the Department of Defense, the Export Control System of the Central Intelligence Agency, and the Proliferation Information Network System of the Department of Energy.

*Sec. 1404. Improvements to the automated export system*

Section 1404 mandates that the Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of the Treasury, publish regulations in the Federal Register to require, upon the effective date of those regulations, filing through the Automated Export System for the remainder of exports that were not covered by regulations issued pursuant to section 1252(b) of the Security Assistance Act of 1999 (113 Stat. 1501A at 1536, as enacted into law by section 1000(a)(7) of Public Law 106-113; 13 U.S.C. 301 note).

This section also requires the Secretary of State to conclude an information-sharing arrangement with the heads of the United States Customs Service and the Census Bureau to adjust the Automated Export System to parallel information currently collected by the Department of State.

This section also significantly increases the penalties for failure to file export declarations through the Automated Export System and for knowingly failing to file or filing misleading export information through the Shippers Export Declaration (or any successor document) or the Automated Export System. It sets forth

procedures for civil penalty imposition by the Department of Commerce, but permits other agencies to use their own procedures if the Secretary of Commerce delegates enforcement functions to them. It also authorizes the Secretary of Commerce to designate officers or employees of the Office of Export Enforcement to conduct investigations pursuant to chapter 9 of title 13 of the U.S. Code (on the census). In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General. The Commissioner of Customs is given similar authority to designate officers or employees of the Customs Service to enforce the provisions of this chapter, or to conduct investigations pursuant to this chapter. Finally, this section authorizes the Secretary of Commerce to promulgate regulations for the implementation and enforcement of this section. The criminal fines provided for in this section are exempted from the provisions of section 3571 of title 18, United States Code. A clerical amendment to the table of sections at the beginning of chapter 9 of title 13, United States Code, strikes the item relating to section 305 and inserts, "305. Penalties for unlawful export information activities."

*Sec. 1405. Adjustment of threshold amounts for congressional review purposes*

Pursuant to section 36 of the Arms Export Control Act, the Senate Committee on Foreign Relations and the House International Relations Committee receive prior notice of hundreds of arms sales each year. As inflation and improved technology have raised the cost of weapons systems, the old dollar thresholds in the law have forced the reporting of more and more export licenses that are of no substantive interest to either committee, but that necessarily subject U.S. companies to additional delays due to the requirement for congressional consideration.

This section sets new prior notice thresholds of \$25,000,000 for major defense equipment and \$100,000,000 for other items, and \$300,000,000 for design and construction services, which will apply to most sales to NATO members, Australia, Japan or New Zealand. The one exception will be sales to one or more of those countries that incorporate a new or increased sales territory that includes a country outside of that group. The Managers believe that approval of such a sales territory is tantamount to approving future sales to the listed countries, and sometimes such third-country sales pose security or policy concerns. The Managers note that discussions on the issue of notification thresholds with the Department of State and the Department of Defense will continue in the coming year.

*Sec. 1406. Congressional notification of removal of items from the munitions list*

This section requires the President to provide 30 days' notice to the Congress in accordance with the procedures applicable to re-programming justifications under section 634A(a) of the Foreign Assistance Act of 1961 of any items proposed to be removed from the Munitions List. The Defense Trade Security Initiative calls for

a review of the Munitions List every 4 years. The Managers understand that the Administration is currently reviewing a portion of the list to determine if items warrant removal from the list. While the recent completion of the review of one-quarter of the Munitions List did not remove any items to the detriment of U.S. national security, the Managers believe that the oversight responsibilities of Congress with regard to the sale of lethal military arms would be prudently exercised by the opportunity to review under these procedures any proposed deletions to the Munitions List. The Managers trust that continued consultation with the Department of State over the ongoing review of and changes to the Munitions List will allow any alterations to the Munitions List to occur without undue delay, controversy, or diminution of U.S. national security.

#### Title XV—National Security Assistance Strategy

##### *Sec. 1501. Briefing on the strategy*

Foreign Military Financing (FMF), transfers of excess defense articles (EDA), and International Military Education and Training (IMET) are justified not simply in military terms, but as contributions to the overall national security of the United States. The fact that they are authorized in the Foreign Assistance Act of 1961 and the Arms Export Control Act reflects a recognition that they are intended primarily to serve foreign policy objectives.

It can be most difficult, however, to keep foreign policy objectives in the forefront when the details of program implementation involve detailed issues of military efficiency at home and abroad. The Managers believe that the State Department must develop a national security assistance strategy that integrates the FMF, EDA and IMET programs, on a country-by-country basis, into the National Security Strategy of the United States. This will bring greater coherence to those programs and ensure that they achieve maximum benefits for U.S. foreign policy. The Managers appreciate the fact that relevant officials are trying to impose greater strategic and policy discipline on these programs, and they expect to see tangible results in this regard.

This section directs that, no later than March 31, 2003, officials of the Department of State and the Department of Defense shall brief the appropriate congressional committees regarding their plans and progress in formulating and implementing a national security assistance strategy. This briefing shall include: (a) how, and to what extent, the elements of the strategy recommended in section 501(b) of the Security Assistance Act of 2000 (22 U.S.C. 2305(b)) have been or will be incorporated in security assistance plans and decisions; (b) the number of out-years considered in the strategy; (c) actions taken to include the programs listed in section 501(c) of the Security Assistance Act of 2000 (22 U.S.C. 2305(c)), as well as similar programs of military training or other assistance to the military or security forces of a foreign country; (d) how a national security assistance strategy is being implemented regarding specific countries; (e) any programmatic changes adopted or expected as a result of adopting a strategic approach to security assistance policymaking; (f) any obstacles encountered in formulating or implementing a national security assistance strategy; and (g)

any resources or legislative needs highlighted by this process. It is especially important to include similar programs other than FMF, EDA, and IMET, so that uniform policy and standards are maintained over all such programs.

*Sec. 1502. Security assistance surveys*

This section encourages the Secretary of State to use security assistance surveys in the preparation of a national security assistance strategy. This section also authorizes \$2,000,000 to be available to the Secretary to conduct security assistance surveys, or request such surveys by the Department of Defense or other U.S. agencies on a reimbursable basis.

Title XVI—Miscellaneous Provisions

*Sec. 1601. Nuclear and missile nonproliferation in South Asia*

The war against terrorism has made South Asia a military theater of operations and has produced new, cooperative relations between the United States and both India and Pakistan. It has not reduced, however, the risk that this region will contribute to the proliferation, or even the use, of nuclear weapons. Indeed, concern over the security of special nuclear material in South Asia has been heightened by the increased tension in the area. In promulgating a statement of United States policy on nonproliferation objectives in South Asia, the Managers intend that the executive branch maintain and demonstrate a high priority for these concerns. Osama bin Laden's efforts to acquire weapons of mass destruction make clear that nonproliferation is now part and parcel of the war on terrorism, and not a subsidiary issue. The Committee also intends that all U.S. policy and actions on nuclear issues in South Asia be consistent with United States obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (21 U.S.T. 483) and with past U.S. policy on these matters.

To this end, subsection (a) states that it shall be the policy of the United States, consistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, to encourage and work with the governments of India and Pakistan to achieve nonproliferation objectives by September 30, 2003, including: the continuation of a nuclear testing moratorium; a commitment not to deploy nuclear weapons or ballistic missiles that can carry nuclear weapons and to restrain the ranges and types of missiles developed or deployed; agreement by both governments to bring their export controls in accord with the guidelines established by the major international nonproliferation regimes; establishment of a modern, effective system to control the export of sensitive dual-use items, technology, technical information, and materiel that can be used in the design, development, or production of weapons of mass destruction and ballistic missiles; and bilateral meetings between senior Indian and Pakistani officials to discuss security issues and establish confidence-building measures with respect to nuclear policies and programs.

Subsection (b) states that it shall be the policy of the United States, consistent with its obligations under the Treaty on the Nonproliferation of Nuclear Weapons, to encourage and, where appro-

priate, to work with the Governments of India and Pakistan to achieve not later than September 30, 2003, the establishment by those governments of modern, effective systems to protect and secure their nuclear devices and materiel from unauthorized use, accidental employment, or theft. Any such dialogue with India or Pakistan would not be represented or considered, nor would it be intended, as granting any recognition to India or Pakistan, as appropriate, as a nuclear weapon state (as defined in the Treaty on the Non-Proliferation of Nuclear Weapons).

Finally, this section requires the President to submit, not later than March 1, 2003, to the appropriate congressional committees a report describing United States efforts to achieve the objectives listed in subsections (a) and (b), the progress made toward the achievement of those objectives, and the likelihood that each objective will be achieved by September 30, 2003.

*Sec. 1602. Real-time public availability of raw seismological data*

One area in which policy and science both benefit from close collaboration is seismology—the study of disturbances in the earth’s crust. Scientists measure seismic waves primarily to study earthquakes and to differentiate them from rock falls and man-made explosions. Public benefits from this work have included a better understanding of earthquakes, improved ability to warn of possible tsunamis so that people can move to higher ground, monitoring of volcanos for public safety purposes, improved techniques to locate oil reserves, and the detection and characterization of nuclear weapons tests. Data gathered for national security reasons can in turn be of great use to science. Pursuant to the Comprehensive Nuclear Test-Ban Treaty, an International Monitoring System (IMS) is being put in place that will link 170 seismic monitoring stations, including some that are new or in locations to which outside observers have not previously had access. The United States participates in the development of the IMS and receives near-real time data from the seismic and other sensors in that system.

These data, if made available to scientists in a timely fashion, would improve worldwide earthquake monitoring capabilities. Combining IMS data with seismological data from sites outside the IMS will, in turn, enable scientists to assist governments—including our own—in determining whether an unusual seismic event was a nuclear weapons test. The United States has pressed for near-real time release of IMS data to the public, but has not achieved international consensus in favor of that.

The Managers believe that more must be done to bring about the timely release of these data. The case for letting all the world’s experts obtain these data in a timely fashion is one that every country should understand: more complete data and competitive analysis decrease the risk that an event will be misinterpreted. And if, as appears to be the case, nearly all countries accept this argument, then they ought to act upon that, either through appropriate international organizations or through separate bilateral or multilateral agreements regarding each country’s data.

Section 1602 directs the head of the Air Force Technical Applications Center (AFTAC) to make available to the public, as soon as possible after receipt, all raw seismological data provided to the

United States Government by any international monitoring organization that is directly responsible for seismological monitoring. AFTAC is the U.S. Government agency that gathers these data, so its director is an appropriate official to release them.

*Sec. 1603. Detailing U.S. governmental personnel to international arms control and nonproliferation organizations*

United States Government personnel have performed important work for international organizations over the years. One well-known example was UNSCOM, the United Nations Special Commission in Iraq, which conducted inspections in that country in an effort to locate and destroy weapons of mass destruction capabilities. Such details of U.S. personnel serve both our own national interest and the world's need for technical and logistical expertise in these crucial organizations. Too often, however, the personnel detailed to international organizations find that their careers suffer because they have spent months or years away from their home offices and outside normal personnel career paths. This section directs the Secretary of State to develop measures whereby U.S. personnel may be detailed to international arms control and nonproliferation organizations without having their careers suffer, and to report to the appropriate committees no later than May 1, 2003, on measures taken.

*Sec. 1604. Diplomatic presence overseas*

As the events since September 11, 2001, have made all too clear, antiterrorism and nonproliferation are increasingly important elements of American foreign and national security policy. These are not issues that America can handle alone. Rather, we must enlist other nations to do their part as well, both at home and in international fora. To meet the challenges of the 21st century, U.S. missions overseas must have high-level personnel who have both language training and substantive expertise in nonproliferation and political military affairs.

This section authorizes the Secretary of State to create the position of Counselor for Nonproliferation and Political Military Affairs at U.S. missions overseas, to be filled by career Civil Service officers or Foreign Service officers who will receive, as a rule, 10 months of special substantive or language training before assuming their posts.

*Sec. 1605. Compliance with the Chemical Weapons Convention*

On April 24, 1997, the Senate provided its advice and consent to ratification of the Chemical Weapons Convention subject to the condition, among others, that the President certify that no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States. Congress enacted the same condition into law as section 304(f)(1) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724(f)(1)). Part II, paragraph 57, of the Verification Annex of the Convention requires that all samples requiring off-site analysis under the Convention shall be analyzed by at least two laboratories that have been designated as capable of conducting such testing by the Organization for the Prevention of

Chemical Weapons (OPCW). The only United States laboratory currently designated by the OPCW is the United States Army Edgewood Forensic Science Laboratory.

In order to comply with the Chemical Weapons Convention, the certification submitted pursuant to condition (18) of the resolution of ratification of the Chemical Weapons Convention, and section 304 of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724), the United States must possess, at a minimum, a second OPCW-designated laboratory. The possession of a second laboratory is especially necessary in view of the potential for a challenge inspection to be initiated against the United States by a foreign nation. To qualify as a designated laboratory, a laboratory must be certified under ISO Guide 25 or a higher standard, and complete three proficiency tests. The laboratory must have the full capability to handle substances listed on Schedule 1 of the Annex on Schedules of Chemicals of the Convention. In order to handle such substances in the United States, a laboratory also must operate under a bailment agreement with the United States Army.

Several existing United States commercial laboratories have approved quality control systems, already possess bailment agreements with the United States Army, and have the capabilities necessary to obtain OPCW designation. The Managers believe that, in order to safeguard samples taken on U.S. territory and bolster the legitimacy of the analysis of those samples, thereby protecting the proprietary and business interests of U.S. firms, and to promote similar transparency and confidence when inspections are conducted abroad, one of the United States designated laboratories should not be a U.S. Government facility.

This section therefore requires that the United States National Authority, by June 1, 2003, select a nongovernmental laboratory to pursue designation by the OPCW. A report is required by March 1, 2003, detailing a plan for securing OPCW designation of a third United States laboratory by December 1, 2004. With three designated U.S. laboratories, the OPCW could randomly send a real sample to two laboratories and a false sample to the third, so that a laboratory would never be sure what sample it was analyzing. This approach, which is in keeping with OPCW intent worldwide, would reduce significantly the value of any espionage information that a country or company might hope to gain by infiltrating a laboratory.

#### Title XVII—Authority to Transfer Naval Vessels

##### *Sec. 1701. Authority to transfer naval vessels to certain foreign countries*

This section authorizes the President to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) POLAND.—To the Government of Poland, the Oliver Hazard Perry class guided missile frigate Wadsworth (FFG 9);

(2) TURKEY.—To the Government of Turkey, the Knox class frigates Capodanno (FF 1093), Thomas C. Hart (FF 1092), Donald

B. Beary (FF 1085), McCandless (FF 1084), Reasoner (FF 1063), and Bowen (FF 1079).

This section also authorizes the President to transfer vessels to foreign governments and foreign governmental entities on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) MEXICO.—To the Government of Mexico, the Newport class tank landing ship Frederick (LST 1184);

(2) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the Kidd class guided missile destroyers Kidd (DDG 993), Callaghan (DDG 994), Scott (DDG 995), and Chandler (DDG 996);

(3) TURKEY.—To the Government of Turkey, the Oliver Hazard Perry class guided missile frigates Estocin (FFG 15) and Samuel Eliot Morison (FFG 13).

This section also states that the value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

This section states further that any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer authorized to be made on a grant basis.

This section also directs that, for a vessel transferred on a grant basis to Turkey, the President may waive reimbursement of charges for the lease of that vessel under section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) for a period of one year before the date of the transfer of that vessel.

This section also directs that, to the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, be performed at a shipyard located in the United States, including a United States Navy shipyard.

Finally, the authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

From the Committee on International Relations, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HENRY HYDE,  
CHRISTOPHER H. SMITH,  
TOM LANTOS,  
HOWARD L. BERMAN,  
ILEANA ROS-LEHTINEN,

From the Committee on the Judiciary for consideration of sections 234, 236, 709, 710, and 844 and section 404 of the Senate amendment, and modifications committed to conference:

F. JAMES SENSENBRENNER,  
JOHN CONYERS, Jr.,  
*Managers on the Part of the House.*

JOE BIDEN,  
PAUL S. SARBANES,  
CHRIS DODD,  
JOHN F. KERRY,  
JESSE HELMS,  
DICK LUGAR,  
CHUCK HAGEL,  
*Managers on the Part of the Senate.*

