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FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEAR 2005

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

REPORT

[To accompany S. 2144]

The Committee on Foreign Relations, having had under consideration a bill (S. 2144) to authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2005, for the Peace Corps for fiscal years 2005 through 2007, for foreign assistance programs for fiscal year 2005, and for other purposes, reports favorably thereon with amendments and recommends that the bill as amended do pass.

CONTENTS

	Page
I. Purpose	1
II. Committee Action	2
III. Summary	3
IV. Division A—Foreign Relations Authorization	5
(A) Summary of Funds	5
(B) Section-by-Section Analysis	6
V. Division B—Foreign Assistance Authorizations	25
(A) Summary of Funds	25
(B) Section-by-Section Analysis	26
VI. Cost Estimate	51
VII. Evaluation of Regulatory Impact	61
VIII. Changes in Existing Law	61

I. PURPOSE

The Foreign Affairs Authorization Act, Fiscal Year 2005, authorizes funding for the Department of State, United States international broadcasting activities, the U.S. Agency for International

Development, foreign assistance and other foreign affairs programs for FY 2005. It authorizes funding for the Peace Corps for Fiscal Years 2005-2007. The bill also addresses several important regional and functional foreign policy issues.

II. COMMITTEE ACTION

The committee has held several public hearings this year focusing on the issues addressed in this legislation. On February 12, Secretary of State Colin Powell testified regarding the President's budget request for international affairs. On February 26, the committee heard both official and private sector witnesses testify on plans to improve public diplomacy programs and to strengthen U.S. efforts to develop a free press and open media worldwide. On March 2, State Department and USAID officials testified on the administration's policies and foreign assistance goals in six different regions of the world. On March 3, the committee heard three public witnesses on the issue of how to strengthen the State Department's role in building operational readiness for crises overseas among the civilian agencies. In other hearings on such issues as Iraq stabilization and reconstruction, U.S. policy in the Middle East and prospects for the Road Map, developments on the Korean Peninsula, relations between India and Pakistan, and the difficult task of helping to build a prosperous and stable Afghanistan, the committee has explored the policy choices, the challenges, and the purposes that underlie the funding and the authorities contained in this legislation.

The committee considered S. 2144 on March 4, 2004. During the mark-up of this legislation, the committee adopted by voice vote a managers' package consisting of 25 amendments. A number of other amendments were also adopted by voice vote:

- An amendment offered by Senator Sununu expressing the sense of the Senate that the prospective requirement for certain visitors to the United States to have passports with biometric information should not disrupt the entry of legitimate visitors.
- An amendment offered by Senator Boxer expressing the Sense of Congress that the UN Security Council should pass a resolution banning the sale of man-portable air defense systems to non-state entities and authorizing \$10 million in assistance to reduce the threat of such weapons.
- An amendment by Senator Boxer expressing the sense of Congress that the rights of women in Iraq should be protected following the restoration of sovereignty to that country.
- An amendment by Senator Boxer expressing the sense of Congress regarding the need for adequate security in Afghanistan and that the UN Assistance Mission there should continue to increase its efforts to register Afghan women to vote in order to ensure their full participation in elections.
- An amendment by Senator Nelson requiring a report describing the Department's plan for stabilization and reconstruction in Haiti.

- An amendment by Senator Nelson stating that \$150 million from authorized funds should be made available to provide assistance to Haiti.

The committee ordered the bill reported, as amended, by a vote of 19 to 0. Ayes: Lugar, Hagel, Chafee, Allen, Brownback, Enzi, Voinovich, Alexander, Coleman, Sununu, Biden, Sarbanes, Dodd, Kerry, Feingold, Boxer, Nelson, Rockefeller, and Corzine.

III. SUMMARY

The committee believes that the authorizations of appropriations contained in this legislation must be seen in a national security context. This funding is the civilian complement to the defense budget, providing the resources, personnel and programs necessary to address one of the most serious challenges facing the United States since the Cold War. It is clear to any observer that the war against global terrorism will not be won on a military battlefield. If the American people and government policymakers are steadfast, articulate and convincing, it will be won in towns and cities around the world, in foreign ministries and justice departments, and in police stations, town halls, schools and places of worship on every continent. Through our diplomacy, we can recruit friends and allies to the task of rooting out terrorists where they are hiding on foreign soil. Through our public diplomacy, we can pursue a dialogue with the Islamic world designed to bring to the fore moderate spokespersons who can lead in finding new paths to mutual understanding. And with our foreign assistance, we can work to help build strong and stable societies than can nurture and fulfill the aspirations of their citizens and deny terrorists the uncontrolled territory and abject poverty in which they thrive.

Authorizations of appropriations in this bill cover the operating expenses and programs of the Department of State, the U.S. Agency for International Development, and the Broadcasting Board of Governors for Fiscal Year 2005 and for the Peace Corps for 2005-2007. Among other programs, it includes funding to address the HIV/AIDS epidemic, build safer embassies for citizens serving in a more dangerous world, and carry out education and cultural exchange programs that enrich America's dialogue with other nations.

The committee has worked to report out authorization bills this year that, taken as a whole, do not exceed the President's budget. Changes within that ceiling, however, have been made to reflect committee concerns and priorities. For example, this legislation doubles funding from last year's level of \$1 billion for the Millennium Challenge Corporation (MCC) to a new level for Fiscal Year 2005 of \$2 billion. The committee also increased authorization for the Peace Corps by \$43 million above the previous year's appropriated levels. Neither of these programs, however, received the full amount requested by the administration. This committee action should not be misinterpreted: the committee supports both programs. In the case of the MCC, however, there was concern that such a new and important program would be more effective in its critical launching phase if it is not under immediate pressure to quickly allocate such a large sum of money. The Peace Corps, on

the other hand, is well-established. It is a highly respected program that the committee fully supports. Again, however, questions were raised about implementing such a large increase in funding in one year. The funding level in the bill does represent a 14 percent increase for the Peace Corps, double the size of the average percentage increase for other programs.

All other items are funded at or above the administration's request. Notably, the bill provides the following increases:

- \$200 million for child survival, which includes \$179 million for HIV-AIDS programs;
- \$8 million for danger pay for State Department employees;
- \$30 million for embassy security and construction;
- \$30 million for educational and cultural exchanges in the Islamic world;
- \$15 million for international broadcasting;
- \$2 million for the North-South Center;
- \$1 million for the State Department Inspector General;
- \$70 million for the Non-Proliferation, Anti-terrorism, Demining; and Related Programs (NADR);
- \$25 million for Freedom Support Act (FSA) programs;
- \$5 million for Support for Eastern European Democracies (SEED) programs
- \$35 million for migration and refugee assistance;
- \$17 million for development assistance; and
- \$1 million for the USAID Inspector General.

IV. DIVISION A—FOREIGN RELATIONS AUTHORIZATION

(A) SUMMARY OF FUNDS

	FY 2004 Appropriations Estimate ¹	FY 2005 Request	FY 2005 SFRC Bill as Reported
Diplomatic and Consular Programs	\$4,219,788	\$4,285,044	\$4,293,004
[Includes: Worldwide Security Upgrades]	639,896	658,701	658,701
Capital Investment Fund	79,158	155,100	155,100
Embassy Security Construction & Maintenance	1,420,659	1,539,000	1,569,000
Other State Department Accounts			
Representation Allowance	\$8,905	\$8,640	\$8,640
Protection of Foreign Missions and Officials	9,895	9,600	9,600
Emergencies in Diplomatic and Consular Service	116,489	7,000	7,000
Repatriation Loans	1,206	1,219	1,219
Payment to the American Institute in Taiwan	18,584	19,482	19,482
Office of the Inspector General	31,369	30,435	31,435
Education, Cultural, and Public Diplomacy Programs			
Total	\$316,633	\$345,346	\$375,346
[Incl. Fulbright Exchanges]	152,767	150,000	150,000
Related Appropriations			
National Endowment for Democracy	\$39,579	\$80,000	\$80,000
East-West Center	17,692	13,709	13,709
The Asia Foundation	12,863	8,880	8,880
North-South Center	0	0	2,000
International Organizations			
Contributions for International Organizations	\$999,830	\$1,194,210	\$1,194,210
Contributions for International Peacekeeping	695,056	650,000	650,000
International Commissions			
International Boundary & Water Commissions— S&E	\$25,726	\$30,300	\$30,300
International Boundary & Water Commissions— Construction	3,514	8,545	8,545
International Boundary Commission	1,248	1,210	1,210
International Joint Commission	5,491	7,498	7,498
International Fisheries Commissions	19,097	20,800	20,800
Border Environment Cooperation Commission	2,111	2,048	2,048
Migration and Refugee Assistance			
Total	\$755,712	\$729,789	² \$764,789
International Broadcasting Activities			
Total International Broadcasting	\$591,567	\$569,300	\$584,300

¹Figures reflect increases provided to certain accounts in war-time supplemental (P.L. 108–106).

²includes additional \$35M added in committee

(B) SECTION-BY-SECTION ANALYSIS

Sec. 101. Administration of Foreign Affairs

This section authorizes appropriations under the heading “Administration of Foreign Affairs” for FY 2005.

The committee has authorized the full amount of the President’s request in FY 2005 for Worldwide Security Upgrades, the Capital Investment Fund, Representation Allowances, Protection of Foreign Missions and Officials, Emergencies in the Diplomatic and Consular Service, Repatriation Loans, Payments to the American Institute in Taiwan and the Office of the Inspector General. The committee has authorized levels above the administration’s request in key areas where needs are most pressing.

Specifically, the committee increased the Diplomatic and Consular Programs by \$7.96 million to allow the current cap on danger and hardship pay to be raised by 10 percent. The increase is intended to encourage service in especially difficult posts where the fight against terrorism must be pursued despite hardships.

The committee also added \$30 million to the embassy security and construction account. The additional funding is intended to speed up the projected construction calendar for safe embassies, shortening as much as possible the period in which U.S. Government employees will be working in buildings that are widely recognized as vulnerable to attack. If we are to send our best people into the diplomatic front lines of the long-term war against terrorism, the committee believes it imperative to provide the best protection possible in these threatening environments.

The committee continues to support the administration’s decision to institute an inter-agency cost-sharing program whereby each government agency contributes to the construction costs of new embassy compounds according to a formula based on expected future use. Such a plan will greatly reduce the time that it will take to provide safer facilities for U.S. Government employees from all Departments and agencies that post personnel overseas.

Sec. 102(a)(1). U.S. educational, cultural, and public diplomacy programs

The committee strongly supports an effective campaign to counter credible reports and observed evidence of anti-Americanism, especially in the Islamic world. The committee supports the Department’s efforts to strengthen its outreach to the Muslim world in the Middle East and in other regions where there are significant Muslim populations. The committee is authorizing appropriations of \$30 million above the administration’s request to add momentum to programs already underway, to boost Muslim participation in existing programs, and to authorize a new program that is designed to attract and engage young people from Islamic communities.

Sec. 102 (a)(2-4) and (b)

Under these subsections, the committee is authorizing appropriations for the National Endowment for Democracy at \$80 million, the funding level requested by the administration. The Asia Foundation and the Center for Cultural and Technical Interchange be-

tween East and West are also each authorized at the level the administration requested. The North-South Center is funded at \$2 million.

Sec. 103. International organizations and conferences

This section authorizes appropriations in FY 2005 for contributions to international organizations (CIO) and for contributions to international peacekeeping (CIPA).

The committee is authorizing the full amount requested for both the CIO and CIPA accounts. The funding represents U.S. treaty obligations to pay assessed contributions to the UN regular budget, the budgets of the specialized agencies in which the U.S. is a member, and the U.S. share of peacekeeping assessments. The legislation also authorizes \$6 million to be used to secure a Treasury loan for the United Nations to renovate UN headquarters and undertake much needed health, safety, and security upgrades. The committee is requesting a report from the Secretary of State on progress being made to implement recommendations contained in the August 2000 "Brahimi Report" on UN Peacekeeping Operations. The request specifically cites the committee's interest in learning how the U.S. Government is contributing to the development of a more robust UN capacity to organize international police units for use on an emergency basis.

The committee continues its ongoing interest in bringing the payment of U.S. dues to the UN back into synchronization with the UN budget. Currently, U.S. annual dues are paid late in the calendar year, at the start of the U.S. fiscal year. The UN budget year begins in January. The payment of U.S. dues in the tenth month strains the UN's financial stability. Now that the United States has paid its arrears as authorized by Congress, it is time to also correct the timing of annual payments. The administration is urged to request funding next year that would result in the U.S. paying its dues in the month when they actually fall due.

Sec. 104. International Commissions

This section authorizes appropriations for FY 2005 under the heading "International Commissions." It authorizes funds necessary to enable the United States to meet its obligations as a participant in international commissions, including those dealing with American boundaries and related matters with Canada and Mexico, and international fisheries commissions.

Sec. 105. Migration and Refugee Assistance

This section authorizes appropriations for fiscal year 2005 to enable the Secretary of State to provide assistance and make contributions for migrants and refugees, including contributions to international organizations such as the United Nations High Commissioner for Refugees and the International Committee for the Red Cross, through private volunteer agencies, government, and bilateral assistance, as authorized by law. The committee authorized \$35 million above the administration's request for this account specifically to respond to the challenges faced by women and children who are affected by humanitarian emergencies. The committee is concerned about ongoing security problems in refugee camps and

supports the administration's stated goal of preventing and responding to gender-based violence. The committee urges the Department of State to expand its work to enhance the protection of vulnerable refugee and displaced populations. The committee expects these additional funds to be used to help protect women and children in refugee and internally displaced camps, particularly from sexual exploitation and gender-based violence. Of the amounts authorized, \$50 million is earmarked for resettlement of refugees in Israel.

SUBTITLE B—UNITED STATES INTERNATIONAL BROADCASTING
ACTIVITIES

Sec. 111. International Broadcasting Operations

This section authorizes appropriations for international broadcasting activities in FY 2005. The committee authorized funding above the administration's request to allow the Broadcasting Board of Governors to maintain its full staff, operations and capital improvements. The committee has been disappointed by the decision, required by fiscal constraints, to reduce or eliminate programming in several Central and East European countries. It has been the committee's view that it is premature to terminate programming to nations that have supported the war on terrorism and are still strengthening their Western links and shaping their attitudes toward change in their own societies.

The committee is providing authorization for the Middle East Broadcasting Network, whose funding was appropriated in a supplemental last year and further funded in the omnibus appropriations bill earlier this year. The committee looks forward to the new Arabic-language network providing professional quality broadcasting through a combination of news, editorial comment, talk shows, and documentaries to a region that is vitally important to the United States. The committee will be monitoring the network closely, with an interest in the diversity of program content and the size of the audience attracted.

TITLE I—DEPARTMENT OF STATE AUTHORITIES AND
ACTIVITIES

SUBTITLE A—BASIC AUTHORITIES AND ACTIVITIES

Sec. 201. Interference with protective functions

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

Sec. 202. Authority to issue administrative subpoenas

This section provides a narrow administrative subpoena authority for Diplomatic Security agents. Such a subpoena may be issued in cases of an "imminent threat" to persons, missions or organizations protected by Diplomatic Security under the authority of Section 37(a)(3) of the State Department Basic Authorities Act. The

authority is similar to one provided to the Secret Service (*see* 18 U.S.C. 3486), and the procedural protections of that provision will apply here. The committee has provided that the power to issue such subpoenas could be delegated by the Secretary only to the Deputy Secretary, thereby assuring close attention to this authority at the highest level of the Department. In addition, to facilitate oversight of the exercise of this authority, the Secretary must report annually to the committee on its use.

Sec. 203. Enhanced Department of State authority for uniformed security officers

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

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

Sec. 204. Prohibition on transfer of certain visa processing fees

This section provides that processing fees collected by the Department of State shall not be transferred to any other department or agency, except pursuant to the Economy Act.

Sec. 205. Reimbursement from United States Olympic Committee

This section requires the Secretary of State to seek, to the extent practicable, reimbursement from the United States Olympic Committee for security provided to the U.S. Olympic Team by Diplomatic Security agents at the Summer Olympics, scheduled to be held in Athens, Greece in 2004.

Sec. 206. International Litigation Fund

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

Sec. 207. Victims of crime in foreign countries

This section directs the Secretary of State to establish a Victims of Crime office in the Consular Bureau. The office is to provide services to American victims of violent crimes overseas, to maintain a data base to track the incidents of violent crimes against Americans that are reported to overseas missions, and to administer fi-

nancial assistance to victims who need it. The committee has given the Secretary the authority to use money from the “K” fund, which is for unforeseen emergencies arising in the diplomatic and consular service, to provide emergency financial assistance when no other assistance is available. As this is a new program, the committee has required a report from the Secretary outlining the operation of the office and recommending how it can be improved. The Secretary is encouraged to recommend an alternative funding mechanism to assist crime victims if such is deemed necessary.

The committee acknowledges the State Department’s recent efforts to address the increasing problem of American victims of violent crimes abroad along the lines the committee suggested last year. The committee intends that further action be taken to meet the needs of the many Americans who work, live, study or are traveling abroad who become crime victims. The committee is also aware that there are inequities in the eligibility of Americans for victims’ compensation from their home States. Only 22 States currently compensate victims for expenses such as lost wages and medical care if they are victims of crime outside the United States. The committee encourages the Secretary to consider proposals in consultation with the Attorney General to remedy this gap.

SUBTITLE B—EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY AUTHORITIES

Sec. 211. Authority to Promote Biotechnology

This section authorizes the Secretary of State to support public diplomacy efforts promoting biotechnology through grants, cooperative arrangements, or contracts. This authority is intended to provide a tool to help ensure that views and decisions of foreign governments concerning biotechnology and its applications in the areas of food and agriculture reflect scientific findings about such technology.

Sec. 212. The United States Diplomacy Center

This section authorizes the Secretary of State to establish a United States Diplomacy Center housing a museum, conference center and auditorium to be located in the Department of State’s headquarters at the Harry S Truman Building. As envisioned, the Center is intended to organize and sponsor educational and outreach programs explaining the role of U.S. diplomats and American foreign policy in safeguarding U.S. security, promoting peace, increasing prosperity, promoting U.S. values, and protecting U.S. citizens abroad. The committee notes that this would not be the first such center created by or located in a U.S. Government facility. It urges the Department to plan carefully and take every step necessary to ensure that public access to the Center does not compromise security of the headquarters building. The committee understands that a feasibility study has been conducted to determine if the necessary operating funds can be raised through voluntary donations. The committee intends to review the results of the study and expects that, should it become apparent that voluntary funding will not be sufficient, the Department will re-evaluate its plans to establish the Center.

Sec. 213. Latin America Civilian Government Security Program

This section authorizes the Secretary of State to establish an educational program for foreign students and professionals that is designed to promote civilian control of government ministries in Latin America.

Sec. 214. Extension of the advisory committee on cultural diplomacy

This section extends the authorization of the Advisory Committee on Cultural Diplomacy, which was established by Section 224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–228). That provision authorized the Committee to operate until September 30, 2005, or for approximately three years. Although nearly 18 months have passed since enactment of the provision, the Secretary of State has yet to make the required appointments to the Committee. Hence, it has yet to begin operation. In light of that delay, this provision extends the authorization of the Committee for an additional two years, until September 30, 2007.

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Sec. 301. Fellowship of Hope Program

This section clarifies the authority of an existing exchange program with the foreign ministries of EU countries and with the EU Commission in Brussels and expands it to NATO countries and NATO headquarters. Under the expanded program, mid-level diplomats will spend a year working in the foreign ministries of participating countries or in the European Commission or NATO headquarters. The committee believes this is a worthwhile program to maintain and strengthen United States-European relations.

Sec. 302. Cost-of-living allowances

This section modifies current law to authorize payments to cover certain education costs and education-related travel costs for children of Foreign Service personnel stationed at posts where schools are inadequate, and for college and post-graduate students who are still dependents.

Sec. 303. Additional authority for waiver of annuity limitations on reemployed Foreign Service annuitants

This section permits the Secretary to waive limitations on dual compensation that apply to re-employed Foreign Service annuitants when they are re-employed in emergency circumstances or on a temporary basis in positions for which it is exceptionally difficult to recruit or retain qualified employees. Under current law, Foreign Service annuitants hired on a full-time basis have their annuities terminated; those employed on a part-time or intermittent basis may only work for a limited period of time each year because of the dual compensation limits. These limitations hamper the Department's ability to develop surge capacity in an emergency or hire experienced individuals with unique skills to meet important mission needs. This waiver authority already exists for the Civil Service (5 U.S.C. 8468(f)(A)). The committee expects the Department to ensure that such waivers are granted only in a limited number of ex-

exceptional cases and that such waivers are authorized only by the Under Secretary for Management.

Sec. 304. Home Leave

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

Sec. 305. Increased limits applicable to post differentials and danger pay allowances

This section increases the cap for hardship and danger pay for Foreign Service personnel from 25% of salary to 35%. Based on estimates presented to the committee, the Department could apply the new cap to personnel serving at some 31 posts worldwide at an estimated cost of \$8 million. The committee believes that such increases are justified as an incentive to officers to serve at exceptionally dangerous and difficult posts.

Sec. 306. Suspension of Foreign Service members without pay

This section allows the Department to suspend without pay a member of the Foreign Service in cases where there is reasonable cause to believe that the employee has committed a crime for which he/she may be imprisoned and there is a connection to the efficiency of the Service. This provision is drawn from a similar provision in the civil service laws (*see* 5 U.S.C. §§ 7512, 7513), and is similar to a provision which once existed in Section 610(a)(3) of the Foreign Service Act of 1980, but was replaced by a provision requiring conviction of a crime before suspension without pay could be imposed. *See* Section 143 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (P.L. 102-138).

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

Accordingly, the committee expects that suspensions will be imposed only in cases of serious crimes that bear a “sufficient relationship” to the employee’s duties. *Dunnington v. Dep’t of Justice*, 956 F.2d 1151, 1156 (Fed. Cir. 1992). In some cases, as the courts

have held, “egregious criminal conduct” will justify a presumption that the nexus requirement has been satisfied, even if it occurred off-duty. *Sanders v. U.S. Postal Service*, 801 F.2d 1328, 1332 (Fed. Cir. 1986). A suspension may be indefinite, but it is not unlimited. Once the criminal case is concluded, the agency must make a decision on the employee’s status within a reasonable period of time. *Richardson v. Customs Service*, 47 F.3d 415, 419 (Fed. Cir. 1995). If there is an acquittal and the employee is reinstated, the employee may receive back pay, either under the Back Pay Act, *Richardson*, 47 F.3d at 421, or under Section 307 of this Act (which adds a new Section 2(o) of the State Department Basic Authorities Act of 1956).

Sec. 307. Claims for lost pay

This section clarifies the Department’s authority to enter into settlements of claims of back pay or other grievances brought by personnel in cases where it is appropriate.

Sec. 308. Repeal of requirement for recertification process for members of the Senior Foreign Service

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

Sec. 309. Deadline for issuance of regulations regarding retirement credit for government service performed abroad

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

Sec. 310. Separation of lowest ranked Foreign Service members

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

Sec. 311. Disclosure requirements applicable to proposed recipients of the personal rank of ambassador or minister

This section modifies existing law related to conferral of the personal rank of Ambassador. Under Section 302 of the Foreign Service Act, the President may confer such rank, without the advice

and consent of the Senate, for special missions not exceeding six months in duration. When the President makes such a designation, he is required to submit certain information about the individual and the special mission to the Committee on Foreign Relations. This provision makes clear that the President shall submit to the committee a financial disclosure statement completed by the individual.

Sec. 312. Provision of living quarters and allowances to the United States Representatives to the United Nations

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

Sec. 313. Pay for performance for the Senior Foreign Service

This section amends the law related to the Senior Foreign Service (SFS) pay system in order to enable the State Department to conform the SFS pay system to that of the Senior Executive Service (SES) pay system. This provision is necessary due to a new pay-for-performance system for the SES that was established by the National Defense Authorization Act of FY 2004 (P.L. 108-136). Although the law did not explicitly cover the SFS, the SFS was affected by the new law in that it eliminated locality pay for the SFS and eliminated the SES pay grades to which SFS pay levels are, by law, linked. This section puts forth a system compatible with the SES system, but consistent with the authorities unique to the Foreign Service.

This section also provides chiefs of mission with the same aggregate pay cap and rollover provisions as members of the SES and SFS.

Sec. 314. Clarification of Foreign Service Grievance Board procedures

This section allows the Foreign Service Grievance Board to retain an employee on the payroll while a grievance is being reviewed until a final decision is rendered on the merits of the case before the Board. This section corrects an unintended error in the conforming amendment made in Section 314 of the Foreign Relations Authorization Act of FY 2003 (P.L. 107-228) regarding separation for cause.

Sec. 315. Refugee response teams

This section authorizes the Secretary of State to use the expertise of private voluntary organizations to help identify refugees for resettlement in emergency situations.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Sec. 401. Limitation on the United States share of assessments for United Nations peacekeeping operations after calendar year 2004

This section amends a limitation (of 25 percent) on U.S. payments to the United Nations peacekeeping budget, initially enacted in Section 404 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (P.L. 103–236). The United Nations Reform Act of 1999 (the so-called Helms-Biden law) made the reduction of U.S. dues for peacekeeping one of several conditions to be met before the United States would pay its arrears to the UN. Negotiations in December 2000 by then-U.N. Ambassador Richard Holbrooke succeeded in reducing the U.S. peacekeeping assessment to just over 27 percent. Section 402 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–228) amended the 1994 law, consistent with the new rate negotiated by Ambassador Holbrooke; but that provision was applicable only for calendar years 2001–2004. The provision in this bill makes the new rate applicable for every year after calendar year 2004.

Sec. 402. Report to Congress on implementation of the Brahimi Report

This section requires the Secretary of State to submit a report to the appropriate congressional committees that assesses United Nations implementation of the recommendations of the 2000 Report of the Panel on United Nations Peace Operations (known as the “Brahimi Report”) and U.S. support of UN progress in this area. The committee recognizes the importance of the United Nations peacekeeping operations, including its capability to deploy civil police forces, in promoting stability in post-conflict situations. The Brahimi Report made several useful recommendations for strengthening UN peacekeeping operations and the committee believes that this report will contribute to its oversight of U.S. efforts and future plans to support the implementation of those recommendations.

Sec. 403. Membership on United Nations Councils and Commissions

This section amends Section 408 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107–228) to require the United States to use its voice and vote in the United Nations General Assembly and the United Nations Economic and Social Council to make every reasonable effort to prevent state sponsors of terrorism and countries subject to United Nations sanctions from gaining membership positions on the U.N. Security Council or the U.N. Human Rights Commission. The section further requires the United States to advocate against the selection of any member nation that the Secretary determines is a sponsor of terrorism or is the subject of U.N. sanctions to a leadership position in the United Nations General Assembly, the United Nations Commission on Human Rights, the United Nations Security Council, or any other entity of the United Nations.

TITLE V—DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS

Sec. 501. Designation of Foreign Terrorist Organizations

Section 501(a) changes current law, set forth in Section 219 of the Immigration and Nationality Act, with respect to the designation of Foreign Terrorist Organizations (FTOs). It eliminates the requirement under current law that such designations lapse after two years unless renewed by the Secretary of State. It replaces this requirement with procedures allowing entities designated as FTOs to petition the Secretary every two years to have their designations revoked. The decision of the Secretary on such petitions would be subject to judicial review, as they are under current law. In the event that in any four-year period an entity designated as an FTO does not petition to have its designation revoked, this section would require the Secretary to review the entity's designation on his own initiative, and to determine whether the designation should be revoked. The Secretary's determination in such a mandatory review would not be subject to judicial review.

Section 501(b) allows the Secretary of State to amend an entity's designation as an FTO to take account of aliases or different names used by the entity after it is designated without the need to create a separate administrative record for such amendments. Instead, the Secretary is required to correct the administrative record to include any amendments (and supporting information) justifying the designation of the entity under its new name.

Section 501(c) makes technical and conforming amendments to Section 219 of the Immigration and Nationality Act in order to accommodate changes made in sections 501(a) and 501(b).

Section 501(d) is a savings provision, which is designed to ensure that the changes made in sections 501(a), 501(b), and 501(c) do not affect the validity of redesignations of FTOs made prior to the entry into force of this act.

TITLE VI—STRENGTHENING UNITED STATES OUTREACH

SUBTITLE A—PUBLIC DIPLOMACY

Sec. 601. Plans, reports, and budget documents

This section is designed to ensure that the administration (and the Department of State in particular) devotes proper attention to public diplomacy in its planning and budget processes.

Subsection (a) requires the President to prepare an international information strategy that consists of plans designed for the major geographic regions of the world, including a focus on regions with significant Muslim populations.

Subsection (b) requires that the National Security Strategy (mandated by Section 108 of the National Security Act of 1947) contain a comprehensive discussion of how public diplomacy activities are integrated into the strategy.

Subsection (c) requires the Department of State to fully integrate public diplomacy activities into the planning processes of the Department. So as to not burden the Department with new reporting requirements, this subsection mandates discussion of public diplo-

macy activities as part of several reports already required by law or by Department policy.

Sec. 602. Recruitment and Training

This section seeks to ensure that training in public diplomacy activities is an important priority for the Foreign Service.

Subsection (a) requires that the Secretary of State ensure that public diplomacy is an important component of training at all levels of the Foreign Service.

Subsection (b) amends an existing provision of the Foreign Service Act which relates to Junior Officer training to require that public diplomacy be part of such training.

Sec. 603. Report on Foreign Language Briefings

This section requires the Secretary of State to report on the feasibility of conducting regular, televised briefings about U.S. foreign policy in major foreign languages. The committee recognizes that press briefings are conducted on an almost-daily basis at the Department, and on a regular basis for foreign journalists at the Foreign Press Centers. The committee believes that engaging in a dialogue with foreign audiences requires that we speak to them in their own language. Accordingly, the committee believes it would be useful to consider the possibility of conducting more frequent briefings in the major foreign languages.

SUBTITLE B—STRENGTHENING UNITED STATES EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS IN THE ISLAMIC WORLD

Sec. 611. Definitions

This section contains definitions which apply throughout subtitle B. The subtitle is focused on expanding exchange programs with the Muslim world. Accordingly, the main definition is that of “eligible country,” which applies to countries or entities in Africa, the Middle East, South Asia, or Southeast Asia that have a significant Muslim population and are designated as eligible by the Secretary.

Sec. 612. Expansion of Educational and Cultural Exchanges

This section authorizes the expansion, in eligible countries, of several current international exchange programs, including the Fulbright exchange program, the Hubert Humphrey Fellowship program, and the International Visitors Program. It also authorizes the development or creation of other programs, such as a library exchange program and a program to bridge the digital divide. To the extent the Department has existing authority to undertake such activities, it need not create a duplicative program structure to carry out these provisions.

Finally, the section authorizes a program of scholarships for students from eligible countries at colleges or universities that are located in eligible countries, organized under U.S. law, accredited, and not under the control of the host government.

Sec. 613. Secondary Exchange Program

This section authorizes the Secretary of State to establish a new international student exchange program, modeled on the Future

Leaders Exchange Program, for high school students from countries with significant Muslim populations. The committee is persuaded that such investments in youth education will benefit both the students and their host families and will promote mutual understanding of culture and values.

Sec. 614. Authorization of Appropriations

In this section, the committee indicates that the \$30,000,000 it is authorizing above the administration's request for education and cultural exchange programs should be expended on programs outlined in this section and should be in addition to funding already planned for Islamic outreach in current programs.

SUBTITLE C—FELLOWSHIP PROGRAM

Sec. 621. Short Title

The short title of this subtitle is the "Edward R. Murrow Fellowship Act."

Sec. 622. Fellowship Program

This section establishes a fellowship program under the Broadcasting Board of Governors, to be called the "Edward R. Murrow Fellowships." The purpose of the program is to train foreign journalists for short periods at the Voice of America, Radio Free Europe/Radio Liberty, and Radio Free Asia. All three entities serve, through their daily broadcasts, as a model of how a journalistic enterprise should operate in free societies. Through this small training program, the services can further contribute to freedom of the press in countries where they broadcast. Such training is consistent with one of the principles set forth in the United States International Broadcasting Act of 1994, which calls for U.S. international broadcasting to include "training and technical support" for independent indigenous media.

Sec. 623. Fellowships

This section provides a limitation on the number of fellowships at 20 per fiscal year. It also authorizes the payment of remuneration, housing and transportation for fellows.

Sec. 624. Administrative Provisions

This section provides various administrative authorities necessary to implement the fellowship program.

TITLE VII—INTERNATIONAL PARENTAL CHILD ABDUCTION PREVENTION

Sec. 701. Short title

This section provides the short title of Title VII.

Sec. 702. Inadmissibility of aliens supporting international child abductors and relatives of such abductors

Section 702(a) makes certain changes in the Secretary of State's authority, in international child abduction cases, to deny visas to certain family members of child abductors. It expands the category of persons the Secretary of State may designate as ineligible to re-

ceive visas to include grandchildren, grandparents, cousins, uncles, aunts, nephews and nieces of a child abductor.

Section 702(b) clarifies the authority of the Secretary to implement and terminate designations of visa ineligibility in child abduction cases. Designations of child abductors and those that provide them material support may only be terminated if the child is returned or when the child reaches age 21. Designations of family members of a child abductor may be terminated at the Secretary's discretion in order to permit the Secretary flexibility in seeking the help of such persons in securing a child's return.

Section 703(c) requires the Department of State to report to the Congress annually for five years on the use of this visa denial authority.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Repeal of Requirement for Semiannual Report on Extradition of Narcotics Traffickers

This section repeals, at the administration's request, the requirement that the Department report semi-annually on extradition of narcotics traffickers from Andean countries.

Sec. 802. Technical amendments to the United States International Broadcasting Act of 1994

This section makes technical amendments which were overlooked in the legislation (enacted in 1998) which merged the United States Information Agency into the Department of State. It relates to the service of the Secretary of State as an ex officio member of the Broadcasting Board of Governors. No substantive change is effected or intended.

Sec. 803. Fellowships for multidisciplinary training on non-proliferation issues

This section authorizes the Secretary of State to expend \$2 million to organize a new program on non-proliferation, bringing foreign students to U.S. centers and academic institutions that specialize in non-proliferation studies to encourage and build a cadre of experts whose future careers would be devoted to addressing the risk that weapons of mass destruction pose.

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

Sec. 804. Requirement for Report on United States Policy Toward Haiti

This section requires that the Secretary of State provide a report that describes a plan for the stabilization and reconstruction of Haiti for fiscal years 2004 and 2005. The report shall include a description of activities to be carried out by the U.S. Government to assist in the establishment of democracy and rule of law, promote economic development, and improve health, education, and employment. It must also include information on U.S. efforts to assist in

the disarmament of militias and the reform of the Haitian National Police, the holding of free and fair elections, and strategies to address the HIV/AIDS epidemic. It must also outline U.S. efforts to convene an international donors conference and persuade other nations to make substantial contributions to Haiti's stabilization and reconstruction. The committee believes that the United States has a political and economic interest, as well as a humanitarian responsibility, to address the crisis in Haiti.

Sec. 805. Limitation on use of funds relating to United States policy with respect to Jerusalem as the capital of Israel

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

Sec. 806. Requirement for additional report concerning efforts to promote Israel's diplomatic relations with other countries

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

Sec. 807. United States policy regarding the recognition of a Palestinian state

This section reaffirms U.S. policy established by President George W. Bush on the criteria for recognizing a Palestinian state. It reiterates the President's statement that three conditions must be met: The new Palestinian leadership must not be compromised by terrorism, it must demonstrate a commitment to peacefully co-exist with Israel, and it must take appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza.

Sec. 808. Middle East Broadcasting Network

This section amends the United States International Broadcasting Act of 1994 (22 U.S.C 6201 et seq.) to authorize the Middle East Broadcasting Network as a non-federal grantee organization.

Sec. 809. Sense of Congress relating to Magen David Adom Society

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

Sec. 810. Extension of Authorization of Appropriation for the United States Commission on International Religious Freedom

The section extends the \$3 million authorized in previous legislation to FY 2005 for the Commission on International Religious Freedom, a Federally funded commission that reports on the status of religious freedom in countries around the world.

Sec. 811. Sense of the Senate regarding the Visa Waiver Program

This section expresses the sense of the Senate that the October 26, 2004, deadline that requires certain visa waiver program beneficiaries to have passports with biometric and document authen-

tication identifiers should not disrupt the entry of legitimate visitors to the United States.

Sec. 812. Reporting requirements related to United States international agreements

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

Sec. 813. Requirement to submit to Congress findings under the Diplomatic Security Act

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

Sec. 814. Combatting piracy of United States copyrighted materials

This section authorizes the Department to carry out anti-piracy programs in non-OECD nations and authorizes expenditures from within existing funds of \$5,000,000 for that purpose.

Sec. 815. Treatment of nationals of the Democratic People's Republic of Korea

This section states that nationals of the Democratic People's Republic of Korea (DPRK) shall not be excluded from seeking refugee or asylum status in the United States only because they are eligible to become nationals of the Republic of Korea (ROK). Nationals of the DPRK (North Korea) are deemed de facto citizens of the ROK (South Korea) under South Korea's current law. Under United States law, a person may qualify for refugee or asylum status only if the individual is unable to return to his or her country of nationality or citizenship. This section is intended to avoid possible technical challenges of citizenship in the adjudication of a refugee or asylum claim. Its impact is strictly limited to refugee and asylum determinations. It is not intended to have an impact on broader issues of immigration eligibility or nationality benefits in the United States or in the ROK.

Sec. 816. Education of dependents of Broadcasting Board of Governors personnel stationed in the Commonwealth of the Northern Mariana Islands

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

TITLE IX—PEACE CORPS CHARTER FOR THE 21ST CENTURY

Sec. 901. Short Title

This section designates title IX of the bill as the “Peace Corps Charter for the 21st Century Act.”

Sec. 902. Findings

This section sets forth historical information concerning the forty-two years of operations of the Peace Corps and its volunteers. It highlights the importance of Peace Corps independence. It restates the three principal goals of the organization as set forth in the Peace Corps Act, namely to help people in developing countries meet basic needs, to promote the understanding of American values abroad, and to encourage an understanding of other peoples and cultures by Americans. It expresses support for expanding the number of volunteers in service provided that such an expansion does not come at the expense of the quality of the services provided by Peace Corps volunteers, or at the expense of the support available to the volunteers themselves. It identifies the importance of the office of strategic planning in coordinating existing volunteer programs as well as long-term expansion plans. It notes the usefulness that a streamlined National Peace Corps Advisory Council could be to the Director of the Peace Corps.

Sec. 903. Definitions

This section defines the terms “appropriate congressional committees,” “Director,” “Peace Corps volunteer,” and “returned Peace Corps volunteer” as they are used in this title.

Sec. 904. Strengthening the Independence of the Peace Corps

This section clarifies existing law with respect to the independence of the Peace Corps including with respect to recruitment of volunteers.

Sec. 905. Reports and Consultations

This section provides for an annual report to Congress, containing a description of any new initiatives being proposed by the organization, the cost associated with such initiatives, and a description of in-country security procedures being implemented by the organization. It also calls for timely congressional consultation by the Peace Corps Director with respect to any major new initiatives undertaken by the organization which have not been previously described in annual reports to Congress. It also mandates a one-time report to Congress, within 30 days of enactment of this Act, describing current student loan forgiveness programs available

to volunteers, and a comparison with other government-sponsored loan forgiveness programs.

Sec. 906. Increasing the Number of Volunteers

This section calls upon the Director to develop a plan for doubling the number of volunteer placements and to report to the Congress the details of that plan not later than thirty days after enactment. It provides for annual reports thereafter until the doubling of volunteer placements has been achieved.

Sec. 907. Special Volunteer Recruitment and Placement for Countries Whose Governments are Seeking To Foster Greater Understanding Between Their Citizens and the United States

This section mandates that the Director transmit a report to Congress identifying countries where a greater understanding of the United States would serve U.S. interests, and its recruitment and training strategy for equipping volunteers with necessary skills to meet the special challenges posed by such countries. It authorizes the Director to utilize the experience and insight of returned volunteers in opening or reopening programs in such countries.

Sec. 908. Global Infectious Disease Initiative

This section requires the Peace Corps to develop a training program for all volunteers in the areas of education, prevention, and treatment of infectious diseases. The training program is to be developed in cooperation with local, national and international health experts.

Sec. 909. Peace Corps Advisory Council

This section amends Section 12 of the Peace Corps Act to modify the nature, structure, and role of the Peace Corps Advisory Council, including membership, use of returned volunteers, meeting schedule, and appointment and duration of the Council Chair.

Sec. 910. Readjustment Allowances

This section raises the readjustment allowance which volunteers receive at the end of their service to \$275 for each month of service.

Sec. 911. Programs and Projects of Returned Peace Corps Volunteers To Promote the Goals of the Peace Corps

This section authorizes the Corporation for National and Community Service, subject to the availability of appropriations, to award grants to private non-profit corporations for the purpose of using the knowledge, experience, and expertise of returned Peace Corps volunteers to help carry out the third goal of the Peace Corps Act. It includes a \$10 million authorization of appropriations to carry out the purposes of this section. Grant moneys are to be used to support programs or proposals submitted by returned Peace Corps volunteers. Not more than 20 percent of the funding available to the corporation may be used for administrative, overhead, or salary expenses. In addition, the non-profit corporation(s) will be required to raise private funds and donations after two years of operation in order to remain eligible for continued grant money under this section.

Sec. 912. Authorization of Appropriations

This section authorizes funds through fiscal year 2007 as follows, \$351,000,000 for fiscal year 2005, \$443,000,000 for fiscal year 2006, and \$485,000,000 for fiscal year 2007.

V. DIVISION B—FOREIGN ASSISTANCE AUTHORIZATION
ACT, FISCAL YEAR 2005

(A) SUMMARY OF FUNDS

	FY 2004 Regular	FY 2004 Estimate		FY 2005 Request	Committee Mark
		(Supp)	Total		
Child Survival & Health Programs Fund (CSH)	1,824		1,824	1,420	1,620
Development Assistance (DA)	1,377		1,377	1,329	1,346
International Disaster and Famine Assistance	254	(220)	474	386	386
Transition Initiatives	55		55	63	63
Development Credit Authority (DCA)	8		8	8	8
USAID Operating Expenses (OE)	601	(40)	641	623	623
USAID Capital Investment Fund	81	(17)	98	65	65
USAID Inspector General Operating Expenses (IG)	35		35	35	36
Economic Support Fund (ESF)	2,138	(1125)	3,263	2,520	2,520
Assistance for Eastern Europe and the Baltic States (SEED)	442		442	410	415
Assistance for the Independent States of the Former Soviet Union (FSA)	584		584	550	575
Inter-American Foundation	16		16	15	15
African Development Foundation	19		19	17	17
Millenium Challenge Corporation	994		994	2,500	2000
International Narcotics Control and Law Enforcement (INCLE)	240	(220)	460	1,090	1,090
<i>Andean Counterdrug Initiative (ACI)</i> ¹	727		727	731	731
Nonproliferation, Anti-Terrorism, Demining (NADR)	351	(45)	396	415	485
Treasury Technical Assistance	19		19	18	18
International Military Education & Training (IMET)	91		91	90	90
Foreign Military Financing (FMF)	4,269	(364)	4,633	4,958	4,958
Peacekeeping Operations (PKO)	74	(50)	124	104	104
International Organizations & Programs (IO&P)	320		320	304	304

¹The Andean Counterdrug Initiative (ACI) account is a subset of the International Narcotics Control and Law Enforcement (INCLE) account.

(B) SECTION-BY-SECTION ANALYSIS

TITLE XXI—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—DEVELOPMENT ASSISTANCE AND RELATED PROGRAMS
AUTHORIZATIONS*Sec. 2101. Development Assistance*

This section authorizes the appropriation of \$1,346,000,000 for Development Assistance programs in Fiscal Year 2005, including programs in the agriculture, education, and environment sectors, as well as the Development Fund for Africa. This reflects a \$17 million increase over the President's request. Although there are various separate accounts in the Foreign Assistance Act authorizing Development Assistance, funding for those accounts has been consolidated into this single account and appropriated in this manner in recent years.

Sec. 2102. Child Survival and Health Programs Fund

This section authorizes the appropriation of \$1,620,000,000 for child survival, health, and family planning programs for fiscal year 2005. This account provides funding for a variety of accounts that are separately authorized in the Foreign Assistance Act but have been appropriated out of this single account in recent years. The committee expects \$21 million to be used to respond to the needs of women and children affected by humanitarian emergencies, including protection from sexual exploitation and gender-based violence. The committee mark reflects an increase of \$200 million over the President's request, which, when combined with funds requested by the President for other accounts to address HIV/AIDS, will result in a total fiscal year 2005 authorization of \$3 billion to address that pandemic.

Sec. 2103. Development Credit Authority

This section amends the Foreign Assistance Act to provide the President authority to provide assistance in the form of loans and partial loan guarantees to private lenders in developing countries to achieve economic development purposes. Authority for this program has been included in appropriations acts over the past several years. This section also provides that not more than \$21 million of funds available for the purposes of economic assistance under the Foreign Assistance Act and for assistance under the Support for Eastern European Democracy Act in Fiscal Year 2005 may be transferred for use under this section. It further authorizes the appropriation for administrative expenses to carry out this section for Fiscal Year 2005.

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

U.S. Government's share of the risk to 50 percent, unless the Chief Financial Officer of the Agency approves a higher level of risk.

Sec. 2104. Program to Provide Technical Assistance to Foreign Governments and Foreign Central Banks of Developing or Transitional Countries

This section authorizes the appropriation of \$17,500,000 for fiscal year 2005 for the Department of the Treasury's program to provide technical assistance to foreign governments and foreign central banks in developing or transitional countries.

Sec. 2105. International Organizations and Programs

This section authorizes the appropriation of \$304,450,000 for fiscal year 2005 for voluntary contributions to international organizations and programs.

Sec. 2106. Continued Availability of Certain Funds Withheld From International Organizations

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

Sec. 2107. International Disaster and Famine Assistance

This section authorizes the appropriation of \$385,500,000 for fiscal year 2005 for international disaster assistance.

Sec. 2108. Transition Initiatives

This section authorizes the appropriation of \$62,800,000 for fiscal year 2005 for the Transition Initiatives Program administered by USAID, including assistance to develop, strengthen and preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict. Although this program has not been specifically authorized in the Foreign Assistance Act, funds have been appropriated for this activity since 1994 when USAID established the Office of Transition Initiatives.

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

The administration requested \$550 million for programs in the Freedom Support Act (FSA) account for the Independent States of the former Soviet Union for Fiscal Year 2005. This request is \$34 million below the Fiscal Year 2004 level for this account and substantially lower than the FY03 request. The committee recommends a \$25 million increase for the Independent States account, to total \$575 million.

The committee believes that the administration's proposed cuts in funding assistance under the FSA are too steep and, if implemented, could seriously harm U.S. interests in stability, democracy and market reform in the Independent States. The additional funding authorized is primarily intended to increase resources available for programs to support democratic development—including civil

society, independent media, rule of law and free and fair elections—and market reform in the former Soviet states. The committee particularly supports using additional funds to bolster counternarcotics programs underway in Central Asia, which are critical to maintaining stability in that region bordering Afghanistan.

The committee notes that, in addition to requesting a \$34 million reduction to the FY04 appropriated levels, the administration is also proposing, for the first time, to fund the bulk of Organization for Security and Cooperation in Europe (OSCE) peacekeeping costs out of this account. This represents a new \$10 million commitment of FSA funds. The committee notes that the administration's justification states that funds under this account will be expended for the costs of conducting non-peacekeeping related OSCE activities. Because the administration has not provided justification as to the types of OSCE activities that will be funded from this account, the committee expects that any funds to be expended for such activities will be notified in accordance with the regular notification procedures.

The committee urges the administration to ensure that funding for Educational and Cultural Exchanges (ECE) Account programs in the FSA countries is maintained at a robust level.

Since the enactment of the FSA, funds have been provided to support non-governmental organizations that focus on environmental issues. The environmental impact from the weapons of mass destruction and their means of delivery created by the former Soviet Union continues to be a major problem. As the State Department works toward phasing out a number of developmental programs in the former Soviet states, the committee believes that environmental programs should continue to be part of overall U.S. assistance to the region; such assistance should emphasize the importance of environmental organizations in building civil society.

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

The administration requested \$410 million for the Support for Eastern Europe Democracies (SEED) account for Fiscal Year 2004. This request is \$32 million below the appropriated level for Fiscal Year 2004 and substantially lower than previous years. The committee recommends an increase of \$5 million for the SEED account, because the committee believes this account funds programs that are critical to sustaining Southeast Europe's transition to democracy, market economies, and regional stability.

Funding under this heading will help to ensure that progress will continue in this vitally important region, which is still recovering from three Balkan wars in the 1990s, and keep these countries moving on the right track toward Euro-Atlantic integration. The additional funding is primarily intended to increase resources available for law enforcement programs that combat organized crime in the Balkans, and to speed up the stabilization process in the countries of the former Yugoslavia and Albania. The additional funding would also be used to assist with market reform programs in European Union (EU) candidate countries, namely Bulgaria and Romania, to maximize their potential for successful and timely entry into the EU, and to assist them in addressing the challenges of organized crime and corruption.

The committee notes that, in addition to requesting a \$30 million reduction to the FY04 appropriated levels, the administration is also proposing, for the first time, to fund the costs for the Organization for Security and Cooperation in Europe (OSCE) field missions from the SEED account. This represents a new \$25 million commitment from SEED funds. The committee notes that the administration's justification states that funds under this account will be expended for the costs of conducting non-peacekeeping related OSCE activities. Because the administration has not provided justification as to the types of OSCE activities that will be funded from this account, the committee expects that any funds to be expended for such activities will be notified in accordance with the regular notification procedures.

The committee urges the administration to ensure that funding for Educational and Cultural Exchanges (ECE) Account programs in the SEED countries is maintained at a robust level.

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

This section authorizes the appropriation of \$623,400,000 for fiscal year 2005 for the operating expenses of the United States Agency for International Development. In addition, \$36,400,000 is authorized to be appropriated for costs of the Office of Inspector General of the Agency.

Sec. 2112. Capital Investment Funds for USAID

This section authorizes the appropriation of \$64,800,000 for Fiscal Year 2005 for overseas construction and related costs and for enhancement of information technology and related investments at the U.S. Agency for International Development.

Sec. 2113. Millennium Challenge Assistance

This section authorizes the appropriation of \$2,000,000,000 for the Millennium Challenge Account for Fiscal Year 2005.

Sec. 2114. Contributions to Heavily Indebted Poor Countries (HIPC) Trust Fund

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

While the committee authorized the administration's request of \$75 million to complete the U.S. pledge of \$150 million in additional contributions to the HIPC Trust Fund, it remains under the current formula, and under reforms recommended by recent legislation, HIPC resources will not be sufficient to achieve the goals of the program.

Sec. 2115. Bilateral Debt Relief for Democratic Republic of Congo under Heavily Indebted Poor Country Initiative

This section authorizes the administration's Fiscal Year 2005 request for \$105 million to cover a portion of the cost of 100 percent bilateral debt reduction for the Democratic Republic of the Congo under the enhanced HIPC initiative. The United States is lagging behind on bilateral debt reduction for the Democratic Republic of the Congo (DRC). In July 2003, the DRC reached its enhanced HIPC Decision Point, based on its demonstrated commitment to economic reform and poverty reduction. The \$105 million authorized for FY05 will permit the United States to begin the process of 100 percent forgiveness on payments. Because the United States is the largest bilateral creditor of the DRC, other creditors are expecting U.S. participation in HIPC debt reduction for the DRC as soon as possible. U.S. participation will leverage a total of roughly \$10 billion in debt reduction for the DRC from all creditors.

Sec. 2116. Tropical Forest Conservation

This section authorizes the administration's \$20 million request for debt relief under the Tropical Forest Conservation Act (TFCA) which was enacted in 1998 to offer eligible developing countries options to relieve certain official debt owed to the U.S. while at the same time generating funds to support local tropical forest conservation activities. A TFCA agreement can be structured as a debt reduction, a debt buyback, or a debt-for-nature swap. Local currency funds generated by a TFCA agreement may be used for a broad variety of in-country forest conservation activities, including forest restoration, implementation of sound natural resource management systems, establishment and maintenance of parks and protected areas, training in conservation management, protection of animal and plant species, research on medicinal uses of tropical forest plants, and development and support of the livelihoods of people and local communities in or near a tropical forest. The committee intends to reauthorize and revise the TFCA this year.

SUBTITLE B—COUNTERNARCOTICS, SECURITY ASSISTANCE, AND
RELATED PROGRAMS AUTHORIZATIONS

Sec. 2121. International Narcotics Control and Law Enforcement

Subsection (a) of this section authorizes the appropriation of \$1,089,820,000 for fiscal year 2005 for international narcotics control and law enforcement assistance, of which \$731,000,000 is authorized to be appropriated for the Andean Counterdrug Initiative.

Subsection (b) restates current law by permitting funds under this section to be provided for assistance to the Government of Colombia and used, notwithstanding any other provision of law, to support a unified campaign against narcotics trafficking and terrorist activities, and to take actions to protect human health and welfare in emergency circumstances. The provision maintains the current ceiling of 400 each on the numbers of U.S. civilian and military personnel in Colombia and precludes their participation in any combat operation in connection with such assistance. It also continues conditions on assistance with respect to the Government

of Colombia's human rights practices which are currently in effect for fiscal year 2004.

Sec. 2122. Economic Support Fund

This section authorizes the appropriation of \$2,520,000,000 for fiscal year 2005 for Economic Support Fund (ESF) programs. The committee supports the full request level for this account to provide assistance to allies and countries in transition to democracy and to finance economic development and political reform programs.

ESF is also provided to support the Middle East peace process, including the administration's efforts to make progress under the Road Map. The committee strongly supports the Middle East Partnership Initiative (MEPI). It notes that foreign assistance to countries of the Middle East for the same purposes, i.e., political reform, economic reform, educational reform and women's empowerment, should be considered part of a coordinated, coherent, integrated strategy to meet U.S. foreign policy objectives. The committee urges the administration to coordinate related assistance programs under this Act with the MEPI framework to prevent duplication and ensure effective use of assistance resources.

In subsection (b), the committee has amended the Security Assistance Act of 2000 to authorize ESF assistance to continue strong support for Israel's economic and political stability and to redress the economic impact of Israel's isolation in the volatile Middle East region. The committee recognizes that the administration continues to phase out U.S. economic assistance to Israel and encourages Israel's efforts to increase the role of the private sector, promote productive investment, reform taxes and promote more efficient use of resources. This assistance contributes to Israel's economic growth, enhances Israel's ability to repay its debt to the United States and opens new investment opportunities for U.S. investment and exports.

The committee has amended the Security Assistance Act of 2000 to authorize ESF assistance to continue strong support for stability and prosperity in Egypt. The committee recognizes Egypt is a key partner in the region and elements of this assistance may be integrated into the Middle East Partnership Initiative. ESF will help reinvigorate economic development and foster economic, political and social reforms, alleviate poverty, and support development of civil society and democratic institutions and bolster public health services.

The committee notes that Sections 513(d) and 514(d) of the Security Assistance Act of 2000 (P.L. 106-280) provides that the computation of amounts available for a fiscal year for ESF shall not take into account an amount rescinded by an Act for a fiscal year.

The committee is aware that in recent years, the U.S. Agency for International Development has provided modest amounts to the International Research & Exchanges Board to support the "Media Sustainability Index" (MSI), a report measuring the state of independent media in Central Europe and Eurasia. The promotion of independent media is an important objective of U.S. democracy-promotion activities. Such assessments are important to helping the United States set priorities for assistance to independent media.

The committee urges AID to continue to support the MSI and to expand it to other regions.

Sec. 2123. International Military Education and Training

This section authorizes the appropriation of \$89,730,000 for fiscal year 2005 for International Military Education and Training programs, as requested by the administration.

Sec. 2124. Peacekeeping Operations

This section authorizes the appropriation for fiscal year 2005 of \$104,000,000 for voluntary Peacekeeping Operations programs.

Sec. 2125. Nonproliferation, Anti-Terrorism, Demining, and Related Assistance

This section authorizes \$485,200,000 for fiscal year 2005 for the NADR account, which reflects an increase of \$70 million over the President's request.

Sec. 2126. Foreign Military Financing Program

Subsection (a) of this section authorizes the appropriation of \$4,957,500,000 for fiscal year 2005 for Foreign Military Financing programs, as requested by the administration.

Subsection (b) amends the Security Assistance Act of 2000 to authorize the appropriation for fiscal year 2005 of FMF assistance for Israel, to require rapid disbursement of that assistance, and to increase the level of offshore procurement allowable with FMF funds made available in fiscal year 2005 for Israel.

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

The committee notes that Sections 513(d) and 514(d) of the Security Assistance Act of 2000 (P.L. 106–280) provides that the computation of amounts available for a fiscal year for FMF shall not take into account an amount rescinded by an Act for a fiscal year.

SUBTITLE C—INDEPENDENT AGENCIES AUTHORIZATIONS

Sec. 2131. Inter-American Foundation

This section authorizes the appropriation of \$15,185,000 for fiscal year 2005 for the Inter-American Foundation. This is identical to the President's request.

Sec. 2132. African Development Foundation

This section authorizes the appropriation of \$17,000,000, as requested, for fiscal year 2005 for the African Development Foundation.

TITLE XXII—AMENDMENTS TO GENERAL FOREIGN ASSISTANCE AUTHORITIES

SUBTITLE A—FOREIGN ASSISTANCE ACT AMENDMENTS AND RELATED PROVISIONS

Sec. 2201. Development Policy

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

Sec. 2202. Assistance for Nongovernmental Organizations

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

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

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

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

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

Sec. 2203. Authority for Use of Funds for Unanticipated Contingencies

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

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

Sec. 2204. Authority to Accept Lethal Excess Property

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

Sec. 2205. Reconstruction and Famine Assistance Under International Disaster Assistance Authority

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

Sec. 2206. Funding Authorities for Assistance for the Independent States of the Former Soviet Union

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

Sec. 2207. Waiver of Net Proceeds Resulting From Disposal of United States Defense Articles Provided to a Foreign Country on a Grant Basis

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

Sec. 2208. Transfer of Certain Obsolete or Surplus Defense Articles in the War Reserve Stockpiles for Allies to Israel

This section provides the President authority to transfer certain obsolete or surplus defense items to Israel, in exchange for concessions of equivalent value to be negotiated by the Secretary of Defense with the concurrence of the Secretary of State. This section requires advance congressional notification before any such transfer is made.

Sec. 2209. Additions to United States War Reserve Stockpiles in Israel for Fiscal Years 2004 and 2005

This section extends through fiscal year 2005 the President's authority to transfer excess items to the Department of Defense War Reserve Stockpile in Israel.

Sec. 2210. Restrictions on Economic Support Funds for Lebanon

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

Sec. 2211. Administration of Justice

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

Sec. 2212. Demining Programs

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

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

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

Sec. 2213. Special Waiver Authority

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

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

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

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

Sec. 2214. Prohibition of Assistance for Countries in Default

This section amends section 620(q) of the Foreign Assistance Act to make two changes. First, it makes the restriction applicable only to aid to governments. Second, it amends the period of default (from 6 months to 12 months) that results in a cutoff of assistance under the Foreign Assistance Act.

Sec. 2215. Military Coups

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

Sec. 2216. Designation of Position for Which Appointee is Nominated

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

Sec. 2217. Exceptions to Requirement for Congressional Notification of Program Changes

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

Sec. 2218. Commitments for Expenditures of Funds

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

Sec. 2219. Alternative Dispute Resolution

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

Sec. 2220. Administrative Authorities

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

Section 636(a)(3) is amended to permit the hiring of personal services contractors for work in the United States. The authority already exists under the Act for hiring such contractors abroad.

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

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

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

Section 636(d) is amended to strike the \$2.5 million limitation on the provision of assistance for schools for dependents of U.S. Government personnel.

Sec. 2221. Assistance for Law Enforcement Forces

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

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

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

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

Sec. 2222. Special Debt Relief for the Poorest Countries

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

Sec. 2223. Congo Basin Forest Partnership

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

Funds recommended for use in this section were requested by the administration to capitalize on the strong cooperation and momentum of state governments, international organizations and non-governmental organizations in protecting the region's essential natural resources while also addressing other challenging development issues in the region. The committee expresses support for economic and conservation opportunities including improvement of forest management and sustainable forest-based livelihoods development such as employment through ecotourism, wildlife law enforcement, reduced impact logging and park management. The committee specifically identifies as targets those activities that are unsustainable and destabilizing to the region, such as illegal logging and illegal trade in wildlife.

Sec. 2224. Landmine Clearance Programs

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

The committee commends the State Department's Political-Military bureau for its attention to this global problem through the Bureau's Office of Mine Action Initiatives.

Sec. 2225. Middle East Foundation

The committee strongly supports the Middle East Partnership Initiative announced by the Secretary of State in December 2002. The committee seeks to contribute to efforts to bring democratic and economic reforms to the Middle East region and has authorized the Secretary of State to designate an appropriate private, non-profit organization as the Middle East Foundation and to provide funding to the Foundation through the Middle East Partner-

ship Initiative. The committee recommends an initial funding level of an estimated \$15 million for that purpose in Fiscal Year 2005.

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

The committee expects to work closely with the Department of State as such a Foundation establishes operations. The committee recognizes the positive role played by the Asia Foundation and Eurasia Foundation in supporting civil society development in their respective regions of operations and hopes that the Middle East Foundation can play a similar role in the Middle East.

The committee further expects that, prior to providing any funding to the Foundation, the administration will ensure that the Foundation has in place a system for vetting potential grantees to reduce the risk of funding activities that are contrary to the national interests of the United States. This section also provides for reporting, financial accountability and oversight measures of such a Foundation.

Sec. 2226. Database of United States Military Assistance

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

In an effort to make the Section 655 report more user-friendly, this section requires the State Department to establish an Internet-accessible, interactive database, consisting of all the unclassified information currently available in the printed report. The database would be searchable by various criteria. Such criteria could include, among others, the recipient country, the United States Munitions List category of article or service provided, and the year of the sale or grant. With such a database, interested parties from academia, non-governmental organizations, the defense industry, and the Congress could access immediately cumulative data, cross-

referenced among several categories. The committee does not view the creation of a database as a burden on the Department. Because the Department already organizes the data in the Section 655 report through electronic processing, a database would only require the importation of existing data.

Sec. 2227. Millennium Challenge Assistance for Certain Countries

This section extends through 2005 a provision of the Millennium Challenge Account (MCA) legislation authorizing up to 10 percent of MCA funding to assist countries that initially fail to meet the requirements for eligibility, including by reason of the absence or unreliability of data. The committee believes that this assistance should be provided only in cases where countries are close to meeting MCA requirements and should be administered in such a way as to provide incentives for poor countries to promote just and democratic governance, economic freedom, and investments in human capital. The committee urges the Millennium Challenge Corporation to make full use of this provision.

SUBTITLE B—ARMS EXPORT CONTROL ACT AMENDMENTS AND
RELATED PROVISIONS

Sec. 2231. Thresholds for Advance Notice to Congress of Sales or Upgrades of Defense Articles, Design and Construction Services, and Major Defense Equipment

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

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

This section also allows for notification of additional cases “if the President determines it is appropriate.” The committee understands that the executive branch is prepared to provide the committee informal notice of planned arms transfers above existing dollar thresholds (but below the new thresholds under this section) and to submit formal notification under Section 36 of the Arms Export Control Act for certain transfers if requested by the chairman or ranking member. The committee expects that an exchange of letters will be used to specify the State Department’s commitment in this regard before this section is enacted.

Sec. 2232. Clarification of Requirement for Advance Notice to Congress of Comprehensive Export Authorizations

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

Sec. 2233. Exception to Bilateral Agreement Requirements for Transfers of Defense Items

This section amends Section 38(j) of the Arms Export Control Act to allow for the bilateral licensing exemption agreements with the governments of the United Kingdom and Australia. The section also contains reporting requirements concerning these agreements, mandates a Presidential certification concerning them, and creates a special report on unauthorized end use or diversion of U.S. defense articles or services exempt from U.S. licensing requirements under the agreements. The committee supports these particular agreements provided adequate controls are ensured and Congress is kept informed regarding them.

Sec. 2234. Authority to Provide Cataloging Data and Services to Non-NATO Countries

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

Sec. 2235. Freedom Support Act Permanent Waiver Authority

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

Sec. 2236. Extension of Pakistan Waivers

This section extends the authority contained in previous legislation (P.L. 107–57) to make inapplicable through fiscal year 2005 foreign assistance restrictions relating to coups and loan defaults with respect to Pakistan.

Sec. 2237. Consolidation of Reports on Non-Proliferation in South Asia

This section requires that the annual report on nonproliferation in South Asia to be submitted by April 1, 2005, pursuant to Section 620F(c) of the Foreign Assistance Act of 1961, include a description of the efforts of the United States Government to achieve objectives on nuclear and missile nonproliferation in the region, as described in Section 1601 of the Foreign Relations Authorization Act for Fiscal Year 2003, the progress made toward achieving such objectives, and the likelihood that such objectives will be achieved by September 30, 2004. This avoids the need for a separate report on those efforts, which was required in 2003.

Sec. 2238. Haitian Coast Guard

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

Sec. 2239. Marketing Information for Commercial Communication Satellites

This section provides that under Section 38 of the Arms Export Control Act a license is not required for sharing marketing data for the purposes of a potential sale of a commercial communications satellite to a NATO-member country, Australia, New Zealand and Japan. Under the definition of marketing data contained in the section, an export license would still be required for sensitive encryption and source code data, detailed design data, engineering analysis, or manufacturing know-how. The section further provides that nothing in this section exempts commercial communications satellites from any of the other licensing requirements under the Arms Export Control Act.

Sec. 2240. Transfer of Certain Naval Vessels

This section authorizes the President to transfer certain vessels to the Government of Bahrain and the Government of Portugal on a grant basis under Section 516 of the Foreign Assistance Act of 1961. In addition, it authorizes the President to transfer a vessel to the Government of Chile on a sales basis under Section 21 of the Arms Export Control Act.

Sec. 2241. Man-portable Air Defense Systems Threat Reduction

This section authorizes \$10 million to enhance State Department initiatives under the Non-Proliferation, Anti-Terrorism, Demining, and Related Programs account to reduce the threat posed by Man-Portable Air Defense Systems (MANPADS). The committee is concerned about the threat posed to commercial and military aircraft by terrorists possessing these weapons. These systems are widely available, relatively inexpensive, and easy to use, and are known to be in the hands of terrorist groups throughout the world.

In addition to commending efforts by the G8 Group of Nations and the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies to reduce the threat from MANPADS, this provision urges the President to instruct the United States Representative to the United Nations to pursue a United Nations Security Council Resolution to ban the transfer and sale of MANPADS to non-state entities (including terrorist groups or individual terrorists). The Secretary of State is required to issue a report on the progress in obtaining the U.N. Security Council resolution and on U.S. efforts to reduce the threat of MANPADS within 180 days of enactment of this Act and each year thereafter.

TITLE XXIII—RADIOLOGICAL TERRORISM SECURITY

The committee is concerned that orphaned, unused, surplus, or other radioactive sources pose a major proliferation risk, and that the use of such materials by terrorists in a radiological dispersion attack could lead to catastrophic economic and social damage. The committee finds that the security of these materials should be a priority in United States nonproliferation efforts, and that international cooperation will be critical to guarantee the success of

these efforts. The committee is pleased to note significant progress in these areas in the past year.

At a hearing held March 6, 2002, the committee received testimony regarding the terrorist nuclear threat from: Dr. Richard A. Meserve, then-Chairman of the Nuclear Regulatory Commission; Dr. Donald D. Cobb, Associate Laboratory Director for Threat Reduction at the Los Alamos National Laboratory; Dr. Harry C. Vantine, Division Leader for Counterterrorism and Incident Response at the Lawrence Livermore National Laboratory; Dr. Steven E. Koonin, Provost of the California Institute of Technology and Chairman of the JASON group of scientific advisers to the Department of Defense; and Dr. Henry C. Kelly, President of the Federation of American Scientists. The witnesses warned that there was a real possibility that terrorists could obtain radioactive material and then disperse it with the intent to cause harm. Although few people, if any, would die from a radiological attack, it could force the evacuation and destruction of large numbers of buildings in order to comply with Federal decontamination regulations.

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

TITLE XXIV—GLOBAL PATHOGEN SURVEILLANCE

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

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

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

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

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

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

Sec. 2404. Priority for Certain Countries

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

Sec. 2405. Restriction

Section 2405 restricts access that foreign nationals participating in programs authorized under this Act may gain to select agents that may be used as, or in, a biological weapon, except in a supervised and controlled setting. The committee does not believe that such a restriction will constrain foreign nationals from fully participating in various training and educational programs under this Act.

Sec. 2406. Fellowship Program

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

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

Sec. 2407. In-Country Training in Laboratory Techniques and Syndrome Surveillance

Section 2407 supports short-term training courses, outside the United States, in laboratory techniques for laboratory technicians and public health officials. Such training courses offer the opportunity for public health personnel to train in their indigenous environment, utilizing the available technology. Subsection 2407(a) complements the assistance authorized in Section 408 for the purchase and maintenance of public health laboratory equipment. Subsection 407(b) supports training in syndrome surveillance techniques. Syndrome surveillance systems provide the means for early detection and recognition, limit infection and mortality rates, and help to more efficiently focus limited public health resources.

Sec. 2408 and Sec. 2409. Assistance for the Purchase and Maintenance of Public Health Laboratory Equipment and Assistance for Improved Communication of Public Health Information

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

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

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

The committee favors standardizing the reporting of public health information between and among developing countries and international health organizations. Standardized reporting requirements will enable information to be more easily transmitted and understood. Thus, the President is authorized under subsection (e) of Section 409 to provide assistance for this purpose.

Sec. 2410. Assignment of Public Health Personnel to United States Missions and International Organizations

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

Sec. 2411. Expansion of Certain United States Government Laboratories Abroad

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

Sec. 2412. Assistance for Regional Health Networks and Expansion of Foreign Epidemiology Training Programs

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

Sec. 2413. Authorization of Appropriations

This section authorizes appropriations for carrying out provisions of this title for Fiscal Year 2005. The committee has made funding

available for this title from the funds authorized to be appropriated to the State Department account for Non-Proliferation, Anti-Terrorism, Demining, and Related Programs (NADR). All amounts authorized to be appropriated by this title are authorized to remain available until expended. The section authorizes \$35 million in total. Of this amount, \$25 million is authorized to carry out Sections 2406, 2407, 2408 and 2409; \$500,000 to carry out Section 2410; \$2.5 million to carry out Section 2411; and \$7 million to carry out Section 2412.

The committee recognizes that the level of assistance required for global pathogen surveillance will be modest in comparison to other foreign assistance efforts. Targeted U.S. assistance can leverage other international assistance and, more importantly, establish benchmarks for public health programs in developing countries to strive for in sustaining and expanding pathogen surveillance efforts. Global surveillance does not command large-scale investments nor does it require high-tech equipment. The committee hopes that U.S. allies and partners will contribute a proportionate share in funding these types of efforts to develop a comprehensive global surveillance network. The absence of authorized funding beyond FY 2005 does not indicate the need for a re-authorization of these programs.

TITLE XXV—MISCELLANEOUS PROVISIONS

SUBTITLE A—ELIMINATION AND MODIFICATION OF CERTAIN REPORTING REQUIREMENTS

Sec. 2501. Annual Report on Territorial Integrity

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

Sec. 2502. Annual Reports on Activities in Colombia

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

Sec. 2503. Annual Report on Foreign Military Training

This amendment changes the date upon which the report is due to the Congress from January 31 to March 1.

Sec. 2504. Report on Human Rights in Haiti

This section combines reports that derive from subsections 616(c) (2), (3) and (4) of the Commerce, Justice and State Appropriations Act Fiscal Year 1999, as amended, concerning the status of the Government of Haiti’s investigations and prosecution of certain

extra judicial and political murders, the list of individuals implicated in those murders, and list of aliens denied visas as a result of the legislation. The two reports had been submitted on the same date but in two separate packages, so the timing of the receipt of this information will not be affected.

SUBTITLE B—OTHER MATTERS

Sec. 2511. Certain Claims for Expropriation by the Government of Nicaragua

This section authorizes the Secretary of State to exclude from consideration for the purposes of foreign assistance restrictions related to property expropriation certain U.S. citizen property claims against the Government of Nicaragua not filed within 120 days of a deadline to be set by the Secretary of State.

Sec. 2512. Amendments to the Arms Control and Disarmament Act

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

Sec. 2513. Support for Independent Media in Ethiopia

This section recognizes the need for an independent media in Ethiopia and recommends the provision of necessary sums to strengthen the capacity of journalists and increase their access to printing facilities. The committee finds it essential to maintain principles of democratic participation in all states, regardless of their level of support in the global war on terrorism.

Sec. 2514. Support for Central African States

This section contains specific findings drawn from the State Department’s Human Rights Report for 2002, and reaffirms U.S. policy supporting efforts aimed at accounting for grave human rights abuses and crimes against humanity, encouraging reconciliation and preventing such crimes in the future. It also requires a report from the Secretary of State within 180 days after enactment on the actions taken pursuant to the above policy. This section also authorizes that up to \$12 million may be made available for fiscal year 2005 to support justice and reconciliation mechanisms in the Democratic Republic of the Congo, Rwanda, Burundi, and Uganda.

The committee is deeply disturbed by ongoing reports of gross human rights abuses in the eastern portion of the Democratic Republic of the Congo, and believes that regional instability will not be resolved until the climate of impunity for such abuses is

changed. The committee considers that the mounting frequency of reports of atrocities perpetrated by local and proxy militias, and the politicization and arming of the population, warrant responsive actions in order to avert further atrocities.

Sec. 2515. Support for Haiti

The committee recognizes the serious humanitarian crisis in Haiti and urges a robust and immediate response in the current fiscal year by the United States and the international community. Accordingly, the committee encourages the administration to provide to Haiti \$150,000,000 in assistance to meet the basic needs of the Haitian people, to provide resources for the purposes of training, overhauling and equipping the Haitian National Police force, and to provide resources to the international security forces authorized by the United Nations or other appropriate international organizations.

The committee recognizes the need for flexibility in responding to the crisis and, accordingly, makes clear that such assistance may be provided from among several accounts authorized in this bill. In addition, the committee urges the administration to convene an international donors conference as early as practicable, for the purpose of rallying the international community to provide resources for this crisis.

Sec. 2516. Africa Contingency Operations Training and Assistance Program

This section authorizes the Africa Contingency Operations Training and Assistance Program (ACOTA), codifies the criteria for eligible countries, and expresses a sense of the Congress on local consultations prior to ACOTA implementation and monitoring of post-training performance and conduct of military units trained. It provides that the full amount requested for fiscal year 2005 may be made available for ACOTA training.

The committee finds that several years of experience with ACOTA and its predecessor, the Africa Crisis Response Initiative (ACRI), have confirmed their value.

Sec. 2517. Conditions on the Provision of Certain Funds to Indonesia

This section conditions the release of any funds available for Indonesia in fiscal year 2005 under the Foreign Military Financing program or the International Military Education and Training program (with the exception of funds under the expanded IMET program) on the receipt of a certification submitted by the President that the Government of Indonesia and the Indonesian Armed Forces are taking effective measures to conduct an investigation of the attack on United States citizens in Indonesia on August 31, 2002 and to criminally prosecute the individuals responsible for the attack.

Sec. 2518. Assistance to Combat HIV/AIDS in Certain Countries of the Caribbean Region

This section's purpose is to include certain nations of the Caribbean Region, where HIV/AIDS prevalence is second only to sub-Sa-

haran Africa, on the list of countries eligible for assistance under the Emergency Plan for AIDS Relief.

Sec. 2519. Assistance to Combat HIV/AIDS in India

This section makes India eligible for assistance under the Emergency Plan for AIDS Relief. The committee understands that India is facing a critical moment in its efforts to combat HIV/AIDS, with over 4.5 million infected and the epidemic spreading from urban areas to rural areas, and from high-risk groups to the general population. The committee believes that, while India's political leaders, public health officials, non-governmental organizations, and medical and scientific communities have taken important steps to combat HIV/AIDS, significant gaps remain that require immediate U.S. engagement and contribution of resources.

Sec. 2520. Sense of the Congress on Iraq Debt

This section calls attention to the tremendous foreign debt held by Iraq and the billions in reparations claims pending with the UN Compensation Commission. The committee considers it is in the best interests of the United States to work with Iraq, the nations to which Iraq is in debt, and the international community to negotiate a substantially reduced debt and reparations burden for Iraq. The President and his personal envoy for these negotiations are to be commended for progress made to-date and are encouraged to continue on this most essential effort.

Sec. 2521. Sense of Congress on Rights of Women in Iraq

This section expresses the sense of Congress that the rights of women in Iraq, including their full participation in government and society, should be protected following the transfer of sovereignty to Iraq.

Sec. 2522. Sense of Congress on National Elections in Afghanistan

This section expresses the sense of Congress that adequate security must be present throughout Afghanistan before elections can occur that are both fair and free. It also recognizes the importance of women to the future of Afghanistan by expressing the sense of Congress that the United Nations Assistance Mission to Afghanistan (UNAMA) should increase its efforts to register Afghan women to vote in order to ensure their full participation in Afghanistan's scheduled elections. The committee considers the current "acceleration" of U.S. assistance to Afghanistan to be a critical factor to achieving an environment conducive to free and fair elections.

Sec. 2523. Repeal of Obsolete Assistance Authority

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

Sec. 2524. Technical Corrections

This section makes technical corrections to several foreign assistance laws.

VI. COST ESTIMATE

In accordance with rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the committee provides the following estimate of the cost of this legislation prepared by the Congressional Budget Office.

UNITED STATES CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 2004.

Honorable RICHARD G. LUGAR, *Chairman*
Committee on Foreign Relations,
United States Senate,
Washington, DC.

DEAR MR. CHAIRMAN:

The Congressional Budget Office has prepared the enclosed cost estimate for S. 2144, the Foreign Affairs Authorization Act, Fiscal Year 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

DOUGLAS HOLTZ-EAKIN, *Director*

Enclosure.

S. 2144—FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEAR 2005

SUMMARY

S. 2144 would authorize appropriations of \$27.1 billion for the Department of State, international assistance programs, and related agencies for 2005. It also would authorize appropriations totaling about \$0.9 billion for the Peace Corps over the 2006-2007 period. The bill also contains provisions that would raise the cost of discretionary programs for famine and reconstruction assistance, debt relief, public diplomacy, exchange programs, personnel, and other programs over the 2005-2009 period. CBO estimates that those provisions would require appropriations of \$3.3 billion over those five years. CBO estimates that appropriation of the authorized and estimated amounts would result in additional discretionary spending of about \$29.7 billion over the 2005-2009 period.

CBO estimates that S. 2144 would raise direct spending by less than \$500,000 a year in 2005 and 2006, by \$25 million over the 2007-2009 period, and a total of about \$25 million over the 2005-2014 period, primarily from forgone asset sales receipts under section 2208—which would authorize the transfer of certain U.S. defense articles to Israel (instead of selling such surplus articles). The bill would also increase governmental receipts (i.e., revenues) by an insignificant amount each year by creating new criminal penalties related to law enforcement and protective functions of State Department special agents and guards.

S. 2144 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 2144 is shown in Table 1. The costs of this legislation fall within budget functions 050 (national defense), 150 (international affairs), 300 (natural resources and environment), 500 (education, training, employment, and social services), 600 (income security), 750 (administration of justice), and 800 (general government).

The estimated budgetary impact of S. 2144 is shown in Table 1. The costs of this legislation fall within budget functions 050 (national defense), 150 (international affairs), 300 (natural resources and environment), 500 (education, training, employment, and social services), 600 (income security), 750 (administration of justice), and 800 (general government).

TABLE 1. BUDGETARY IMPACT OF S. 2144, THE FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEAR 2005

(By fiscal year, in millions of dollars)

	2004	2005	2006	2007	2008	2009
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for State Department, International Assistance Programs, and Related Agencies:						
Estimated Authorization Level ^{1 2}	26,598	2,195	2,545	3,145	3,345	0
Estimated Outlays	24,542	13,275	7,699	5,224	4,205	3,495
Proposed Changes:						
Estimated Authorization Level ³	0	27,640	1,259	1,108	700	700
Estimated Outlays	0	12,947	8,521	4,260	2,513	1,476
Spending Under S. 2144 for State Department, International Assistance Programs, and Related Agencies:						
Estimated Authorization Level ^{2 3}	26,598	29,835	3,804	4,253	4,045	700
Estimated Outlays	24,542	26,222	16,220	9,484	6,718	4,971
CHANGES IN DIRECT SPENDING AND REVENUES ⁴						
Estimated Budget Authority	0	(*)	(*)	5	10	10
Estimated Outlays	0	(*)	(*)	5	10	10

Note: (*) = less than \$500,000.

¹ The estimated authorization levels over the 2005-2008 period are an estimate of international HIV/AIDS programs authorized by Public Law 108-25, the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003. That act authorized the appropriation of \$15 billion for the 2004-2008 period for HIV/AIDS programs, including programs administered by the Department of Health and Human Services.

² The 2004 level is the amount appropriated for that year.

³ These amounts do not include costs for sections 103(c) and 207 of S. 2144 because CBO cannot estimate the timing or amounts that may be necessary to implement those provisions.

⁴ CBO estimates that changes in revenues from new criminal penalties would be less than \$500,000 in all years.

BASIS OF ESTIMATE

S. 2144 would authorize appropriations for the Department of State and international broadcasting activities for fiscal year 2005 and would authorize appropriations for the Peace Corps for the 2005-2007 period. It would be the first comprehensive foreign assistance authorization act since the mid-1980s—authorizing funding for most existing assistance programs and also several new ones. Finally, the bill contains provisions that would increase direct spending by about \$25 million over the next five years.

Spending Subject to Appropriation

S. 2144 would authorize appropriations of \$27.1 billion in 2005 and \$0.9 billion over the 2006-2009 period for the State Department, international assistance programs, the Peace Corps, and related agencies. In addition to those specified authorizations, the bill also contains provisions that would affect costs for famine and reconstruction assistance, debt relief, public diplomacy, exchange programs, personnel, and other programs. CBO estimates that implementing those provisions would require additional appropriations of \$3.3 billion over the 2005-2009 period. For this estimate, CBO assumes that the authorized amounts will be appropriated by the start of each fiscal year and that outlays will follow historical spending patterns for the affected programs. CBO estimates that implementing the bill would cost about \$29.7 billion over the 2005-2009 period, assuming appropriation of the necessary amounts (see Table 2).

Specified Authorizations. S. 2144 would authorize \$7.9 billion in 2005 for the State Department for programs related to the administration of foreign affairs and international organizations, and \$0.1 billion for other related programs. It would authorize \$1.1 billion for international broadcasting and exchange activities.

The bill would authorize the appropriation of \$9.9 billion in 2005 for international development and humanitarian assistance programs, including the Peace Corps, and \$8.2 billion for international security assistance programs.

Title IX of the bill would authorize the appropriation of \$1.3 billion over the 2005-2007 period for the Peace Corps. It also would require the Director of the Peace Corps to develop a plan to increase the number of volunteers in service to twice the number enrolled in 2002 and would increase the readjustment allowance authorized to returning volunteers from \$125 for each month of service to \$275 for each month of service. CBO estimates that implementing these provisions would cost about \$275 million in 2005 and almost \$1.3 billion over the 2005-2009 period, assuming the appropriation of the authorized amounts.

TABLE 2. SPECIFIED AND ESTIMATED AUTHORIZATIONS IN S. 2144

	By Fiscal Year, in Millions of Dollars				
	2005	2006	2007	2008	2009
Specified Authorizations					
International Development and Humanitarian Assistance					
Authorization Level	9,897	443	485	0	0
Estimated Outlays	2,580	4,280	2,147	930	354
International Security Assistance					
Authorization Level	8,157	0	0	0	0
Estimated Outlays	4,483	1,996	855	424	192
Conduct of Foreign Affairs					
Authorization Level	7,938	0	0	0	0
Estimated Outlays	4,970	1,449	532	495	230
Foreign Information and Exchange Activities					
Authorization Level	1,064	0	0	0	0
Estimated Outlays	729	270	42	16	4

TABLE 2. SPECIFIED AND ESTIMATED AUTHORIZATIONS IN S. 2144—Continued

	By Fiscal Year, in Millions of Dollars				
	2005	2006	2007	2008	2009
Other Programs					
Authorization Level	84	0	0	0	0
Estimated Outlays	60	13	9	3	0
Total Specified Authorizations					
Authorization Level	27,140	443	485	0	0
Estimated Outlays	12,822	8,008	3,585	1,868	780
Estimated Authorizations¹					
Famine and Reconstruction Assistance					
Estimated Authorization Level	500	500	500	500	500
Estimated Outlays	125	350	450	495	498
Debt Relief					
Estimated Authorization Level	0	195	0	75	75
Estimated Outlays	0	81	114	31	75
Middle East Broadcasting Network					
Estimated Authorization Level	052	52	52	52	
Estimated Outlays	0	44	51	52	52
Education and Training Programs					
Estimated Authorization Level	0	38	39	40	40
Estimated Outlays	0	19	34	37	39
Middle East Foundation					
Estimated Authorization Level	0	15	16	16	16
Estimated Outlays	0	6	11	14	15
Personnel and Other Programs					
Estimated Authorization Level	0	16	16	17	17
Estimated Outlays	0	13	15	16	17
Total Estimated Authorizations					
Estimated Authorization Level	500	816	623	700	700
Estimated Outlays	125	513	675	646	696
Total Authorizations					
Estimated Authorization Level	27,640	1,259	1,108	700	700
Estimated Outlays	12,947	8,521	4,260	2,513	1,476

¹ All of the programs with estimated authorizations also have specified authorizations in 2005.

Title IX also would authorize the appropriation of \$10 million to the Corporation for National and Community Service for grants to organizations that use returning Peace Corps volunteers to promote an understanding of other peoples on the part of the American people. Assuming that these funds will be appropriated for fiscal year 2005, CBO estimates that implementing this provision would cost \$2 million in 2005 and \$10 million over the 2005-2009 period.

Famine and Reconstruction Assistance. Section 2205 would expand the purposes for which appropriations for international disaster assistance may be provided to include programs of famine relief and reconstruction following manmade or natural disasters abroad. The bill would authorize \$386 million in 2005 for international disaster and famine assistance; however, reconstruction following manmade or natural disasters can be very expensive and has often been funded by supplemental appropriations.

The United States provided over \$0.6 billion in 1999 for Central America and the Caribbean to recover after disastrous hurricanes. Appropriations for the reconstruction of Iraq and Afghanistan to-

taled over \$20 billion in 2003 and 2004. While continued funding at that level appears unlikely to be repeated, CBO estimates that meeting the expanded purposes could require appropriations of several hundred million to one billion dollars above the levels specified by the bill for countries emerging from conflict or civil strife such as Sudan, Liberia, or Haiti. Based on historical funding for similar activities, CBO estimates the costs for implementing this section could be \$500 million each year over the 2005-2009 period, assuming the appropriation of the necessary funds.

Debt Relief. S. 2144 contains four provisions that address debt relief for developing countries:

- Section 2115 would require the President to cancel all bilateral debts owed by the Democratic Republic of the Congo to the U.S. government, subject to the availability of appropriations for the cost, as defined by the Federal Credit Reform Act, of cancelling those debts. It would authorize the appropriation of \$105 million in 2005 for the cost of cancelling Congo's debts. Based on information from the Office of Management and Budget (OMB), CBO estimates the cost of cancelling all of the Congo's debts would be \$300 million. The estimate assumes that the balance—\$195 million—would be provided in 2006.
- Section 2114 would authorize the appropriation of \$75 million in 2005 or 2006 for a contribution to the Heavily Indebted Poor Countries Trust Fund administered by the World Bank. This estimate assumes the appropriation of the authorized amounts in 2005 as requested by the President.
- Section 2116 would authorize the appropriation of \$20 million in 2005 for debt relief under the Tropical Forest Conservation Initiative.
- Section 2222 would authorize the President to reduce the U.S. bilateral debt of low-income countries as part of multilateral debt-relief agreements limited to such extent or in such amounts as may be provided in advance in an appropriations act. The authorization that would be provided in section 2222 is the same as that contained in general provisions of annual appropriations acts for nearly a decade. The U.S. government has forgiven the bilateral debt that it once held for most of the world's poorest countries; however, it still holds the debt of some of the world's poorest countries, such as Afghanistan, Sudan, Somalia, and Liberia. At some point after 2005, these countries, or other poor countries, may meet the minimum requirements for multilateral debt relief as stipulated by the bill.

We cannot identify the exact timing of such action, given the experience of other countries emerging from internal conflict, we estimate that it would be at least two to three years after a reconstituted civilian government is established in those countries before any multilateral debt agreement would be negotiated. While the bill does not authorize the appropriation of any funds, CBO estimates that the present value of all debt of low-income countries held by the U.S. government to be between \$250 million and \$350 million. CBO estimates that implementing the program would not have a significant cost in the next few years, but could cost about \$75 million a year for

2008 and 2009, assuming appropriation of the necessary amounts.

Middle East Broadcasting Network. Section 808 would authorize the Broadcasting Board of Governors (BBG) to make annual grants to a Middle East Broadcasting Network to provide radio and television broadcasts to the Middle East region. Under current law, Radio Sawa provides radio programming to the Middle East, and the Middle East Television Network (MTN) recently began television programming in the region. The BBG plans to integrate Radio Sawa and MTN to form a single broadcasting entity. Based on information from the BBG, CBO assumes that the BBG would provide grants of \$45 million to the network in 2005 from amounts authorized in the bill. CBO estimates that operating costs for continuing this radio and television broadcasting network would be \$52 million a year over the 2006-2009 period, assuming the appropriation of the necessary funds.

Education and Training Programs. Sections 612 and 613 would establish new educational and cultural exchange programs and expand existing ones. Section 803 would establish a new fellowship program for multidisciplinary training on nonproliferation issues. Section 814 would establish a new training program to combat copyright infringement. The bill would authorize the appropriation of \$37 million for all of these programs in 2005. CBO estimates that continuing these programs would require an additional \$157 million over the 2006-2009 period, or about \$39 million a year over that period.

Global Pathogen Surveillance. Title XXIV would authorize a program of global pathogen surveillance to assist in the monitoring and response to bioterrorism and outbreaks of infectious disease. The bill would earmark \$35 million from the amount authorized for Nonproliferation, Antiterrorism, Demining, and Related Assistance (NADR) to fund these activities. Specifically, it would authorize the Secretary of State to:

- Establish fellowships and training courses for health personnel in developing countries;
- Provide assistance for developing countries to purchase and maintain laboratory equipment, information technology, and communications equipment;
- Assign public health personnel to U.S. overseas missions and international organizations; to expand U.S. government laboratories abroad; and
- Establish and expand epidemiology training programs and regional health networks in developing countries.

Middle East Foundation. Section 2225 would authorize the Secretary to designate a nonprofit organization as the Middle East Foundation and to fund the organization through grants. The provision also would require the foundation to report to the Congress on its activities by January 31, 2006, and every year thereafter; thus establishing a long-term relationship between the Department of State and the foundation. While the provision is silent on the level of funding, last year in Senate Report 108-56, the committee recommended an initial funding of \$15 million for the foundation.

CBO assumes that grants in 2005 totaling that amount would come from funds authorized elsewhere in the bill, as requested by the President, and funding would continue over the 2006-2009 period at that rate adjusted for inflation, assuming the appropriation of the necessary funds.

Hardship and Danger Pay Allowances. Section 305 would increase the cap on hardship and danger pay allowances from 25 percent to 35 percent of basic pay for employees serving overseas. The bill would authorize the appropriation of \$8 million in 2005 only. Based on information from the Department of State, CBO estimates implementing this section would cost between \$11 million and \$12 million annually over the 2006-2009 period, assuming the appropriation of the necessary funds. The increase in estimated costs from 2005 to 2006 is primarily due to higher staffing levels expected at the new embassy in Baghdad.

Radiological Terrorism Security. Title XXIII would authorize assistance to reduce the threat to diplomatic missions abroad from an attack using radioactive materials. In particular, it would authorize assistance to foreign countries to develop appropriate response plans and to train foreign personnel who would be the first to respond to such an attack. The bill would earmark \$2 million from the amount authorized elsewhere in the bill for NADR to fund these activities.

Indefinite Authorizations for Currency Fluctuations. Section 103(c) would authorize such sums as may be necessary in 2005 to compensate for adverse fluctuations in exchange rates that might affect contributions to international organizations. Any funds appropriated for this purpose would be obligated and expended subject to certification by OMB. Currency fluctuations are extremely difficult to estimate in advance, and they could result in spending either higher or lower than the amounts specifically authorized in the bill for contributions to international organizations and programs. Therefore, this estimate includes no costs associated with currency fluctuations.

Victims of Crime Office. Section 207 would create a Victims of Crime Office within the Department of State and authorize the department to provide services and financial assistance from its emergency fund to U.S. nationals who become crime victims overseas. The department is currently gathering information on the number of such crime victims and their needs. CBO cannot estimate the budgetary impact of this provision given the uncertainties associated with estimating how many individuals may be victimized and whether victims of terrorist acts would also be covered under this provision.

United States Diplomacy Center. Section 212 would authorize the Secretary of State to establish a United States Diplomacy Center at the Harry S Truman Building in Washington, D.C. According to the Department of State, the project is currently in its design phase and is expected to open in 2007. The department would provide the space, staff, and security for the center, while the nonprofit Foreign Affairs Museum Council would provide funding from private sources. CBO estimates implementing this section would cost \$1 million a year over the 2005-2009 period. The department

has requested, and the bill would provide, a specific authorization of appropriations for \$1 million in 2005 only.

Educational Expenses of Dependent Children. Section 302 would authorize payments for certain educational expenses of dependent children of Foreign Service employees posted overseas. Section 816 would allow the BBG to pay for the educational expenses of certain dependents of employees in the Commonwealth of the Northern Mariana Islands. Based on information from the Department of State and the BBG, CBO estimates implementing these provisions would cost about \$1 million annually.

Edward R. Murrow Fellowship Program. Section 622 would establish a new fellowship program at the BBG to allow 20 foreign national journalists each year to spend up to six months working at the Voice of America, Radio Free Europe/Radio Liberty, or Radio Free Asia. The BBG would pay the salaries, living expenses, and travel costs of those journalists. Based on information from the BBG, CBO estimates that implementing this section would cost roughly \$1 million a year.

Reporting Requirements. The bill includes several provisions that would expand or introduce new reporting requirements. Combined, these provisions would raise spending subject to appropriation by about \$1 million annually, CBO estimates.

Miscellaneous Provisions. CBO estimates that several sections of the bill would have an insignificant impact on spending subject to appropriation:

- Section 211 would authorize grants to promote agricultural biotechnology;
- Section 213 would authorize an educational program for young Latin American professionals to promote civilian control of government ministries with national security functions;
- Section 214 would extend the term of the Advisory Committee on Cultural Diplomacy through 2007;
- Section 301 would allow members of the Foreign Service to be assigned for one year to the North Atlantic Treaty Organization (NATO), the European Union (EU), or one of the NATO or EU members;
- Section 306 would allow the department to place members of the Foreign Service indicted for a crime on indefinite suspension without pay;
- Section 307 would clarify the department's authority to settle claims for back pay and other administrative claims and grievances;
- Section 312 would allow the department to pay a housing allowance to 10 more employees of the U.S. Mission to the United Nations in New York City;
- Section 313 would allow the department to pay members of the Senior Foreign Service (approximately 900 persons) based on individual performance. According to the department, it has not yet decided how it would implement such a system; and
- Section 2212 would authorize appropriations for educating children in Afghanistan about the dangers of land mines.

Direct Spending and Revenues

CBO estimates that S. 2144 would raise direct spending by less than \$500,000 a year in 2005 and 2006, by \$25 million over the 2007-2009 period, and a total of about \$25 million over the 2005-2014 period. The bill would also increase governmental receipts (revenues) by less than \$500,000 a year (see Table 3).

U.S. War Reserve Stockpile for Allies. Section 2208 would, for a five-year period, authorize the President to transfer to Israel obsolete or surplus defense articles in the U.S. War Reserve Stockpile for Allies in Israel in return for concessions to be negotiated by the Secretary of Defense. The concessions may include cash, services, waiver of charges otherwise payable by the United States, or other items of value. Since articles may be transferred by sale under current law, CBO estimates that the authority provided by the section could be used to negotiate noncash concessions thereby lowering offsetting receipts to the Department of Defense (DoD).

TABLE 3. ESTIMATED DIRECT SPENDING AND REVENUES IN S. 2144
(By fiscal year, in millions of dollars)

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Changes in Outlays	0	(*)	(*)	5	10	10	(*)	(*)	(*)	(*)	(*)
Changes in Revenues	0	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

Note: (*) = less than \$500,000.

According to DoD, similar authority was not used for Israel in the past, but certain missiles and other items are approaching the end of their shelf life and are no longer kept in the U.S. inventory, but could be transferred under the authority of this section rather than returned to the U.S. for disposal. Similar authority has been used for the stockpile in Korea. If the authority provided in section 2208 were used to the same extent as that for the stockpile in Korea, CBO estimates that forgone receipts would total between \$5 million and \$10 million a year over the 2007-2009 period.

Other Provisions. CBO estimates that several provisions in the bill would affect direct spending and revenues by less than \$500,000 annually.

- Sections 201 and 203 would raise governmental receipts (revenues) by establishing new criminal penalties that would be assessed against persons interfering with the law enforcement and protective functions of State Department special agents and guards. CBO estimates that the increase in revenues would not be significant in any year. Collections of criminal fines are deposited in the Crime Victims Fund and are later spent. CBO estimates that the criminal penalties that would be established under the bill would increase direct spending from the Crime Victims Fund by less than \$500,000 per year.
- Section 205 would allow the Department of State to seek and retain reimbursement for security provided by special agents to the U.S. Olympic Team during the 2004 Summer Olympic Games in Athens, Greece. The department plans to deploy about 150 special agents at an estimated cost of about \$5 mil-

lion, but it is uncertain how much of this cost would be recovered.

- Section 206 would allow the State Department's International Litigation Fund to retain awards of costs and attorneys' fees as a result of a decision by an international tribunal. Based on information from the department, CBO estimates that it would collect and spend less than \$500,000 a year.
- Section 212 would authorize the Secretary to provide museum visitor and educational outreach services and to sell, trade, or transfer documents and articles that are displayed at the United States Diplomacy Center. Any proceeds generated from these services or sales would be retained and spent by the center, and CBO estimates that this provision would have an insignificant net effect on direct spending.
- Several sections in title III of the bill would amend retirement benefits for State Department personnel. Section 303 would slightly broaden the authority of the department to temporarily rehire Foreign Service retirees without terminating their pension benefits. Section 309 would establish a 60-day deadline for the Office of Personnel Management to issue regulations in accordance with a previously enacted change in pension benefits for certain spouses of Foreign Service workers. Section 310 would change personnel review and termination procedures for each Foreign Service class. CBO estimates that these three provisions would have an insignificant effect on direct spending.
- Section 2106 would provide permanent authority to extend for one year the availability of annual appropriations for voluntary contributions to international organizations. CBO estimates the section would have no effect on outlays. Under most conditions, CBO would score such language as a reappropriation in 2005 except that similar language is contained in the foreign operations title of Public Law 108–199, the Consolidated Appropriation Act, 2004. Under current law, the fiscal year funds for 2004 covered by the proposed legislation are available for obligation through September 30, 2005. CBO also expects that the effect of the provision on future appropriations would be limited by general provisions of annual appropriations acts.
- Section 2207 would authorize the President to waive the requirement that a foreign government pay to the United States the net proceeds from the sale of any military equipment it has received from the United States on a grant basis. CBO estimates the forgone receipts would not be significant.
- Section 2240 would authorize the transfer of three naval vessels to foreign countries. It would authorize the sale of one vessel; the other two would be given away. Because there is significant uncertainty as to whether the vessel would be sold, CBO estimates that enacting the provision would not affect offsetting receipts.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 2144 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

PREVIOUS CBO ESTIMATES

On April 24, 2003, CBO transmitted a cost estimate for S. 925, the Foreign Relations Authorization Act, Fiscal Year 2004, as ordered reported by the Senate Committee on Foreign Relations on April 9, 2003. On June 9, 2003, CBO transmitted a cost estimate for S. 1161, the Foreign Assistance Authorization Act, Fiscal Year 2004, as reported by the Senate Committee on Foreign Relations on May 29, 2003. While those two bills authorized funding primarily for 2004, many of the same provisions are contained in S. 2144, and their estimated costs are similar.

Estimate prepared by:

Federal Costs—State Department: Sunita D'Monte. Peace Corps and Foreign Aid: Joseph C. Whitehill. Foreign Service Retirement: Geoffrey Gerhardt. Law Enforcement: Mark Grabowicz.

Impact on State, Local, and Tribal Governments: Melissa Merrell.

Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by:

Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

VII. EVALUATION OF REGULATORY IMPACT

In accordance with rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the committee has concluded that there is no regulatory impact from this legislation.

VIII. CHANGES IN EXISTING LAW

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

Foreign Assistance Act of 1961

PART I

CHAPTER 1—POLICY; DEVELOPMENT ASSISTANCE AUTHORIZATIONS

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

* * * * *

(5) United States development assistance should focus on critical problems in those functional sectors which affect the lives of the majority of the people in the developing countries; food production and nutrition; rural development and genera-

tion of gainful employment; population planning and health; environment and natural resources; education, development administration, and human resources **development; and** *development; energy development and production; democracy and the rule of law; and economic growth and the building of trade capacity.*

* * * * *

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

* * * * *

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

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

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

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

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

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

* * * * *

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

* * * * *

(c) ASSISTANCE FOR HEALTH AND DISEASE PREVENTION.—(1) * * *

[(2)(A)](2) In carrying out the purposes of this subsection, the President shall promote, encourage, and undertake activities de-

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

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

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

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

* * * * *

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

\$180,000,000 for fiscal year 1986 and \$180,000,000 for fiscal year 1987, which are authorized to remain available until expended.】

* * * * *

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

* * * * *

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

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

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

* * * * *

SEC. 108. PRIVATE SECTOR REVOLVING FUND.—(a) * * *

* * * * *

SEC. 108A. DEVELOPMENT CREDIT AUTHORITY.

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

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

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

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

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

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

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

(1) *PRIORITY FOR ASSISTANCE.*—The President, in providing assistance under this section, shall give priority to providing partial loan guarantees made pursuant to the authority in subsection (c) that are used in transactions in which the financial risk of loss to the United States Government under such guar-

antee does not exceed the financial risk of loss of the private lender that receives such guarantee.

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

(e) *TERMS AND CONDITIONS.*—

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

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

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

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

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

(i) *AVAILABILITY OF FUNDS.*—

(1) *IN GENERAL.*—Of the amounts authorized to be available for the purposes of part I of this Act and for the Support for Eastern European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.), not more than \$21,000,000 for fiscal year 2005 may be made available to carry out this section.

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

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

(j) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *IN GENERAL.*—There is authorized to be appropriated for administrative expenses to carry out this section \$8,000,000 for fiscal year 2005.

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

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

* * * * *

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

* * * * *

[(e) Prohibitions on assistance to countries contained in this or any other Act shall not be construed to prohibit assistance by the agency primarily responsible for administering this part in support of programs of private and voluntary organizations and cooperatives already being supported prior to the date such prohibition becomes applicable. The President shall take into consideration, in any case in which statutory prohibitions on assistance would be applicable but for this subsection, whether continuation of support for such programs is in the national interest of the United States. If the President continues such support after such date, he shall prepare and transmit, not later than one year after such date, to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report setting forth the reasons for such continuation.]

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

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

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

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

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

* * * * *

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

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

* * * * *

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

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section **["\$5,000,000 for fiscal year 1999"] \$17,500,000 for fiscal year 2005.**

* * * * *

CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Organization of American States, shall be used only for budgetary support for the Inter-American Commission on Human Rights.

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

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

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

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

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

[(j) In addition to amounts otherwise available under this section for such purposes, there are authorized to be appropriated to the President \$3,000,000 for fiscal year 1989 to be available only for United States contributions to multilateral and regional drug abuse control programs. Of the amount authorized to be appropriated by this subsection—

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

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

[(3) \$400,000 shall be for the Organization of American States (OAS) Inter-American Drug Abuse Control Commission (CICAD) Law Enforcement Training Project, except that the

proportion which such amount bears to the total amount of contributions to this specific project may not exceed the proportion which the United States contribution to the budget of the Organization of American States for that fiscal year bears to the total contributions to the budget of the Organization of American States for that fiscal year.】

(a) *AUTHORIZATION OF APPROPRIATION.*—*There is authorized to be appropriated to the President \$304,450,000 for fiscal year 2005 for grants to carry out the purposes of this chapter. Amounts appropriated pursuant to the authorization of appropriations in this section are in addition to amounts otherwise available for such purposes.*

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

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

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

* * * * *

SEC. 307. WITHHOLDING OF UNITED STATES PROPORTIONATE SHARE FOR CERTAIN PROGRAMS OF INTERNATIONAL ORGANIZATIONS.—(a) * *

* * * * *

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

* * * * *

CHAPTER 5—CONTINGENCIES

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

* * * * *

CHAPTER 8—INTERNATIONAL NARCOTICS CONTROL

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

* * * * *

SEC. 482. AUTHORIZATION.—(a)(1) To carry out the purposes of section 481, there are authorized to be appropriated to the President **[\$147,783,000 for fiscal year 1993 and \$717,500,000 for fiscal year 1994]** *\$1,089,820,000 for fiscal year 2005, of which \$731,000,000 is authorized to be appropriated for the Andean Counterdrug Initiative.*

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

(3) *Notwithstanding any other provision of law, amounts authorized to be appropriated to carry out the purposes of section 481 for fiscal year 2005, and amounts appropriated for fiscal years before fiscal year 2005 for purposes of such section that remain available for obligation, may be used to furnish assistance to the Government of Colombia—*

(A) to support a unified campaign against narcotics trafficking and terrorist activities; and

(B) to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations.

(4) Assistance furnished to the Government of Colombia under this section—

(A) shall be subject to the limitations on the assignment of United States personnel in Colombia under subsections (b) through (d) of section 3204 of the Emergency Supplemental Act, 2000 (division B of Public Law 106–246; 114 Stat. 576);

(B) shall be subject to the condition that no United States Armed Forces personnel and no employees of United States contractors participate in any combat operation in connection with such assistance; and

(C) shall be subject to the condition that the Government of Colombia is fulfilling its commitment to the United States with respect to its human rights practices, including the specific conditions set forth in subparagraphs (A) through (E) of section 563(a)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (division D of Public Law 108–199).

* * * * *

[(g) EXCESS PROPERTY.—For] (g) *EXCESS PROPERTY.—*

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

(2) NOTIFICATION.—Before obligating any funds to obtain lethal excess property under paragraph (1), the Secretary shall

submit a notification of such action to Congress in accordance with the procedures set forth in section 634A.

* * * * *

SEC. 491. POLICY AND GENERAL AUTHORITY.—(a) The Congress, recognizing that prompt United States assistance to alleviate human suffering caused by natural and **manmade disasters** *man-made disasters, including famine*, is an important expression of the humanitarian concern and tradition of the people of the United States, affirms the willingness of the United States to provide assistance for the relief and rehabilitation of people and countries affected by such **disasters.** *disasters and for programs of reconstruction following such disasters.*

(b) Subject to the limitations in section 492, and notwithstanding any other provision of this or any other Act, the President is authorized to furnish assistance to any foreign country, international organization, or private voluntary organization, on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, *programs of reconstruction following disasters*, and to the prediction of, and contingency planning for, natural disasters abroad.

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

* * * * *

SEC. 492. AUTHORIZATION.—(a) There are authorized to be appropriated to the President to carry out section 491, **[\$25,000,000 for the fiscal year 1986 and \$25,000,000 for the fiscal year 1987]** *\$385,500,000 for fiscal year 2005.* Amounts appropriated under this section are authorized to remain available until expended.

* * * * *

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

SEC. 494. TRANSITION AND DEVELOPMENT ASSISTANCE.

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

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

(b) *AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President \$62,800,000 for fiscal year 2005 to carry out this section.*

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

- (1) are authorized to remain available until expended; and
- (2) are in addition to amounts otherwise available to carry out this section.

* * * * *

Sections 495 through 495K of the Foreign Assistance Act of 1961 (22 U.S.C. 2292f through 2292q) are repealed.

* * * * *

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

* * * * *

CHAPTER 11—SUPPORT FOR THE ECONOMIC AND DEMOCRATIC DEVELOPMENT OF THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

* * * * *

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

(a) * * *

* * * * *

(j) *WAIVER OF CERTAIN PROVISIONS.*—

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

(A) * * *

* * * * *

SEC. 498C. AUTHORIZATION OF APPROPRIATIONS.

(a) *IN GENERAL.*— * * *

(b) *OPERATING EXPENSES.*—

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

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

cedures applicable to re-programming notifications under section 634A of this Act.

* * * * *

PART II

CHAPTER 1—POLICY

* * * * *

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

* * * * *

(f) Effective July 1, 1974, no defense article shall be furnished to any country on a grant basis unless such country shall have agreed that the net proceeds of sale received by such country in disposing of any weapon, weapons system, munition, aircraft, military boat, military vessel, or other implement of war received under this chapter will be paid to the United States Government and shall be available to pay all official costs of the United States Government payable in the currency of that country, including all costs relating to the financing of international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961. ~~【In the case of items which were delivered prior to 1985, the】~~ *The* President may waive the requirement that such net proceeds be paid to the United States Government if he determines that to do so is in the national interest of the United States.

* * * * *

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

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

(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed \$100,000,000 ~~【for fiscal year 2003】~~ *for each of fiscal years 2004 and 2005*.

(B) Of the amount specified in subparagraph (A) ~~【for fiscal year 2003】~~ *for a fiscal year*, not more than \$100,000,000 may be made available for stockpiles in the State of Israel.

* * * * *

SEC. 532. AUTHORIZATIONS OF APPROPRIATIONS.—~~【(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter】~~3(a) *There is authorized to be appropriated to the President to carry out the purposes of this chapter \$2,520,000,000 for fiscal year 2005.*

~~【(1) \$2,015,000,000 for the fiscal year 1986 and \$2,015,000,000 for the fiscal year 1987 for the following countries signing the Camp David agreement: Israel and Egypt; and~~

[(2) \$1,785,000,000 for the fiscal 1986 and \$1,785,000,000 for the fiscal year 1987 for assistance under this chapter for recipients or purposes other than the countries referred to in paragraph.]

* * * * *

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

(b) Assistance under this section may only include—

(1) * * *

* * * * *

(3) notwithstanding section 2420 of this title—

(A) * * *

* * * * *

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

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

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

* * * * *

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

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

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

* * * * *

SEC. 542. AUTHORIZATION.—[There are authorized to appropriated to the President to carry out the purposes of this chapter \$56,221,000 for fiscal year 1986 and \$56,221,000 for the fiscal year 1987] *There is authorized to be appropriated to the President to*

carry out the purposes of this chapter \$89,730,000 for the fiscal year 2005.

* * * * *

CHAPTER 6—PEACEKEEPING OPERATIONS

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

(1) *Reimbursements* to the Department of Defense for expenses incurred pursuant to section 7 of the United Nations Participation Act of 1945, except that such reimbursements may not exceed \$5,000,000 in any fiscal year unless a greater amount is specifically authorized by this section.

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

* * * * *

SEC. 552. AUTHORIZATION OF APPROPRIATIONS.—(a) [There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, \$37,000,000 for the fiscal year 1986 and \$37,000,000 for the fiscal year 1987] *There is authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, \$104,000,000 for the fiscal year 2005.*

* * * * *

SEC 614. SPECIAL AUTHORITIES.—

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

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

[(2) The President may make sales, extend credit, and issue guaranties under the Arms Export Control Act, without regard to any provision of this Act, the Arms Export Control Act, any law relating to receipts and credits accruing to the United States, and any Act authorizing or appropriating funds for use under the Arms Export Control Act, in furtherance of any of the purposes of such Act, when the President determines, and

so notifies in writing the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that to do so is vital to the national security interests of the United States.】

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

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

(B) with respect to other assistance or actions, that to do so is important to the security interests of the United States.

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

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

(i) more than \$750,000,000 in sales to be made under the Arms Export Control Act;

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

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

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

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

【(b) United States obligations in West Germany. Whenever the President determines it to be important to the national interest, he

may use funds available for the purposes of chapter 4 of part I in order to meet the responsibilities or objectives of the United States in Germany, including West Berlin, and without regard to such provisions of law as he determines should be disregarded to achieve this purpose.

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

(b) *INAPPLICABLE OR WAIVABLE LAWS.*—*The provisions referred to in paragraphs (1) and (2) of subsection (a) are those set forth in any of the following:*

- (1) *Any provision of this Act.*
- (2) *Any provision of the Arms Export Control Act (22 U.S.C. 2751 et seq.).*
- (3) *Any provision of law that authorizes the furnishing of foreign assistance or appropriates funds for foreign assistance.*
- (4) *Any other provision of law that restricts assistance, sales or leases, or other action under a provision of law referred to in paragraph (1), (2), or (3).*
- (5) *Any provision of law that relates to receipts and credits accruing to the United States.*

* * * * *

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

* * * * *

(1) * * *

(m)(1) *No assistance may be furnished under this Act or the Arms Export Control Act (22 U.S.C. 2751 et seq.) for the government of a country if the duly elected head of government for such country is deposed by decree or military coup. The prohibition in the preceding sentence shall cease to apply to a country if the President determines and certifies to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives that after the termination of assistance a democratically elected government for such country has taken office.*

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

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

* * * * *

(q) No assistance shall be furnished under this Act to [any country] the government of any country which is in default, during a period in excess of [six calendar months] one year, in payment to the

United States of principal or interest on any loan made to [such country] *such government* under this Act, unless [such country] *such government* meets its obligations under the loan or unless the President determines that assistance to [such country] *such government* is in the national interest and notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination.

* * * * *

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

* * * * *

(c) * * *

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

* * * * *

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

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

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

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

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

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

* * * * *

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

* * * * *

(h) A contract or agreement which entails commitments for the expenditure of funds [available under chapter 1 (22 USC 2151 et seq.) (except development loans) and title II of chapter 2 of part I (22 USC 2171 et seq.) and under part II may,**] made available under the Act may**, subject to any future action of the Congress, extend at any time for not more than five years.

[(i) Settlement and arbitration of claims arising under investment guaranty operations. Claims arising as a result of investment

guaranty operations may be settled, and disputes arising as a result thereof may be arbitrated with the consent of the parties, on such terms and conditions as the President may direct. Payment made pursuant to any such settlement, or as a result of arbitration award, shall be final and conclusive notwithstanding any other provision of law.】

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

* * * * *

636. AVAILABILITY OF FUNDS.—(a) * * *

(1) * * *

* * * * *

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

(4) * * *

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

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

* * * * *

(10) rent or lease outside the United States [for not to exceed ten years] of offices, buildings, grounds, and quarters, including living quarters to house personnel, and payments therefor in advance; maintenance, furnishings, necessary repairs, improvements, and alterations to properties owned or rented by the United States Government or made available for use to the United States Government outside the United States; and costs of fuel, water, and utilities for such properties;

* * * * *

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

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

* * * * *

SEC. 655. ANNUAL MILITARY ASSISTANCE REPORT.

(a) REPORT REQUIRED. * * *

* * * * *

[(c) AVAILABILITY ON INTERNET.—All unclassified portions of such report shall be made available to the public on the Internet through the Department of State.]

(c) *AVAILABILITY OF REPORT INFORMATION ON THE INTERNET.*—

(1) *REQUIREMENT FOR DATABASE.*—*The Secretary of State, in consultation with the Secretary of Defense, shall make available to the public the unclassified portion of each such report in the form of a database that is available via the Internet and that may be searched by various criteria.*

(2) *SCHEDULE FOR UPDATING.*—*Not later than April 1 of each year, the Secretary of State shall make available in the database the information contained in the annual report for the fiscal year ending the previous September 30.*

* * * * *

SEC. 656. ANNUAL FOREIGN MILITARY TRAINING REPORT.

(a) ANNUAL REPORT.

(1) In general. Not later than [January 31] *March 1* of each year, the Secretary of Defense and the Secretary of State shall jointly prepare and submit to the appropriate congressional committees a report on all military training provided to foreign military personnel by the Department of Defense and the Department of State during the previous fiscal year and all such training proposed for the current fiscal year.

* * * * *

SEC. 660. POLICE TRAINING PROHIBITION.—(a) * * *

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

(1) * * *

* * * * *

(4) with respect to assistance provided to police forces in connection with their participation in the regional security system of the Eastern Caribbean states; **[or]**

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

(6) with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, **[and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy]** *including any regional, district, municipal, or other subnational entity emerging from instability;*

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

(8) *with respect to assistance to combat corruption in furtherance of the objectives for which programs are authorized to be established under section 133 of this Act;*

(9) *with respect to the provision of professional public safety training, including training in internationally recognized standards of human rights, the rule of law, and the promotion of civilian police roles that support democracy; or*

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

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

[(d) Assistance to Honduras or El Salvador. Notwithstanding the prohibition contained in subsection (a) assistance may be provided to Honduras or El Salvador for fiscal years 1986 and 1987 if, at least 30 days before providing assistance, the President notifies the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act (22 USC 2394–1), that he has determined that the government of the recipient country has made significant progress, during the preceding six months, in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial. Any such notification shall include a full description of the assistance which is proposed to be provided and of the purposes to which it is to be directed.]

(d) *Subsection (a) shall not apply to assistance for law enforcement forces for which the President, on a case-by-case basis, determines that it is important to the national interest of the United States to furnish such assistance and submits to the committees of the Congress referred to in subsection (a) of section 634A of this Act an advance notification of the obligation of funds for such assistance in accordance with such section 634A.*

* * * * *

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

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

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

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

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

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

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

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

* * * * *

PART VI—SPECIAL DEBT RELIEF FOR THE POOREST COUNTRIES

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

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

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

(2) Guarantees issued under sections 221 and 222 of this Act.

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

(4) Any obligation, or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to—

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

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

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

(b) *GENERAL LIMITATIONS.*—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * * *

Foreign Service Act of 1980

* * * * *

TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

CHAPTER 3—APPOINTMENTS

* * * * *

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

* * * * *

(B)(i) * * *

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

(I)–(III) * * *

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

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

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

* * * * *

[(d) The Secretary shall by regulation establish a recertification process for members of the Senior Foreign Service that is equivalent to the recertification process for the Senior Executive Service under section 3993a of title 5, United States Code.]

* * * * *

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

(a) RETIREMENT CREDIT FOR CERTAIN GOVERNMENT SERVICE PERFORMED ABROAD.— * * *

* * * * *

(f) IMPLEMENTATION.—The Office of Personnel Management, in consultation with the Secretary, shall prescribe such regulations, *not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2005*, and take such action as may be necessary and appropriate to implement this section.

* * * * *

CHAPTER 4—COMPENSATION

SEC. 401. SALARIES OF CHIEFS OF MISSION.—(a) Except as provided in section 3942(b) of this title, each chief of mission shall receive a salary, as determined by the President, at one of the annual rates payable for levels II through V of the Executive Schedule

under sections 5313 through 5316 of title 5, except that the total compensation, exclusive of danger pay, for any chief of mission [shall not exceed the annual rate payable for level I of such Executive Schedule] *shall be subject to the limitation on certain payments under section 5307 of title 5, United States Code, or the limitation under section 402(a)(3), whichever is higher.*

* * * * *

SEC. 402. SALARIES OF SENIOR FOREIGN SERVICE MEMBERS.—
(a)(1) The President shall prescribe salary classes for the Senior Foreign Service and shall prescribe an appropriate title for each class. [The President shall also prescribe one or more basic salary rates for each class. Basic salary rates for the Senior Foreign Service may not exceed the maximum rate or be less than the minimum rate of basic pay payable for the Senior Executive Service under section 5382 of title 5, and shall be adjusted at the same time and in the same manner as rates of basic pay are adjusted for the Senior Executive Service.] *The President shall also prescribe ranges of basic salary rates for each class. Except as provided in paragraph (3), basic salary rates for the Senior Foreign Service may not exceed the maximum rate or be less than the minimum rate of basic pay payable for the Senior Executive Service under section 5382 of title 5, United States Code.*

[(2) The Secretary shall determine which of the basic salary rates prescribed by the President under paragraph (1) for any salary class shall be paid to each member of the Senior Foreign Service who is appointed to that class. The Secretary may adjust the basic salary rate of a member of the Senior Foreign Service not more than once during any 12-month period.]

(2) The Secretary shall determine which basic salary rate within the ranges prescribed by the President under paragraph (1) shall be paid to each member of the Senior Foreign Service based on individual performance, contribution to the mission of the Department, or both, as determined under a rigorous performance management system. Except as provided in regulations prescribed by the Secretary and, to the extent possible, consistent with regulations governing the Senior Executive Service, the Secretary may adjust the basic salary rate of a member of the Senior Foreign Service not more than once during any 12-month period.

(3) Upon a determination by the Secretary that the Senior Foreign Service performance appraisal system, as designed and applied, makes meaningful distinctions based on relative performance—

(A) the maximum rate of basic pay payable for the Senior Foreign Service shall be level II of the Executive Schedule; and

(B) the applicable aggregate pay cap shall be equivalent to the aggregate pay cap set forth in section 5307(d)(1) of title 5, United States Code, for members of the Senior Executive Service.

* * * * *

SEC. 405. PERFORMANCE PAY.—(a)* * *

* * * * *

(b) Awards of performance pay shall take into account the criteria established by the Office of Personnel Management for per-

formance awards under section 5384 of title 5 and rank awards under section 4507 of title 5. Awards of performance pay under this section shall be subject to the following limitations:

(1) * * *

* * * * *

(4) Any award under this section shall be subject to the limitation on certain payments under section 5307 of title 5, *or the limitation under section 402(a)(3), whichever is higher.*

* * * * *

CHAPTER 5—CLASSIFICATION OF POSITIONS AND ASSIGNMENTS

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

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

* * * * *

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

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

(c) *In this section:*

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

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

(2) *The term “designated entity” means—*

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

CHAPTER 6—PROMOTION AND RETENTION

* * * * *

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

* * * * *

(c)(1) *The Secretary may suspend a member of the Foreign Service without pay when there is reasonable cause to believe that the mem-*

ber has committed a crime for which a sentence of imprisonment may be imposed and there is a connection between the conduct and the efficiency of the Foreign Service.

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

(A) written notice stating the specific reasons for the proposed suspension;

(B) a reasonable time to respond orally and in writing to the proposed suspension;

(C) representation by an attorney or other representative; and

(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

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

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

(A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the reasonable cause requirement has been fulfilled and whether there is a connection between the conduct and the efficiency of the Foreign Service; and

(B) the Foreign Service Grievance Board may not exercise the authority provided under section 1106(8) of the Foreign Service Act of 1980 (22 U.S.C. 4136(8)).

(5) In this section:

(A) The term “reasonable time” means—

(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

(B) The term “suspend” or “suspension” means the placing of a member of the Foreign Service, for disciplinary reasons, in a temporary status without duties.

* * * * *

CHAPTER 7—CAREER DEVELOPMENT, TRAINING, AND ORIENTATION

SEC. 703. CAREER DEVELOPMENT.—(a) * * *

(b) Junior Foreign Service officer training shall be directed primarily toward providing expert knowledge in the basic functions of analysis and reporting as well as in *public diplomacy*, consular, administrative, and linguistic skills relevant to the full range of future job assignments. Midcareer training shall be directed primarily toward development and perfection of management, functional, negotiating, and policy development skills to prepare the officers progressively for more senior levels of responsibility.

* * * * *

SEC. 709. PUBLIC DIPLOMACY TRAINING.

The Secretary shall ensure that public diplomacy is an important component of training at all levels of the Foreign Service.

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CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY

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SEC. 824. REEMPLOYMENT.—(a) * * *

* * * * *

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

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

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

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

* * * * *

CHAPTER 9—TRAVEL, LEAVE, AND OTHER BENEFITS

* * * * *

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

(1) * * *

* * * * *

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

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

(B) locations in the United States;

Except that, unless the Secretary otherwise specifies in extraordinary circumstances, travel expenses under this paragraph shall be limited to the cost for a member of the Service, and for each member of the family of the member, of 1 round trip during any continuous 2-year tour [unbroken by home leave] and of 2 round trips during any continuous 3-year tour [unbroken by home leave].

* * * * *

SEC. 903. REQUIRED LEAVE IN THE UNITED STATES.—(a) The Secretary may order a member of the Service (other than a member employed under section 311) who is a citizen of the United States

to take a leave of absence under section 6305 of title 5, United States Code (without regard to the introductory clause of subsection (a) of that section), upon completion by that member of [18 months] *12 months* of continuous service abroad. The Secretary shall order on such leave of absence a member of the Service (other than member employed under section 311) who is a citizen of the United States as soon as possible after completion by that member of 3 years of continuous service abroad.

* * * * *

CHAPTER 11—GRIEVANCES

* * * * *

SEC. 1106. BOARD PROCEDURES.—THE BOARD MAY ADOPT REGULATIONS CONCERNING ITS ORGANIZATION AND PROCEDURES. SUCH REGULATIONS SHALL INCLUDE PROVISION FOR THE FOLLOWING:

(1) * * *

* * * * *

(8) If the Board determines that the Department is considering *the involuntary separation of the grievant (other than an involuntary separation for cause under section 610(a))*, the involuntary separation of the grievant, disciplinary action against [the grievant or] *the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the Board and that such action should be suspended, the Department shall suspend such action until the date which is one year after such determination or until the Board has ruled upon the grievance, whichever comes first. The Board shall extend the one-year limitation under the preceding sentence and the Department shall continue to suspend such action, if the Board determines that the agency or the board is responsible for the delay in the resolution of the grievance. The Board may also extend the 1-year limit if it determines that the delay is due to the complexity of the case, the unavailability of witnesses or to circumstances beyond the control of the agency, the Board or the grievant. notwithstanding such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude the grievant from official premises or from the performance of specified functions when such exclusion is determined in writing to be essential to the functioning of the post or office to which the grievant is assigned. Notwithstanding the first sentence of this paragraph, the Board's authority to suspend such action shall not extend to instances where the Secretary, or his designee, has exercised his authority under subsection (a)(3) of section 610 or with respect to any action which would delay the separation of an employee pursuant to a reduction in force conducted under section 611.*

* * * * *

Arms Export Control Act

* * * * *

SEC. 3. ELIGIBILITY FOR.—(A) * * *

* * * * *

(d)(1) **【Subject to paragraph (5), the】** *The* President may not give his consent under paragraph (2) of subsection (a) or under the third sentence of such subsection, or under section 505(a)(1) or 505(a)(4) of the Foreign Assistance Act of 1961 (22 USC 2314(a)(1) or (4)), to a transfer of any major defense equipment valued (in terms of its original acquisition cost) at **【\$14,000,000】** *\$50,000,000* or more, or any defense article or related training or other defense **【service valued (in terms of its original acquisition cost) at \$50,000,000】** *service valued (in terms of its original acquisition cost) at \$100,000,000* or more, unless the President submits to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a written certification with respect to such proposed transfer containing—

* * * * *

【(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).】

* * * * *

CHAPTER 2—FOREIGN MILITARY SALES AUTHORIZATIONS

SEC 21. SALES FROM STOCKS.—(a)(1) * * *

* * * * *

(h)(1) The President is authorized to provide (without charge) quality assurance, inspection, contract administration services, and contract audit defense services under this section—

(A) in connection with the placement or administration of any contract or subcontract for defense articles, defense services, or design and construction services entered into after the date of enactment of this subsection (enacted Oct. 29, 1979) by, or under this Act on behalf of, a foreign government which is a member of the North Atlantic Treaty Organization, if such government provides such services in accordance with an agreement on a reciprocal basis, without charge, to the United States Government; or

(B) in connection with the placement or administration of any contract or subcontract for defense articles, defense services, or design and construction services pursuant to the North Atlantic Treaty Organization Security Investment program in accordance with an agreement under which the foreign governments participating in such program provide such services, without charge, in connection with similar contracts or subcontracts.

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

* * * * *

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

* * * * *

(b)(1) **Subject to paragraph (6), in** *In* the case of any letter of offer to sell any defense articles or services under this **Act for \$50,000,000** *Act for \$100,000,000 or more, any design and construction* **services for \$200,000,000** *services for \$350,000,000 or more, or any major defense equipment for* **[\$14,000,000]** *\$50,000,000 or more, and in other cases if the President determines it is appropriate,* before such letter of offer is issued, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification with respect to such offer to sell containing the information specified in clauses (i) through (iv) of subsection (a), or (in the case of a sale of design and construction services) the information specified in clauses (A) through (D) of paragraph (9) of subsection (a), and a description, containing the information specified in paragraph (8) of subsection (a), of any contribution, gift, commission, or fee paid or offered or agreed to be paid in order to solicit, promote, or otherwise to secure such letter of offer. Such numbered certifications shall also contain an item, classified if necessary, identifying the sensitivity of technology contained in the defense articles, defense services, or design and construction services, proposed to be sold, and a detailed justification of the reasons necessitating the sale of such articles or services in view of the sensitivity of such technology. In a case in which such articles or services listed on the Missile Technology Control Regime Annex are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74 (22 USC 2797c)), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. Each such numbered certification shall contain an item indicating whether any offset agreement is proposed to be entered into in connection with such letter of offer to sell (if known on the date of transmittal of such certification). In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives,

transmit promptly to both such committees a statement setting forth, to the extent specified in such request—

* * * * *

(5)(A) * * *

* * * * *

(C) **[Subject to paragraph (6), if]** *If* the enhancement or upgrade in the sensitivity of technology or the capability of major defense equipment, defense articles, defense services, or design and construction services described in a numbered certification submitted under this subsection **[costs \$14,000,000]** *costs \$50,000,000* or more in the case of any major defense equipment, **[\$50,000,000]** *\$100,000,000* or more in the case of defense articles or defense services, **[or \$200,000,000]** *or \$350,000,000* or more in the case of design or construction services, *and in other cases if the President determines it is appropriate*, then the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a new numbered certification which relates to such enhancement or upgrade and which shall be considered for purposes of this subsection as if it were a separate letter of offer to sell defense equipment, articles, or services, subject to all of the requirements, restrictions, and conditions set forth in this subsection. For purposes of this subparagraph, references in this subsection to sales shall be deemed to be references to enhancements or upgrades in the sensitivity of technology or the capability of major defense equipment, articles, or services, as the case may be.

* * * * *

(c)(1) **[Subject to paragraph (5), in]** *In* the case of an application by a person (other than with regard to a sale under section 21 or section 22 of this Act (22 USC 2761 or 2762)) for a license for the export of any major defense equipment sold under a contract in the amount of **[\$14,000,000]** *\$50,000,000* or more or of defense articles or defense **[services sold under a contract in the amount of \$50,000,000]** *services sold under a contract in the amount of \$100,000,000* or more (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more), *and in other cases if the President determines it is appropriate*, before issuing such license the President shall transmit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate an unclassified numbered certification with respect to such application specifying (A) the foreign country or international organization to which such export will be made, (B) the dollar amount of the items to be exported, and (C) a description of the items to be exported. Each such numbered certification shall also contain an item indicating whether any offset agreement is proposed to be entered into in connection with such export and a description of any such offset agreement. In addition, the President shall, upon the request of such committee or the Committee on Foreign Affairs of the House of Representatives, transmit promptly to both such committees a statement setting forth, to the extent specified in such request, a description of the capabilities of the items to be exported,

an estimate of the total number of United States personnel expected to be needed in the foreign country concerned in connection with the items to be exported and an analysis of the arms control impact pertinent to such application, prepared in consultation with the Secretary of Defense and a description from the person who has submitted the license application of any offset agreement proposed to be entered into in connection with such export (if known on the date of transmittal of such statement). In a case in which such articles or services are listed on the Missile Technology Control Regime Annex and are intended to support the design, development, or production of a Category I space launch vehicle system (as defined in section 74 (22 USC 2797c)), such report shall include a description of the proposed export and rationale for approving such export, including the consistency of such export with United States missile nonproliferation policy. A certification transmitted pursuant to this subsection shall be unclassified, except that the information specified in clause (B) and the details of the description specified in clause (C) may be classified if the public disclosure thereof would be clearly detrimental to the security of the United States, in which case the information shall be accompanied by a description of the damage to the national security that could be expected to result from public disclosure of the information.

(2) Unless the President states in his certification that an emergency exists which requires the proposed export in the national security interests of the United States, a license for export described in paragraph (1)—

(A) in the case of a license for an export to the North Atlantic Treaty Organization, any member country of that Organization or Australia, Japan, or New Zealand, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export;

(B) in the case of a license for an export of a commercial communications satellite for launch from, and by nationals of, the Russian Federation, Ukraine, or Kazakhstan, shall not be issued until at least 15 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 15-day period, enacts a joint resolution prohibiting the proposed export; and

(C) in the case of any other license, shall not be issued until at least 30 calendar days after the Congress receives such certification, and shall not be issued then if the Congress, within that 30-day period, enacts a joint resolution prohibiting the proposed export.

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

(d)(1)(A) In the case of an approval under section 38 of this Act (22 USC 2778) of a United States commercial technical assistance or manufacturing licensing agreement which involves the manufacture abroad of any item of significant combat equipment on the United States Munitions List, before such approval is given, the President shall submit a certification with respect to such proposed commercial agreement in a manner similar to the certification required under subsection (c)(1) containing comparable information, except that the last sentence of such subsection shall not apply to certifications submitted pursuant to **[this subsection]** *this subparagraph*.

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

* * * * *

(4) **[Approval for an agreement subject to paragraph (1) may not be given under section 38]** *Approval for an agreement subject to paragraph (1)(A), or for a comprehensive authorization subject to paragraph (1)(B), may not be given under section 38 or section 126.14 of title 22, Code of Federal Regulations (or any corresponding similar regulation), as the case may be, (22 USC 2778) if the Congress, within the 15-day or 30-day period specified in paragraph (2)(A) or (B), as the case may be, enacts a joint resolution prohibiting such approval.*

* * * * *

SEC. 38. CONTROL OF ARMS EXPORTS AND IMPORTS.—(a) * * *

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(j) REQUIREMENTS RELATING TO COUNTRY EXEMPTIONS FOR LICENSING OF DEFENSE ITEMS FOR EXPORT TO FOREIGN COUNTRIES.—

(1) REQUIREMENT FOR BILATERAL AGREEMENT.—

* * * * *

(2) REQUIREMENTS OF BILATERAL AGREEMENT.—**[A bilateral agreement]** *Except as provided in paragraph (4), a bilateral agreement referred to paragraph (1)—*

* * * * *

(4) EXCEPTIONS FROM BILATERAL AGREEMENT REQUIREMENTS.—

(A) AUSTRALIA.—*Subject to the provisions of section 2233 of the Foreign Assistance Authorization Act, Fiscal Year 2005, the requirements for a bilateral agreement described in paragraph (2)(A) shall not apply to a bilateral agree-*

ment between the United States Government and the Government of Australia with respect to transfers or changes in end use of defense items within Australia that will remain subject to the licensing requirements of this Act after such agreement enters into force.

(B) UNITED KINGDOM.—Subject to the provisions of section 2233 of the Foreign Assistance Authorization Act, Fiscal Year 2005, the requirements for a bilateral agreement described in paragraphs (1)(A)(ii), (2)(A)(i), and (2)(A)(ii) shall not apply to a bilateral agreement between the United States Government and the Government of the United Kingdom for an exemption from the licensing requirements of this Act.

[(4)](5) DEFINITIONS.—In this section:

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Arms Control and Disarmament Act

* * * * *

VERIFICATION OF COMPLIANCE

SEC. 306.—(a) In general. In order to ensure that arms control, nonproliferation, and disarmament agreements can be verified, the Secretary of State shall report to Congress, on a timely basis, or upon request by an appropriate committee of the Congress—

(1) in the case of any arms control, nonproliferation, or disarmament agreement *or other formal commitment* that has been concluded by the United States, the determination of the Secretary of State as to the degree to which the components of such agreement can be verified;

(2) in the case of any arms control, nonproliferation, or disarmament agreement *or other formal commitment* that has entered into force, any significant degradation or alteration in the capacity of the United States to verify compliance of the components of such agreement;

* * * * *

【ANNUAL REPORT TO CONGRESS】

ANNUAL REPORTS TO CONGRESS

[(a) IN GENERAL.—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a report prepared by the Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff, on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

[(1) a detailed statement concerning the arms control, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year;

【(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year;

【(3) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;

【(4) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments, including the Missile Technology Control Regime, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements or commitments, and shall include, in the case of each agreement or commitment about which compliance questions exist—

【(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

【(B) an assessment of damage, if any, to the United States security and other interests; and

【(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems;

【(5) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 USC 6305(4))) by non-nuclear-weapon states (as defined in section 830(5) of that Act (22 USC 6305(5))) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 830(8) of that Act (22 USC 6305(8))), including—

【(A) a net assessment of the aggregate military significance of all such violations;

【(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

【(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with those commitments; and

【(6) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms

control, nonproliferation, and disarmament agreements with the United States.

[(b) CLASSIFICATION OF THE REPORT.—The report required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The portions of this report described in paragraphs (4) and (5) of subsection (a) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.]

[(c) REPORTING CONSECUTIVE NONCOMPLIANCE.—If the President in consecutive reports submitted to the Congress under this section reports that any designated nation is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.]

[(d) DISCUSSION OF UNRESOLVED ISSUES.—Each report required by this section shall include a discussion of each significant issue described in subsection (a)(6) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the appropriate committees of Congress (as defined in section 1102(1) of the Arms Control, Non-Proliferation, and Security Assistance Act of 1999 (22 USC 2652c note)).]

SEC. 403. (a) *REPORT ON OBJECTIVES AND NEGOTIATIONS.*—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a report prepared by the Secretary of State in consultation with the Secretary of Defense, the Secretary of Energy, the Director of Central Intelligence, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament. Such report shall include—

(1) a detailed statement concerning the arms control, nonproliferation, and disarmament objectives of the executive branch of Government for the forthcoming year; and

(2) a detailed assessment of the status of any ongoing arms control, nonproliferation, or disarmament negotiations, including a comprehensive description of negotiations or other activities during the preceding year and an appraisal of the status and prospects for the forthcoming year.

(b) *REPORT ON COMPLIANCE.*—Not later than April 15 of each year, the President shall submit to the Speaker of the House of Representatives and to the Chairman of the Committee on Foreign Relations of the Senate a report prepared by the Secretary of State with the concurrence of the Director of Central Intelligence and in consultation with the Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff on the status of United States policy and actions with respect to arms control, nonproliferation, and disarmament compliance. Such report shall include—

(1) a detailed assessment of adherence of the United States to obligations undertaken in arms control, nonproliferation, and disarmament agreements, including information on the policies

and organization of each relevant agency or department of the United States to ensure adherence to such obligations, a description of national security programs with a direct bearing on questions of adherence to such obligations and of steps being taken to ensure adherence, and a compilation of any substantive questions raised during the preceding year and any corrective action taken;

(2) a detailed assessment of the adherence of other nations to obligations undertaken in all arms control, nonproliferation, and disarmament agreements or commitments, including the Missile Technology Control Regime, to which the United States is a participating state, including information on actions taken by each nation with regard to the size, structure, and disposition of its military forces in order to comply with arms control, nonproliferation, or disarmament agreements or commitments, and shall include, in the case of each agreement or commitment about which compliance questions exist—

(A) a description of each significant issue raised and efforts made and contemplated with the other participating state to seek resolution of the difficulty;

(B) an assessment of damage, if any, to the United States security and other interests;

(C) recommendations as to any steps that should be considered to redress any damage to United States national security and to reduce compliance problems; and

(D) for states that are not parties to such agreements or commitments, a description of activities of concern carried out by such states and efforts underway to bring such states into adherence with such agreements or commitments;

(3) a discussion of any material noncompliance by foreign governments with their binding commitments to the United States with respect to the prevention of the spread of nuclear explosive devices (as defined in section 830(4) of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6305(4)) by non-nuclear-weapon states (as defined in section 830(5) of that Act (22 U.S.C. 6305(5)) or the acquisition by such states of unsafeguarded special nuclear material (as defined in section 830(8) of that Act (22 U.S.C. 6305(8))), including—

(A) a net assessment of the aggregate military significance of all such violations;

(B) a statement of the compliance policy of the United States with respect to violations of those commitments; and

(C) what actions, if any, the President has taken or proposes to take to bring any nation committing such a violation into compliance with those commitments; and

(4) a specific identification, to the maximum extent practicable in unclassified form, of each and every question that exists with respect to compliance by other countries with arms control, nonproliferation, and disarmament agreements and other formal commitments with the United States.

(c) **CHEMICAL WEAPONS CONVENTION COMPLIANCE REPORT REQUIREMENT SATISFIED.**—The report submitted pursuant to subsection (b) shall include the information necessary to satisfy condi-

tion 10(C) of the resolution of advice and consent to the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, with annexes, done at Paris, January 13, 1993, and entered into force April 29, 1997 (T. Doc. 103–21), approved by the Senate on April 24, 1997.

(d) *CLASSIFICATION OF REPORT.*—The reports required by this section shall be submitted in unclassified form, with classified annexes, as appropriate. The report portions described in paragraphs (2) and (3) of subsection (b) shall summarize in detail, at least in classified annexes, the information, analysis, and conclusions relevant to possible noncompliance by other nations that are provided by United States intelligence agencies.

(e) *REPORTING CONSECUTIVE NONCOMPLIANCE.*—If the President in consecutive reports submitted to the Congress under subsection (b) reports that any nation is not in full compliance with its binding nonproliferation commitments to the United States, then the President shall include in the second such report an assessment of what actions are necessary to compensate for such violations.

(f) *ADDITIONAL REQUIREMENT.*—Each report required by subsection (b) shall include a discussion of each significant issue described in subsection (b)(4) that was contained in a previous report issued under this section during 1995, or after December 31, 1995, until the question or concern has been resolved and such resolution has been reported in detail to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

* * * * *

State Department Basic Authorities Act of 1956

* * * * *

TITLE I—BASIC AUTHORITIES GENERALLY

ORGANIZATION OF THE DEPARTMENT OF STATE

* * * * *

SEC. 1. (a) SECRETARY OF STATE.—

* * * * *

(f) HIV/AIDS RESPONSE COORDINATOR.—

* * * * *

(VII) Directly approving all activities of the United States (including funding) relating to combatting HIV/AIDS in each of Botswana, Cote d'Ivoire, Ethiopia, Guyana, Haiti, *India*, Kenya, Mozambique, Namibia, Nigeria, Rwanda, South Africa, Tanzania, Uganda, Zambia, *Antigua and Barbuda*, the Bahamas, Barbados, Belize, *Dominica*, Grenada, Jamaica, Montserrat, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saint Lucia, Suriname, Trinidad and Tobago, Dominican Republic, and other countries designated by the President, which other designated coun-

tries may include those countries in which the United States is implementing HIV/AIDS programs as of the date of the enactment of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (enacted May 27, 2003).

* * * * *

SEC. 2. The Secretary of State, may use funds appropriated or otherwise available to the Secretary to

(a) * * *

* * * * *

(k) provide maximum physical security in Government-owned and leased properties and vehicles abroad; **[and]**

(l) purchase special purpose passenger motor vehicles without regard to any price limitation otherwise established by law**[.]**;

(m) pay obligations arising under international agreements, conventions and binational contracts to the extent otherwise authorized by law**[.]**;

(n) exercise the authority provided in subsection (c) of this section, upon the request of the Secretary of Defense or the head of any other department or agency of the United States, to enter into personal service contracts with individuals to perform services in support of the Department of Defense or such other department or agency, as the case may be**[.]**; and

(o) make administrative corrections or adjustments to an employee's pay, allowances, or differentials, resulting from mistakes or retroactive personnel actions, as well as provide back pay and other categories of payments under section 5596 of title 5, United States Code, as part of the settlement or compromise of administrative claims or grievances filed against the Department.

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SEC. 4. (a) * * *

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

* * * * *

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

(A) * * *

* * * * *

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

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

(K) assistance to crime victims under section 206 of the Foreign Relations Authorization Act, Fiscal Year 2005.

* * * * *

SPECIAL AGENTS

SEC. 37. (a) GENERAL AUTHORITY.—* * *

* * * * *

(d) ADMINISTRATIVE SUBPOENAS.—

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

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

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

(2) REQUIREMENTS.—

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

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

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

(i) Paragraphs (4) through (8) of subsection (a).

(ii) Subsections (b), (c), and (d).

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

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

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

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

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

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

(2) *carry firearms; and*

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

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

(2) *The Secretary shall consult with the Secretary of Homeland Security in prescribing the regulations under paragraph (1).*

(3) *The regulations shall be posted and kept posted in a conspicuous place on the property.*

(d) *PENALTIES.—A person violating a regulation prescribed under subsection (c) shall be fined under title 18, United States Code, or imprisoned for not more than 30 days, or both.*

(e) *TRAINING OFFICERS.—The Secretary of State may also designate firearms and explosives training officers as law enforcement officers under subsection (a) for the limited purpose of safeguarding firearms, ammunition, and explosives that are located at firearms and explosives training facilities approved by the Secretary or are in transit between training facilities and Department of State weapons and munitions vaults.*

(f) *ATTORNEY GENERAL APPROVAL.—The powers granted to officers designated under this section shall be exercised in accordance with guidelines approved by the Attorney General.*

(g) *RELATIONSHIP OF OTHER AUTHORITY.—Nothing in this section shall be construed to affect the authority of the Secretary of Homeland Security, the Administrator of General Services, or any Federal law enforcement agency.*

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EXPENSES RELATING TO PARTICIPATION IN ARBITRATIONS OF CERTAIN DISPUTES

SEC. 38. (a) * * *

* * * * *

(d) INTERNATIONAL LITIGATION FUND.—

(1) *ESTABLISHMENT.—* * * *

(2) *REPROGRAMMING PROCEDURES.—* * * *

(3) *TRANSFERS OF FUNDS.—Funds received by the Department of State as a result of a decision of an international tribunal, from another agency of the United States Government, or pursuant to the Department of State Appropriations Act of 1937 (49 Stat. 1321, 22 U.S.C. 2661) to meet costs of preparing or prosecuting a proceeding before an international tribunal, or*

a claim by or against a foreign government or other foreign entity, shall be credited to the ILF.

* * * * *

SEC. 59. THE UNITED STATES DIPLOMACY CENTER.

(a) ACTIVITIES.—

(1) *SUPPORT AUTHORIZED.*—The Secretary of State is authorized to provide by contract, grant, or otherwise, for the performance of appropriate museum visitor and educational outreach services, including organizing conference activities, museum shop services, and food services, in the public exhibit and related space utilized by the United States Diplomacy Center (in this section referred to as the “Center”).

(2) *PAYMENT OF EXPENSES.*—The Secretary may pay all reasonable expenses of conference activities conducted by the Center, including refreshments and reimbursement of travel expenses incurred by participants.

(3) *RECOVERY OF COSTS.*—Any revenues generated under the authority of paragraph (1) for visitor services may be retained, as a recovery of the costs of operating the Center, and credited to any Department of State appropriation.

(b) DISPOSITION OF UNITED STATES DIPLOMACY CENTER ARTIFACTS AND MATERIALS.—

(1) *PROPERTY OF SECRETARY.*—All historic documents, artifacts, or other articles permanently acquired by the Department of State and determined by the Secretary to be suitable for display in the Center shall be considered to be the property of the Secretary in the Secretary’s official capacity and shall be subject to disposition solely in accordance with this subsection.

(2) *SALE OR TRADE.*—Whenever the Secretary makes the determination under paragraph (3) with respect to an item, the Secretary may sell at fair market value, trade, or transfer the item, without regard to the requirements of subtitle I of title 40, United States Code. The proceeds of any such sale may be used solely for the advancement of the Center’s mission and may not be used for any purpose other than the acquisition and direct care of collections.

(3) *DETERMINATIONS PRIOR TO SALE OR TRADE.*—The determination referred to in paragraph (2), with respect to an item, is a determination that—

(A) the item no longer serves to further the purposes of the Center established in the collections management policy of the Center; or

(B) in order to maintain the standards of the collections of the Center, the sale or exchange of the item would be a better use of the item.

(4) *LOANS.*—The Secretary may also lend items covered by paragraph (1), when not needed for use or display in the Center, to the Smithsonian Institution or a similar institution for repair, study, or exhibition.

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Foreign Relations Authorization Act, Fiscal Year 2003

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TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

SUBTITLE A—BASIC AUTHORITIES AND ACTIVITIES

* * * * *

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

(a) FINDINGS.—* * *

* * * * *

(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, *and again not later than 60 days after the date of the enactment of the Foreign Relations Authorization Act, Fiscal Year 2004*, the Secretary shall submit a report to the appropriate congressional committees that includes the following information (in classified or unclassified form, as appropriate):

(1) * * *

* * * * *

SUBTITLE B—EDUCATIONAL, CULTURAL, AND PUBLIC DIPLOMACY AUTHORITIES

* * * * *

SEC. 224. ADVISORY COMMITTEE ON CULTURAL DIPLOMACY.

(a) ESTABLISHMENT.—* * *

* * * * *

(j) TERMINATION.—The Advisory Committee shall terminate September 30, **[2005]** *2007*.

* * * * *

TITLE IV—INTERNATIONAL ORGANIZATIONS

* * * * *

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

SEC. 408. MEMBERSHIP ON UNITED NATIONS COMMISSIONS AND COUNCILS AND THE 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 International Religious Freedom, consistently violates internationally recognized human rights or has engaged in or tolerated particularly severe violations of religious freedom in that country.】

(3) *to prevent membership on the United Nations Commission on Human Rights or the United Nations Security Council by—*

(A) *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; or*

(B) *any member nation the government of which, as determined by the Secretary—*

(i) *is a sponsor of terrorism; or*

(ii) *is the subject of United Nations sanctions; and*

(4) *to advocate that the government of any member nation that the Secretary determines is a sponsor of terrorism or is the subject of United Nations sanctions is not elected to a leadership position in the United Nations General Assembly, the United Nations Commission on Human Rights, the United Nations Security Council, or any other entity of the United Nations.*

* * * * *

SEC. 694. REPORTS ON ACTIVITIES IN COLOMBIA.

(a) * * *

* * * * *

(c) *REPORT CONSOLIDATION.—The Secretary may satisfy the annual reporting requirements of this section by incorporating the required information with the annual report submitted pursuant to section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)).*

* * * * *

TITLE XVI—MISCELLANEOUS PROVISIONS

SEC. 1601. NUCLEAR AND MISSILE NONPROLIFERATION IN SOUTH ASIA.

(a) **UNITED STATES POLICY.—**

* * * * *

[(c) **REPORT.**—Not later than March 1, 2003, the President shall submit 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.】

(c) *REPORT.—The report required to be submitted to Congress not later than April 1, 2005 pursuant to section 620F(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2376(c)) shall include a descrip-*

tion of the efforts of the United States Government to achieve the objectives described in subsections (a) and (b), the progress made toward achieving such objectives, and the likelihood that such objectives will be achieved by September 30, 2005.

* * * * *

Foreign Relations Authorization Act, Fiscal Year 1998–1999

* * * * *

TITLE XXIII—ORGANIZATION OF THE DEPARTMENT OF STATE;
DEPARTMENT OF STATE PERSONNEL; THE FOREIGN SERVICE

CHAPTER 2—PERSONNEL OF THE DEPARTMENT OF STATE; THE
FOREIGN SERVICE

SEC. 2311. FOREIGN SERVICE REFORM.

(a) PERFORMANCE PAY.— * * *

* * * * *

(b) EXPEDITED SEPARATION OUT.—

(1) SEPARATION OF LOWEST RANKED FOREIGN SERVICE MEMBERS.—[Not later than 90 days after the date of enactment of this Act, the] *The* Secretary of State shall develop and implement procedures to identify, and recommend for separation, any member of the Foreign Service ranked by promotion boards of the Department of State in the bottom [5 percent] *2 percent* of his or her class [for 2 or more of the 5 years preceding the date of enactment of this Act] *at least twice in any 5-year period* (in this subsection referred to as the “years of lowest ranking”) if the rating official for such member was not the same individual for any two of the years of lowest ranking.

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Foreign Relations Authorization Act, Fiscal Years 1994 and 1995

TITLE I—DEPARTMENT OF STATE AND RELATED AGENCIES

* * * * *

PART B—AUTHORITIES AND ACTIVITIES

* * * * *

SEC. 140. VISAS.

(A) SURCHARGE FOR PROCESSING CERTAIN VISAS.—

(1) Notwithstanding any other provision of law, the Secretary of State is authorized to charge a fee or surcharge for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas.

(2) Fees collected under the authority of paragraph (1) shall be deposited as an offsetting collection to any Department of

State appropriation, to recover the costs of providing consular services. Such fees shall remain available for obligation until expended *and shall not be transferred to any other agency, except that funds may be transferred by the Secretary for the procurement of goods and services from other departments or agencies pursuant to section 1535 of title 31, United States Code.*

* * * * *

SEC. 404. ASSESSED CONTRIBUTIONS FOR UNITED NATIONS PEACE-KEEPING OPERATIONS.

* * * * *

(b) LIMITATION ON UNITED STATES CONTRIBUTIONS.— * * *

(1) * * *

(2) SUBSEQUENT FISCAL YEARS.— * * *

* * * * *

(B) REDUCTION IN UNITED STATES SHARE OF ASSESSED CONTRIBUTIONS.— * * *

(i)–(iv) * * *

(v) *For assessments made during a calendar year after calendar year 2004, 27.40 percent.*

* * * * *

SEC. 527.—EXPROPRIATION OF UNITED STATES PROPERTY.—(a) PROHIBITION.— * * *

* * * * *

(h) DEFINITIONS.— * * *

(i) *CERTAIN CLAIMS FOR EXPROPRIATION BY THE GOVERNMENT OF NICARAGUA.—*

(1) *MATTERS NOT TO BE CONSIDERED.—Any action described in subsection (a)(1) that was taken by the Government of Nicaragua during the period beginning on January 1, 1956, and ending on January 9, 2002, may not be considered in implementing the prohibition under subsection (a) unless the action has been presented in accordance with the procedure set forth in paragraph (2).*

(2) *ACTIONS PRESENTED.—An action shall be deemed presented for purposes of paragraph (1) if, not later than 120 days after the date prescribed under paragraph (3), a written description of the action is—*

(A) *submitted to the Secretary of State by a United States person; and*

(B) *received by the Department of State at—*

(i) *the headquarters of the Department of State in Washington, District of Columbia; or*

(ii) *the Embassy of the United States of America to Nicaragua.*

(3) *TIME FOR PRESENTATION.—The Secretary of State shall prescribe the date on which the presentation deadline is based for the purposes of paragraph (2) and shall publish a notice of such date in the Federal Register. The prescribed date may be any date selected by the Secretary in the Secretary's sole discre-*

tion, except that such date may not be the date on which this subsection takes effect or any date before such effective date.

* * * * *

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001

* * * * *

SEC. 801. DEBT RELIEF UNDER THE HEAVILY INDEBTED POOR COUNTRIES (HIPC) INITIATIVE.

(a) * * *

(b) CONTRIBUTIONS TO HIPC TRUST FUND.—

[(1) AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS.—There is authorized to be appropriated for the period beginning October 1, 2000, and ending September 30, 2003, \$435,000,000 for purposes of United States contributions to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the Bank.]

(1) AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS.—There is authorized to be appropriated for purposes of United States contributions to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the Bank amounts as follows:

(A) For the period beginning October 1, 2000, and ending September 30, 2003, \$435,000,000.

(B) For the period beginning October 1, 2004, and ending September 30, 2006, \$75,000,000.

* * * * *

Millennium Challenge Act of 2003

* * * * *

SEC. 616. ASSISTANCE TO CERTAIN CANDIDATE COUNTRIES.

(a) AUTHORIZATION.—

* * * * *

[(d) FUNDING.—Not more than 10 percent of the amount appropriated pursuant to the authorization of appropriations under section 619(a) for fiscal year 2004 is authorized to be made available to carry out this section.]

(d) FUNDING.—Amounts may be available to carry out this subsection as follows:

(1) Not more than 10 percent of the amount appropriated pursuant to the authorization of appropriations under section 619(a) for fiscal year 2004 is authorized to be made available to carry out this section.

(2) Not more than 10 percent of the amount appropriated pursuant to the authorization of appropriations under section 619(a) for fiscal year 2005 is authorized to be made available to carry out this section.

* * * * *

SEC. 619. AUTHORIZATION OF APPROPRIATIONS.

[(a) Authorization of Appropriations.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of the fiscal years 2004 and 2005.]

(a) *AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this title—*

- (1) *such sums as may be necessary for fiscal year 2004; and*
 (2) *\$2,000,000,000 for fiscal year 2005.*

* * * * *

Asia Foundation Act

* * * * *

FUNDING

[SEC. 404. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State \$15,000,000 for each of the fiscal years 2000 and 2001 for grants to The Asia Foundation pursuant to this title.]

SEC. 404. There are authorized to be appropriated to the Secretary of State \$8,880,000 for the fiscal year 2005 for grants to The Asia Foundation pursuant to this title.

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001

* * * * *

SEC. 801. DEBT RELIEF UNDER THE HEAVILY INDEBTED POOR COUNTRIES (HIPC) INITIATIVE.

(a) * * *

(b) CONTRIBUTIONS TO HIPC TRUST FUND.—

[(1) AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS.—There is authorized to be appropriated for the period beginning October 1, 2000, and ending September 30, 2003, \$435,000,000 for purposes of United States contributions to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the Bank.]

(1) *AUTHORIZATION OF APPROPRIATIONS FOR CONTRIBUTIONS.—There is authorized to be appropriated for purposes of United States contributions to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the Bank amounts as follows:*

(A) *For the period beginning October 1, 2000, and ending September 30, 2003, \$435,000,000.*

(B) *For the period beginning October 1, 2004, and ending September 30, 2006, \$75,000,000.*

* * * * *

Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004

* * * * *

POST DIFFERENTIALS AND DANGER PAY ALLOWANCES

SEC. 591. (a) * * *

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[(c) Except for employees of the United States Agency for International Development stationed in Iraq and Afghanistan, the amendments made by subsections (a) and (b) shall not take effect until the same authority is enacted for employees of the Department of State.]

* * * * *

United States Code

TITLE 1—GENERAL PROVISIONS

CHAPTER 2—ACTS AND RESOLUTIONS; FORMALITIES OF ENACTMENT;
REPEALS; SEALING OF INSTRUMENTS

* * * * *

SEC. 112b.—UNITED STATES INTERNATIONAL AGREEMENTS; TRANSMISSION TO CONGRESS.

(a) The Secretary of State shall transmit to the [Congress] *Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives* the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter. [However, any] *Any* such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States [shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives] *shall be transmitted* under an appropriate injunction of secrecy to be removed only upon due notice from the President. Any department or agency of the United States Government which enters into any international agreement on behalf of the United States shall transmit to the Department of State the text of such agreement not later than twenty days after such agreement has been signed.

(b) Not later than March 1, 1979, and at yearly intervals thereafter, [the President shall, under his own signature,] *the Secretary shall* transmit to the [Speaker of the House of Representatives and the chairman of the] *Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives* a report with respect to each international agreement which, during the preceding year, was transmitted to the [Congress] *such Committees* after the expiration of the 60-day period referred to in the first sentence of subsection (a), describing fully and completely the reasons for the late transmittal.

* * * * *

TITLE 18—CRIMES AND CRIMINAL PROCEDURE

* * * * *

CHAPTER 7—ASSAULT

* * * * *

SEC. 117. INTERFERENCE WITH CERTAIN PROTECTIVE FUNCTIONS.

Whoever knowingly and willfully obstructs, resists, or interferes with a Federal law enforcement agent engaged, within the United States or the special maritime territorial jurisdiction of the United States, in the performance of the protective functions authorized by section 37 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709) or section 103 of the Diplomatic Security Act (22 U.S.C. 4802) shall be fined under this title or imprisoned not more than one year, or both.

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TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

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PART III—EMPLOYEES

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SUBPART D—PAY AND ALLOWANCES

CHAPTER 59—ALLOWANCES

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SUBCHAPTER III—OVERSEAS DIFFERENTIALS AND ALLOWANCES

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SEC. 5924. COST-OF-LIVING ALLOWANCES.

* * * * *

(A) An allowance not to exceed the cost of obtaining such kindergarten, elementary and secondary educational services as are ordinarily provided without charge by the public schools in the United States (including *activities required for successful completion of a grade or course* and such educational services as are provided by the States under the Individuals with Disabilities Education Act), plus, in those cases when adequate schools are not available at the post of the employee, board and room, and periodic transportation between that post and the school chosen by the employee, [not to exceed the total cost to the Government of the dependent attending an adequate school in the nearest locality where an adequate school is available] *subject to the approval of the head of the agency involved*, without regard to section 3324(a) and (b) of title 31. When travel from school to post is infeasible, travel may be allowed between the school attended and the home of a designated relative or family friend or to join a parent at any location, with the allowable travel expense not to exceed the cost of travel between the school and the post. The amount of the allowance granted

shall be determined on the basis of the educational facility used.

[(B) The travel expenses of dependents of an employee to and from a school in the United States (or to and from a school outside the United States if the dependent is attending that school for less than one year under a program approved by the school in the United States at which the dependent is enrolled, with the allowable travel expense not to exceed the cost of travel to and from the school in the United States) to obtain an American secondary or postsecondary educational institution education (other than a program of post-baccalaureate education), not to exceed one annual trip each way for each dependent. At the election of the employee, in lieu of the transportation of the baggage of a dependent from the dependent's school, the costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the employee's duty station may be paid or reimbursed to the employee, except that the amount of the payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage. An allowance payment under subparagraph (A) of this paragraph (4) may not be made for a dependent during the 12 months following his arrival in the United States for secondary education under authority contained in this subparagraph (B). Notwithstanding section 5921(6) of this title, travel expenses, for the purpose of obtaining postsecondary educational institution education (other than a program of post-baccalaureate education), may be authorized under this subparagraph (B), under such regulations as the President may prescribe, for dependents of employees who are citizens of the United States stationed in the Canal Zone. For the purposes of this subparagraph, the term "educational institution" has the meaning defined under section 1701(a)(6) of title 38.]

(B) The travel expenses of dependents of an employee to and from a secondary, post-secondary, or post-baccalaureate educational institution, not to exceed 1 annual trip each way for each dependent, except that an allowance payment under subparagraph (A) of this paragraph may not be made for a dependent during the 12 months following the arrival of the dependent at the selected educational institution under authority contained in this subparagraph.

* * * * *

(D) Allowances provided pursuant to subparagraphs (A) and (B) may include, at the election of the employee, payment or reimbursement of the costs incurred to store baggage for the employee's dependent at or in the vicinity of the dependent's school during the dependent's annual trip between the school and the employee's duty station, except that such payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage with the dependent in connection with the annual trip, and such payment or reimbursement shall be in lieu of transportation of the baggage.

* * * * *

SEC. 5925. POST DIFFERENTIALS.

(a) A post differential may be granted on the basis of conditions of environment which differ substantially from conditions of environment in the continental United States and warrant additional pay as a recruitment and retention incentive. A post differential may be granted to an employee officially stationed in the United States who is on extended detail in a foreign area. A post differential under this subsection may not exceed [25 percent of the rate of basic pay or, in the case of an employee of the United States Agency for International Development,] 35 percent of the rate of basic pay.

* * * * *

SEC. 5928. DANGER PAY ALLOWANCE.

An employee serving in a foreign area may be granted a danger pay allowance on the basis of civil insurrection, civil war, terrorism, or wartime conditions which threaten physical harm or imminent danger to the health or well-being of the employee. A danger pay allowance may not exceed [25 percent of the basic pay of the employee, or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development] *35 percent of the basic pay of the employee*, except that if an employee is granted an additional differential under section 5925(b) of this title with respect to an assignment, the sum of that additional differential and any danger pay allowance granted to the employee with respect to that assignment may not exceed [25 percent of the basic pay of the employee or 35 percent of the basic pay of the employee in the case of an employee of the United States Agency for International Development] *35 percent of the basic pay of the employee*. The presence of nonessential personnel or dependents shall not preclude payment of an allowance under this section. In each instance where an allowance under this section is initiated or terminated, the Secretary of State shall inform the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate of the action taken and the circumstances justifying it.

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SUBPART G—INSURANCE AND ANNUITIES

CHAPTER 83—RETIREMENT

SUBCHAPTER III—CIVIL SERVICE RETIREMENT

SEC. 8332. CREDITABLE SERVICE.

(a) The total service of an employee or Member is the full years and twelfth parts thereof, excluding from the aggregate the fractional part of a month, if any.

(b) The service of an employee shall be credited from the date of original employment to the date of separation on which title to annuity is based in the civilian service of the Government. Except as provided in paragraph (13) of this subsection, credit may not be allowed for a period of separation from the service in excess of 3 calendar days. The service includes—

* * * * *

(11) subject to sections 8334(c) and 8339(i) of this title, service in any capacity of at least 130 days (or its equivalent) per calendar year performed after July 1, 1946, for the National Committee for a Free Europe; Free Europe Committee, Incorporated; Free Europe, Incorporated; Radio Liberation Committee; Radio Liberty Committee; subdivisions of any of those organizations; Radio Free Europe/Radio Liberty, Incorporated, Radio Free Asia; the Asia Foundation; *Middle East Broadcasting Network* or the Armed Forces Network, Europe (AFN-E), but only if such service is not credited for benefits under any other retirement system which is established for such entities and funded in whole or in part by the Government and only if the individual later becomes subject to this subchapter;

* * * * *

United Nations Participation Act of 1945

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[SEC. 9. The Secretary of State may, under such regulations as he shall prescribe, and notwithstanding section 3648 of the Revised Statutes (31 U.S.C. 529) and section 5536 of title 5, United States Code:

[(1) Make available to the Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations living quarters leased or rented by the United States (for periods not exceeding ten years) and allowances for unusual expenses incident to the operation and maintenance of such living quarters similar to those and to be considered for all purposes as authorized by section 22 of the Administrative Expenses Act of 1946, as amended by section 311 of the Overseas Differentials and Allowances Act.

[(2) Make available in New York to no more than 30 foreign service employees of the staff of the United States Mission to the United Nations, other representatives, and no more than two employees who serve at the pleasure of the Representative, living quarters leased or rented by the United States (for periods not exceeding ten years). The number of employees to which such quarters will be made available shall be determined by the Secretary and shall reflect a significant reduction over the number of persons eligible for housing benefits as of the date of enactment of this provision. No employee may occupy a unit under this provision if the unit is owned by the employee. The Secretary shall require that each employee occupying housing under this subsection contribute to the Department of State a percentage of his or her base salary, in an amount to be determined by the Secretary of State toward the cost of such housing. The Secretary may reduce such payments to the extent of income taxes paid on the value of the leased or rented quarters any payments made by employees to the Department of State for occupancy by them of living quarters leased or rented under this section shall be credited to the appropriation, fund, or account utilized by the Secretary of State

for such lease or rental or to the appropriation, fund, or account currently available for such purpose.

[(3) provide such allowance as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses incurred by him with respect to attending any such session.

[(4) The Inspector General shall review the program established by this section no later than December 1989 and periodically thereafter with a view to increasing cost savings and making other appropriate recommendations.]

SEC. 9. (a) The Secretary of State may, under such regulations as the Secretary shall prescribe, and notwithstanding subsections (a) and (b) of section 3324 of title 31, United States Code, and section 5536 of title 5, United States Code—

(1) make available to the Permanent Representative of the United States to the United Nations and the Deputy Permanent Representative of the United States to the United Nations—

(A) living quarters leased or rented by the United States for a period that does not exceed 10 years; and

(B) allowances for unusual expenses incident to the operation and maintenance of such living quarters that are similar to expenses authorized to be funded by section 5913 of title 5, United States Code;

(2) make available living quarters in New York leased or rented by the United States for a period of not more than 10 years to—

(A) not more than 40 members of the Foreign Service assigned to the United States Mission to the United Nations or other United States representatives to the United Nations; and

(B) not more than 2 employees who serve at the pleasure of the Permanent Representative of the United States to the United Nations; and

(3) provide an allowance, as the Secretary considers appropriate, to each Delegate and Alternate Delegate of the United States to any session of the General Assembly of the United Nations who is not a permanent member of the staff of the United States Mission to the United Nations, in order to compensate each such Delegate or Alternate Delegate for necessary housing and subsistence expenses with respect to attending any such session.

(b) The Secretary may not make available living quarters or allowances under subsection (a) to an employee who is occupying living quarters that are owned by such employee.

(c) Living quarters and allowances provided under subsection (a) shall be considered for all purposes as authorized—

(1) by chapter 9 of title I of the Foreign Service Act of 1980; and

(2) by section 5913 of title 5, United States Code.

(d) The Inspector General for the Department of State and the Broadcasting Board of Governors shall periodically review the administration of this section with a view to achieving cost savings and developing appropriate recommendations to make to the Secretary of State regarding the administration of this section.

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The Peace Corps Act

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TITLE I—THE PEACE CORPS

* * * * *

PEACE CORPS AS AN INDEPENDENT AGENCY

SEC. 2A. Effective on the date of the enactment of the International Security and Development Cooperation Act of 1981, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION Agency, the successor to the ACTION Agency, or any other department or agency of the United States. *As the Peace Corps is an independent agency, all recruiting of volunteers shall be undertaken primarily by the Peace Corps.*

AUTHORIZATION

SEC. 3. (a) The President is authorized to carry out programs in furtherance of the purposes of this Act, on such terms and conditions as he may determine.

(b)(1) There are authorized to be appropriated to carry out the purposes of this Act **[\$270,000,000 for fiscal year 2000, \$298,000,000 for fiscal year 2001, \$327,000,000 for fiscal year 2002, and \$365,000,000 for fiscal year 2003.]** *\$359,000,000 for fiscal year 2004, \$351,000,000 for fiscal year 2005, \$443,000,000 for fiscal year 2006, and \$485,000,000 for fiscal year 2007.*

* * * * *

PEACE CORPS VOLUNTEERS

SEC. 5.(a) * * *

* * * * *

(c) Volunteers shall be entitled to receive a readjustment allowance at a rate not less than **[\$125]** *\$275* for each month of satisfactory service as determined by the President. The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however,* That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States. In the event of the volunteer's death during the period of his service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582(b) of title 5, United States Code. For purposes of the Internal Revenue Code of 1954 (26 U.S.C.), a volunteer shall

be deemed to be paid and to receive each amount of a readjustment allowance to which he is entitled after December 31, 1964, when such amount is transferred from funds made available under this Act to the fund from which such readjustment allowance is payable.

* * * * *

(g) The President may detail or assign volunteers or otherwise make them available to any entity referred to in paragraph (1) of section 10(a) on such terms and conditions as he may determine: *Provided, That such detail or assignment does not contradict the standing of Peace Corps volunteers as being independent: Provided further, That* not to exceed two hundred volunteers may be assigned to carry out secretarial or clerical duties on the staffs of the Peace Corps representatives abroad: *Provided, however, That* any volunteer so detailed or assigned shall continue to be entitled to the allowances, benefits and privileges of volunteers authorized under or pursuant to this Act.

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PEACE CORPS VOLUNTEER LEADERS

SEC. 6. The President may enroll in the Peace Corps qualified citizens or nationals of the United States whose services are required for supervisory or other special duties or responsibilities in connection with programs under this Act (referred to in this Act as "volunteer leaders"). The ratio of the total number of volunteer leaders to the total number of volunteers in service at any one time shall not exceed one to twenty-five. Except as otherwise provided in this Act, all of the provisions of this Act applicable to volunteers shall be applicable to volunteer leaders, and the term "volunteers" shall include "volunteer leaders": *Provided, however, That—*

(1) volunteer leaders shall be entitled to receive a readjustment allowance at a rate not less than ~~[\$125]~~ \$275 for each month of satisfactory service as determined by the President;

* * * * *

REPORTS

[SEC. 11. The President shall transmit to the Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

[(1) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

[(2) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations.

【The President shall also include in the report a description of any plans to carry out the policy set forth in section 2(b) of this Act.】

SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

(A) *ANNUAL REPORTS.*—*The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain—*

(1) *a description of efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—*

(A) *a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and*

(B) *recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;*

(2) *a description of—*

(A) *any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to Congress;*

(B) *the rationale for undertaking such new initiatives;*

(C) *an estimate of the cost of such initiatives; and*

(D) *any impact such initiatives may have on the safety of volunteers; and*

(3) *a description of standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—*

(A) *by colocating volunteers with international or local nongovernmental organizations; or*

(B) *with the placement of multiple volunteers in one location.*

(b) *CONSULTATIONS ON NEW INITIATIVES.*—*The Director of the Peace Corps should consult with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, but in any event as soon as is practicable thereafter.*

PEACE CORPS NATIONAL ADVISORY COUNCIL

SEC. 12. (a) ESTABLISHMENT.—* * *

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(b) FUNCTIONS.—

(1) * * *

(2) Members of the Council shall (subject to subsection (d)(1) of this section) conduct on-site inspections, and make examinations, of the activities of the Peace Corps in the United States and in other countries in order to—

(A) * * *

* * * * *

[(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.]

(D) make recommendations for utilizing the expertise of returned Peace Corps volunteer in fulfilling the goals of the Peace Corps.

(3) The Council may provide for public participation in its activities.

(c) MEMBERSHIP.—(1) Persons appointed as members of the Council shall be broadly representative of the general public, including educational institutions, private volunteer agencies, private industry, farm organizations, labor unions, different regions of the United States, different educational, economic, racial, and national backgrounds and age groupings, and both sexes.

(2)(A) The Council shall consist of **[fifteen]** *seven* voting members who shall be appointed by the President, by and with the advice and consent of the Senate. **[At least seven of such members shall be former Peace Corps volunteers, and not more than eight of such members shall be members of the same political party.]** *Four of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than four shall be members of the same political party.*

[(B) The first appointments of members of the Council under this paragraph shall be made not more than sixty days after the date of the enactment of this section and, solely for purposes of determining the expiration of their terms, shall be deemed to take effect on the sixtieth day after such date of enactment.]

[(C)] (B) No member appointed under this paragraph may be an officer or employee of the United States Government.

[(D) Of the members initially appointed under this paragraph, eight shall be appointed to 1-year terms and seven shall be appointed to 2-year terms. Thereafter, all appointed members shall be appointed to 2-year terms.]

[(D)] (C) The members of the Council shall be appointed for 2-year terms.

[(E)] (D) A member of the Council 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.

[(F)] (E) No member of the Council may serve for more than two consecutive 2-year terms.

[(G)] (F) Members of the Council shall serve at the pleasure of the President.

[(H) An appointed member of the Council may be removed by a vote of nine members for malfeasance in office, for persistent ne-

glect of or inability to discharge duties, or for offenses involving moral turpitude, and for no other cause.】

【(I)】 (G) Within thirty days after any vacancy occurs in the office of an appointed member of the Council, the President shall nominate an individual to fill the vacancy.

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【(g) CHAIR AND VICE CHAIR.—At its first meeting and at its first regular meeting in each calendar year thereafter, the Council shall elect a Chair and Vice Chair from among its appointed members who are citizens of the United States. The Chair and Vice Chair may not both be members of the same political party.】

(g) CHAIR.—*The President shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a period not to exceed two years.*

【(h) MEETINGS, BYLAWS, AND REGULATIONS.—(1) The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Director of the Peace Corps, the Council's Chair, or one-fourth of its members.

【(2) The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.】

(h) MEETINGS.—*The Council shall hold a regular meeting during each calendar quarter at a date and time to be determined by the Chair of the Council.*

【(i) REPORTS TO THE PRESIDENT AND THE DIRECTOR.—Not later than January 1, 1988, and not later than January 1 of each second year thereafter, the Council shall submit to the President and the Director of the Peace Corps a report on its views on the programs and activities of the Peace Corps. Each report shall contain a summary of the advice and recommendations provided by the Council to the President and the Director during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress. Within ninety days after receiving each such report, the President shall submit to the Congress a copy of the report, together with any comments concerning the report that the President or the Director considers appropriate.】

(i) REPORT.—*Not later than July 30 of each year, the Council shall submit a report to the President and the Director of the Peace Corps describing how the Council has carried out its functions under subsection (b)(2).*

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Foreign Assistance Act of 1969

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PART IV—THE INTER-AMERICAN FOUNDATION ACT

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SEC. 401. INTER-AMERICAN FOUNDATION.—(a) * * *

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[(s)(1) Notwithstanding any other provision of law, not to exceed an aggregate amount of \$50,000,000 of the funds made available for the fiscal years 1970 and 1971 to carry out part I of the Foreign Assistance Act of 1961 shall be available to carry out the purposes of this section. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.]

[(2) There are authorized to be appropriated \$28,800,000 for the fiscal year 1992 and \$31,000,000 for the fiscal year 1993 to carry out this section.]

(s) There is authorized to be appropriated \$15,185,000 for fiscal year 2005 to carry out this section. Amounts appropriated pursuant to the authorization in this subsection are authorized to remain available until expended.

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Security Assistance Act of 2000

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SEC. 513. ASSISTANCE FOR ISRAEL.

(a) DEFINITIONS.— * * *

* * * * *

(b) ESF ASSISTANCE.—

(1) IN GENERAL.—Of the amounts made available for [each of the fiscal years 2002 and 2003] *fiscal year 2005* for ESF assistance, the amount specified in paragraph (2) for [each such] *such* fiscal year is authorized to be made available for Israel. Such funds are authorized to be made available on a grant basis as a cash transfer.

* * * * *

(c) FMF PROGRAM.—

(1) IN GENERAL.—Of the amount made available for [each of the fiscal years 2002 and 2003] *fiscal year 2005* for assistance under the Foreign Military Financing Program, the amount specified in paragraph (2) for [each such] *such* fiscal year is authorized to be made available on a grant basis for Israel.

(2) COMPUTATION OF AMOUNT.—Subject to subsection (d), the amount referred to in paragraph (1) is equal to—

(A) the amount made available for assistance under the Foreign Military Financing Program for Israel for the preceding fiscal year, plus

(B) \$60,000,000.

(3) DISBURSEMENT OF FUNDS.—[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 the enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2001, or October 31, 2000, whichever date is later] *Funds authorized to be*

available for Israel under subsection (b)(1) and paragraph (1) for fiscal year 2005 shall be disbursed not later than 30 days after the date of the enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2005, or October 31, 2004, whichever is later.

(4) AVAILABILITY OF FUNDS FOR ADVANCED WEAPONS SYSTEMS.—To the extent the Government of Israel requests that funds be used for such purposes, grants made available for Israel out of funds authorized to be available under paragraph (1) for Israel for **[fiscal years 2002 and 2003]** *fiscal year 2005* shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than **[\$535,000,000 for fiscal year 2002 and not less than \$550,000,000 for fiscal year 2003]** *\$580,000,000* shall be available for the procurement in Israel of defense articles and defense services, including research and development.

(d) EXCLUSION OF RESCISSIONS AND SUPPLEMENTAL APPROPRIATIONS.—For purposes of this section, the computation of amounts made available for a fiscal year shall not take into account any amount rescinded by an Act or any amount appropriated by an Act making supplemental appropriations for a fiscal year.

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SEC. 514. ASSISTANCE FOR EGYPT.

(a) DEFINITIONS.— * * *

* * * * *

(b) ESF ASSISTANCE.—

(1) IN GENERAL.—Of the amounts made available for **[each of the fiscal years 2002 and 2003]** *fiscal year 2005* for ESF assistance, the amount specified in paragraph (2) for **[each such]** *such* fiscal year is authorized to be made available for Egypt.

* * * * *

(2) COMPUTATION OF AMOUNT.—SUBJECT TO SUBSECTION (D), THE AMOUNT REFERRED TO IN PARAGRAPH (1) IS EQUAL TO—

- (A) the amount made available for ESF assistance for Egypt during the preceding fiscal year, minus
- (B) \$40,000,000.

(c) FMF PROGRAM.—OF THE AMOUNT MADE AVAILABLE **[for each of the fiscal years 2001 and 2002]** *for fiscal year 2005* for assistance under the Foreign Military Financing Program, \$1,300,000,000 is authorized to be made available on a grant basis for Egypt.

(d) EXCLUSION OF RESCISSIONS AND SUPPLEMENTAL APPROPRIATIONS.—For purposes of this section, the computation of amounts made available for a fiscal year shall not take into account any amount rescinded by an Act or any amount appropriated by an Act making supplemental appropriations for a fiscal year.

(e) DISBURSEMENT OF FUNDS.—**[Funds estimated to be outlaid 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] *Funds estimated to be outlayed for Egypt under subsection (c) during fiscal year 2005 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 the enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2005, or by October 31, 2004, 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; and

(3) none of the interest accrued by such account should be obligated unless the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives are notified.

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International Security and Development Cooperation Act of 1980

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TITLE V—AFRICAN DEVELOPMENT FOUNDATION

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AUTHORIZATIONS OF APPROPRIATIONS

SEC. 510. THERE ARE AUTHORIZED TO BE APPROPRIATED TO CARRY OUT THIS TITLE, IN ADDITION TO AMOUNTS OTHERWISE AVAILABLE FOR THAT PURPOSE, [\$3,872,000 for fiscal year 1986 and \$3,872,000 for fiscal year 1987] *\$17,000,000 for fiscal year 2005*. Funds appropriated under this section are authorized to remain available until expended.

* * * * *

An Act to Authorize the President to Exercise Waivers of Foreign Assistance Restrictions with Respect to Pakistan Through September 30, 2003, and for Other Purposes.

SECTION 1. EXEMPTIONS AND WAIVER OF APPROPRIATIONS ACT PROHIBITIONS WITH RESPECT TO PAKISTAN.

(a) * * *

* * * * *

(b) FISCAL YEAR [2004] *2005*.—

(1) **WAIVER.**—The President is authorized to waive, with respect to Pakistan, any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year **[2004]** *2005* that prohibits direct assistance to a country whose duly elected head of government was deposed by decree or military coup, if the President determines and certifies to the appropriate congressional committees that such waiver—

(A) would facilitate the transition to democratic rule in Pakistan; and

(B) is important to United States efforts to respond to, deter, or prevent acts of international terrorism.

(2) **PRIOR CONSULTATION REQUIRED.**—Not less than 5 days prior to the exercise of the waiver authority under paragraph (1), the President shall consult with the appropriate congressional committees with respect to such waiver.

SEC. 2. INCREASED FLEXIBILITY IN THE EXERCISE OF WAIVER AUTHORITY OF MTCR AND EXPORT ADMINISTRATION ACT SANCTIONS WITH RESPECT TO PAKISTAN.

Any waiver under 73(e) of the Arms Export Control Act (22 U.S.C. 2797b(e)), or under section 11B(b)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(5)) (or successor statute), with respect to a sanction that was imposed on foreign persons in Pakistan prior to January 1, 2001, may be exercised—

(1) only after consultation with the appropriate congressional committees; and

(2) without regard to the notification periods set forth in the respective section authorizing the waiver.

SEC. 3. EXEMPTION OF PAKISTAN FROM FOREIGN ASSISTANCE PROHIBITIONS RELATING TO FOREIGN COUNTRY LOAN DEFAULTS.

The following provisions of law shall not apply with respect to Pakistan:

(1) Section 620(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(q)).

(2) Such provision of the **[Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002]**, as is annual foreign operations, export financing, and related programs appropriations Acts for fiscal years 2002, 2003, **[and 2004]** *2004, and 2005* as are comparable to section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106–429; 114 Stat. 1900A–25).

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SEC. 6. TERMINATION DATE.

Except as otherwise provided in section 1 or 3, the provisions of this Act shall terminate on October 1, **[2004]** *2005*.

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Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999

* * * * *

SEC. 616.—(a) * * *

(c) REPORTING REQUIREMENT.—(1) The United States chief of mission in Haiti shall provide the Secretary of State a list of those who have been credibly alleged to have ordered or carried out the extrajudicial and political killings mentioned in paragraph (1) of subsection (a).

(2) The Secretary of State shall submit the list provided under paragraph (1) to the appropriate congressional committees [not later than 3 months after the date of enactment of this Act] *as part of the annual report submitted under paragraph (4) of this subsection.*

(3) The Secretary of State shall submit to the appropriate congressional committees, *as part of the annual report submitted under paragraph (4) of this subsection*, a list of aliens denied visas, and the Attorney General shall submit to the appropriate congressional committees a list of aliens refused entry to the United States as a result of this provision.

(4) The Secretary of State shall submit a report under this subsection not later than 6 months after the date of enactment of this Act and not later than March 1 of each year thereafter as long as the Government of Haiti has not completed the investigation of the extrajudicial and political killings and has not prosecuted those implicated for the killings specified in paragraph (1) of subsection (a).

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Immigration and Nationality Act

* * * * *

INADMISSIBLE ALIENS

SEC. 212. (a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Except as otherwise provided in this Act, aliens who are inadmissible under the following paragraphs are ineligible to receive visas and ineligible to be admitted to the United States:
* * *

(1)–(9) * * *

(10) MISCELLANEOUS.—

(A)–(B) * * *

(C) INTERNATIONAL CHILD ABDUCTION.—

(i) IN GENERAL.—Except as provided in clause (ii), any alien who, after entry of an order by a court in the United States granting custody to a person of a United States citizen child who detains or retains the child, or withholds custody of the child, outside the United States from the person granted custody by that order, is inadmissible until the child is surrendered to the person granted custody by that order.

(ii) **ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.**—Any alien who—

(I) is known by the Secretary of State to have intentionally assisted an alien in the conduct described in clause (i) **[,];**

(II) is known by the Secretary of State to be intentionally providing material support or safe haven to an alien described in clause (i) **[,];** or

[(III) is a spouse (other than the spouse who is the parent of the abducted child), child (other than the abducted child), parent, sibling, or agent of an alien described in clause (i), if such person has been designated by the Secretary of State at the Secretary's sole and unreviewable discretion, is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence.]

(III) is a spouse (other than a spouse who is the parent of the abducted child), son or daughter (other than the abducted child), grandson or granddaughter (other than the abducted child), parent, grandparent, sibling, cousin, uncle, aunt, nephew, or niece of an alien described in clause (i), or is a spouse of the abducted child described in clause (i), if such person has been designated by the Secretary of State, at the Secretary of State's sole and unreviewable discretion,

is inadmissible until the child described in clause (i) is surrendered to the person granted custody by the order described in that clause, and such person and child are permitted to return to the United States or such person's place of residence, or until the abducted child is 21 years of age.

(iii) **EXCEPTIONS.**—* * *

(iv) **AUTHORITY TO CANCEL CERTAIN DESIGNATIONS.**—*The Secretary of State may, at the Secretary of State's sole and unreviewable discretion, at any time, cancel a designation made pursuant to clause (ii)(III).*

(v) **IDENTIFICATION OF ALIENS SUPPORTING ABDUCTORS AND RELATIVES OF ABDUCTORS.**—*In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to identify the individuals who are potentially inadmissible under clause (ii).*

(vi) **ENTRY OF ABDUCTORS AND OTHER INADMISSIBLE PERSONS IN CONSULAR LOOKOUT AND SUPPORT SYSTEM.**—*In all instances in which the Secretary of State knows that an alien has committed an act described in clause (i), the Secretary of State shall take appropriate action to cause the entry into the Consular Lookout and Support System of the name or names of, and identifying information about, such individual and of*

any persons identified pursuant to clause (v) as potentially inadmissible under clause (ii).

(vii) DEFINITIONS.—In this subparagraph:

(I) CHILD.—The term “child” means a person under 21 years of age regardless of marital status.

(II) SIBLING.—The term “sibling” includes step-siblings and half-siblings.

* * * * *

SEC. 219. DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.

(a) DESIGNATION.—

(1) IN GENERAL.—The Secretary is authorized to designate an organization as a foreign terrorist organization in accordance with this subsection if the Secretary finds that—

* * * * *

(3) RECORD.—

(A) IN GENERAL.—In making a designation under this subsection, the Secretary shall create an administrative record.

(B) CLASSIFIED INFORMATION.—The Secretary may consider classified information in making a designation under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court *ex parte* and in camera for purposes of judicial review under [subsection (b)] *subsection (c)*.

* * * * *

(4) PERIOD OF DESIGNATION.—

(A) IN GENERAL.—[Subject to paragraphs (5) and (6), a] A designation under this subsection shall be effective for all purposes [for a period of 2 years beginning on the effective date of the designation under paragraph (2)(B)] *until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c)*.

[(B) REDESIGNATION.—The Secretary may redesignate a foreign organization as a foreign terrorist organization for an additional 2-year period at the end of the 2-year period referred to in subparagraph (A) (but not sooner than 60 days prior to the termination of such period) upon a finding that the relevant circumstances described in paragraph (1) still exist. The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation. The procedural requirements of paragraphs (2) and (3) shall apply to a redesignation under this subparagraph.]

(B) REVIEW OF DESIGNATION UPON PETITION.—

(i) *IN GENERAL.*—The Secretary shall review the designation of a foreign terrorist organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

(ii) *PETITION PERIOD.*—For purposes of clause (i)—

(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

(iii) *PROCEDURES.*—Any foreign terrorist organization that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) have changed in such a manner as to warrant revocation with respect to the organization.

(iv) *DETERMINATION.*—

(I) *IN GENERAL.*—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Secretary shall make a determination as to such revocation.

(II) *CLASSIFIED INFORMATION.*—The Secretary may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court *ex parte* and *in camera* for purposes of judicial review under subsection (c).

(III) *PUBLICATION OF DETERMINATION.*—A determination made by the Secretary under this clause shall be published in the Federal Register.

(IV) *PROCEDURES.*—Any revocation by the Secretary shall be made in accordance with paragraph (6).

(C) *OTHER REVIEW OF DESIGNATION.*—

(i) *IN GENERAL.*—If in a 4-year period no review has taken place under subparagraph (B), the Secretary shall review the designation of the foreign terrorist organization in order to determine whether such designation should be revoked pursuant to paragraph (6). Such review shall be completed not later than 180 days after the end of such 4-year period.

(ii) *PROCEDURES.*—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Secretary. The re-

sults of such review and the applicable procedures shall not be reviewable in any court.

(iii) PUBLICATION OF RESULTS OF REVIEW.—The Secretary shall publish any determination made pursuant to this subparagraph in the Federal Register.

* * * * *

(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

(A) IN GENERAL.—The Secretary may revoke a designation made under paragraph (1) [or a redesignation made under paragraph (4)(B)] *at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Secretary finds that—*

(i) the circumstances that were the basis for the designation [or redesignation] have changed in such a manner as to warrant revocation; or

(ii) the national security of the United States warrants a revocation.

(B) PROCEDURE.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6), [or the revocation of a redesignation under paragraph (6),] shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

(8) Use of designation in trial or hearing. If a designation under this subsection has become effective under paragraph (2)(B), [or if a redesignation under this subsection has become effective under paragraph (4)(B),] a defendant in a criminal action or an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation [or redesignation] as a defense or an objection at any trial or hearing.

(b) AMENDMENTS TO A DESIGNATION.—

(1) IN GENERAL.—*The Secretary may amend a designation under this subsection if the Secretary finds that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.*

(2) PROCEDURE.—*Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall also apply to an amended designation.*

(3) ADMINISTRATIVE RECORD.—*The administrative record shall be corrected to include the amendments as well as any additional relevant information that supports those amendments.*

(4) CLASSIFIED INFORMATION.—*The Secretary may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject*

to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

[(b)](c) JUDICIAL REVIEW OF DESIGNATION.—* * *

(1) **IN GENERAL.**—Not later than 30 days after publication [of the designation in the Federal Register, an organization designated as a foreign terrorist organization may seek judicial review of the designation] *in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit.*

(2) **BASIS OF REVIEW.**—Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation, *amended designation, or determination in response to a petition for revocation.*

(3) **SCOPE OF REVIEW.**—The Court shall hold unlawful and set aside a designation, *amended designation, or determination in response to a petition for revocation* the court finds to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (2), or

(E) not in accord with the procedures required by law.

(4) **JUDICIAL REVIEW INVOKED.**—The pendency of an action for judicial review of a designation, *amended designation, or determination in response to a petition for revocation* shall not affect the application of this section, unless the court issues a final order setting aside the designation, *amended designation, or determination in response to a petition for revocation.*

* * * * *

[(c)](d) DEFINITIONS.—* * *

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United States Information and Educational Exchange Act of 1948

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TITLE V—DISSEMINATING INFORMATION ABOUT THE UNITED STATES ABROAD

GENERAL AUTHORIZATION

* * * * *

[SEC. 502. In authorizing international information activities under this Act, it is the sense of the Congress (1) that the Sec-

retary shall reduce such Government information activities whenever corresponding private information dissemination is found to be adequate; (2) that nothing in this Act shall be construed to give the Department a monopoly in the production or sponsorship on the air of short-wave broadcasting programs, or a monopoly in any other medium of information.】

SEC. 502. (a) INTERNATIONAL INFORMATION STRATEGY.—The President shall develop and report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives an international information strategy. The international information strategy shall consist of public information plans designed for major regions of the world, including a focus on regions with significant Muslim populations.

(b) NATIONAL SECURITY STRATEGY.—In the preparation of the annual report required by section 108 of the National Security Act of 1947 (50 U.S.C. 404a), the President shall ensure that the report includes a comprehensive discussion of how public diplomacy activities are integrated into the national security strategy of the United States, and how such activities are designed to advance the goals and objectives identified in the report pursuant to section 108(b)(1) of that Act.

(c) PLANS REGARDING DEPARTMENT ACTIVITIES.—

(1) STRATEGIC PLAN.—In the updated and revised strategic plan for program activities of the Department required to be submitted under section 306 of title 5, United States Code, the Secretary shall identify how public diplomacy activities of the Department are designed to advance each strategic goal identified in the plan.

(2) ANNUAL PERFORMANCE PLAN.—The Secretary shall ensure that each annual performance plan for the Department required by section 1115 of title 31, United States Code, includes a detailed discussion of public diplomacy activities of the Department.

(3) BUREAU AND MISSION PERFORMANCE PLAN.—The Secretary shall ensure that each regional bureau's performance plan, and other bureau performance plans as appropriate, and each mission performance plan, under regulations of the Department, includes a public diplomacy component.

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Emergency Supplemental Act, 2000

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【SEC. 3203. REPORT ON EXTRADITION OF NARCOTICS TRAFFICKERS.—(a) Not later than 6 months after the date of the enactment of this title, and every 6 months thereafter, during the period Plan Colombia resources are made available, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and the Committee on International Relations, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives a report setting forth—

[(1) a list of the persons whose extradition has been requested from any country receiving counternarcotics assistance from the United States, indicating those persons who—

[(A) have been surrendered to the custody of United States authorities;

[(B) have been detained by the authorities and who are being processed for extradition;

[(C) have been detained by the authorities and who are not yet being processed for extradition; or

[(D) are at large;

[(2) a determination whether authorities of each country receiving counternarcotics assistance from the United States are making good faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

[(3) an analysis of—

[(A) any legal obstacles in the laws of each country receiving counternarcotics assistance from the United States regarding prompt extradition of persons sought by United States authorities; and

[(B) the steps taken by authorities of the United States and the authorities of each country receiving counternarcotics assistance from the United States to overcome such obstacles.]

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United States International Broadcasting Act of 1994

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TITLE III—UNITED STATES INTERNATIONAL BROADCASTING ACT

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SEC. 304. ESTABLISHMENT OF BROADCASTING BOARD OF GOVERNORS.

* * * * *

(c) **TERM OF OFFICE.**—The term of office of each member of the Board shall be three years, except that the Secretary of State shall remain a member of the Board during the [Director's] *Secretary's* term of service. Of the other 8 voting members, the initial terms of office of two members shall be one year, and the initial terms of office of 3 other members shall be two years, as determined by the President. The President shall appoint, by and with the advice and consent of the Senate, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until a successor has been appointed and qualified. When there is no Secretary of State, the Acting Secretary of State shall serve as a member of the board until a [Director] *Secretary* is appointed.

* * * * *

(g) **IMMUNITY FROM CIVIL LIABILITY.**—Notwithstanding any other provision of law, any and all limitations on liability that apply to

the members of the Broadcasting Board of Governors also shall apply to such members when acting in their capacities as members of the boards of directors of RFE/RL, Incorporated [and] , Radio Free Asia, and *Middle East Broadcasting Network*.

* * * * *

SEC. 305. AUTHORITIES OF THE BOARD.

(a) AUTHORITIES.—The Board shall have the following authorities:

(1) * * *

* * * * *

(5) To make and supervise grants for broadcasting and related activities in accordance with sections 308 [and 309] , 309, and 310.

(6) To allocate funds appropriated for international broadcasting activities among the various elements of the International Broadcasting Bureau and grantees, subject to the limitations in sections 308 [and 309] , 309, and 310 and subject to reprogramming notification requirements in law for the reallocation of funds.

* * * * *

(c) BROADCASTING BUDGETS.—

The Director of the Bureau and the grantees identified in sections 308 [and 309] , 309, and 310 shall submit proposed budgets to the Board. The Board shall forward its recommendations concerning the proposed budget for the Board and broadcasting activities under this title, the Radio Broadcasting to Cuba Act, and the Television Broadcasting to Cuba Act to the Office of Management and Budget.

* * * * *

SEC. 307. INTERNATIONAL BROADCASTING BUREAU.

(a) ESTABLISHMENT.—There is hereby established an International Broadcasting Bureau under the Board (hereafter in this title referred to as the “Bureau”), to carry out all nonmilitary international broadcasting activities supported by the United States Government other than those described in sections 308 [and 309] , 309, and 310.

(b) SELECTION OF THE DIRECTOR OF THE BUREAU.—The Director of the Bureau shall be appointed by the President, by and with the advice and consent of the Senate. The Director of the Bureau shall be entitled to receive compensation at the rate prescribed by law for level IV of the Executive Schedule.

(c) RESPONSIBILITIES OF THE DIRECTOR.—The Director shall organize and chair a coordinating committee to examine and make recommendations to the Board on long-term strategies for the future of international broadcasting, including the use of new technologies, further consolidation of broadcast services, and consolidation of currently existing public affairs and legislative relations functions in the various international broadcasting entities. The coordinating committee shall include representatives of Radio Free Asia, and *Middle East Broadcasting Network*, RFE/RL, Incorporated, the Broadcasting Board of Governors, and, as appropriate,

the Office of Cuba Broadcasting, the Voice of America, and Worldnet.

* * * * *

SEC. 310. MIDDLE EAST BROADCASTING NETWORK.

(a) *AUTHORITY.*—Grants authorized under section 305 shall be available to make annual grants to a Middle East Broadcasting Network for the purpose of carrying out radio and television broadcasting to the Middle East region.

(b) *FUNCTION.*—The Middle East Broadcasting Network shall provide radio and television programming to the Middle East region consistent with the broadcasting standards and broadcasting principles set forth in section 303 of this Act.

(c) *GRANT AGREEMENT.*—Any grant agreement or grants under this section shall be subject to the following limitations and restrictions:

(1) The Broadcasting Board of Governors may not make any grant to the nonprofit corporation, Middle East Broadcasting Network, unless its certificate of incorporation provides that—

(A) the Board of Directors of the Middle East Broadcasting Network shall consist of the members of the Broadcasting Board of Governors established under section 304 and of no other members; and

(B) such Board of Directors shall make all major policy determinations governing the operation of the Middle East Broadcasting Network, and shall appoint and fix the compensation of such managerial officers and employees of the Middle East Broadcasting Network as it considers necessary to carry out the purposes of the grant provided under this title, except that no officer or employee may be paid a salary or other compensation in excess of the rate of pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(2) Any grant agreement under this section shall require that any contract entered into by the Middle East Broadcasting Network shall specify that obligations are assumed by the Middle East Broadcasting Network and not the United States Government.

(3) Any grant agreement shall require that any lease agreement entered into by the Middle East Broadcasting Network shall be, to the maximum extent possible, assignable to the United States Government.

(4) Grants awarded under this section shall be made pursuant to a grant agreement which requires that grant funds be used only for activities consistent with this section, and that failure to comply with such requirements shall permit the grant to be terminated without fiscal obligation to the United States.

(5) Duplication of language services and technical operations between the Middle East Broadcasting Network (including Radio Sawa), RFE/RL, and the International Broadcasting Bureau will be reduced to the extent appropriate, as determined by the Board.

(d) *NOT A FEDERAL AGENCY OR INSTRUMENTALITY.*—Nothing in this title may be construed to make the Middle East Broadcasting

Network a Federal agency or instrumentality, nor shall the officers or employees of the Middle East Broadcasting Network be deemed to be officers or employees of the United States Government.

(e) **AUDIT AUTHORITY.**—

(1) **IN GENERAL.**—*Such financial transactions of the Middle East Broadcasting Network as relate to functions carried out under this section may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Middle East Broadcasting Network are normally kept.*

(2) **ACCESS TO RECORDS.**—*Representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Middle East Broadcasting Network pertaining to such financial transactions as necessary to facilitate an audit. Such representatives shall be afforded full facilities for verifying transactions with any assets held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the Middle East Broadcasting Network shall remain in the custody of the Middle East Broadcasting Network.*

(3) **INSPECTOR GENERAL.**—*Notwithstanding any other provisions of law, the Inspector General for the Department of State and the Broadcasting Board of Governors is authorized to exercise the authorities of the Inspector General Act of 1978 with respect to the Middle East Broadcasting Network.*

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International Religious Freedom Act of 1998

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TITLE II—COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

* * * * *

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Commission \$3,000,000 for the fiscal year **[2003]** *2005* to carry out the provisions of this title.

(b) **AVAILABILITY OF FUNDS.**—Amounts authorized to be appropriated under **[subparagraph]** *subsection* (a) are authorized to remain available until expended but not later than the date of termination of the Commission.

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Diplomatic Security Act

TITLE III—PERFORMANCE AND ACCOUNTABILITY

* * * * *

SEC. 304. FINDINGS AND RECOMMENDATIONS BY A BOARD.

(a) * * *

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(b) **PROGRAM RECOMMENDATIONS.**—A Board shall submit its findings (which may be classified to the extent deemed necessary by the Board) to the Secretary of **[State,]** *State and the appropriate congressional committees*, together with recommendations as appropriate to improve the security and efficiency of any program or operation which the board has reviewed.

* * * * *

(d) **REPORTS.**—

[(1) PROGRAM RECOMMENDATIONS.—In any case in which a Board transmits recommendations to the Secretary of State under subsection (b), the Secretary shall, not later than 90 days after the receipt of such recommendations, submit a report to the Congress on each such recommendation and the action taken with respect to that recommendation.]

(1) PROGRAM RECOMMENDATIONS.—In any case in which a Board transmits recommendations under subsection (b) of this section, the Secretary of State shall, not later than 90 days after the receipt of such recommendations, submit a report to the appropriate congressional committees on each such recommendation and the action taken with respect to that recommendation.

(2) PERSONNEL RECOMMENDATIONS.—In any case in which a Board transmits a finding of reasonable cause under subsection (c), the head of the Federal agency or instrumentality receiving the information shall review the evidence and recommendations and shall, not later than 30 days after the receipt of that finding, transmit to the **[Congress]** *appropriate congressional committees* a report specifying—

(A) the nature of the case and a summary of the evidence transmitted by the Board; and

(B) the decision by the Federal agency or instrumentality, to take disciplinary or other appropriate action against that individual or the reasons for deciding not to take disciplinary or other action with respect to that individual.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

