

107TH CONGRESS
1ST SESSION

H. R. 1646

AN ACT

To authorize appropriations for the Department of State
for fiscal years 2002 and 2003, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Foreign Relations Au-
3 thorization Act, Fiscal Years 2002 and 2003”.

4 **SEC. 2. TABLE OF CONTENTS.**

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for human rights.

1 SEC. 3. DEFINITIONS.

2 In this Act:

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

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

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of State.

1 **TITLE I—AUTHORIZATIONS OF**
2 **APPROPRIATIONS**
3 **Subtitle A—Department of State**

4 **SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

5 The following amounts are authorized to be appro-
6 priated for the Department of State under “Administra-
7 tion of Foreign Affairs” to carry out the authorities, func-
8 tions, duties, and responsibilities in the conduct of the for-
9 eign affairs of the United States and for other purposes
10 authorized by law, including public diplomacy activities
11 and the diplomatic security program:

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

13 (A) **AUTHORIZATION OF APPROPRIA-**
14 **TIONS.—**For “Diplomatic and Consular Pro-
15 grams” of the Department of State,
16 \$3,705,140,000 for the fiscal year 2002 and
17 such sums as may be necessary for the fiscal
18 year 2003.

19 (B) **LIMITATIONS.—**

20 (i) **WORLDWIDE SECURITY UP-**
21 **GRADES.—**Of the amounts authorized to be
22 appropriated by subparagraph (A),
23 \$487,735,000 for the fiscal year 2002 and
24 such sums as may be necessary for the fis-
25 cal year 2003 are authorized to be appro-

1 appropriated only for worldwide security up-
2 grades.

3 (ii) BUREAU OF DEMOCRACY, HUMAN
4 RIGHTS, AND LABOR.—Of the amounts au-
5 thorized to be appropriated by subpara-
6 graph (A), \$16,000,000 for the fiscal year
7 2002 and \$20,000,000 for the fiscal year
8 2003 are authorized to be appropriated
9 only for salaries and expenses of the Bu-
10 reau of Democracy, Human Rights, and
11 Labor.

12 (iii) RECRUITMENT OF MINORITY
13 GROUPS.—Of the amounts authorized to be
14 appropriated by subparagraph (A),
15 \$2,000,000 for the fiscal year 2002 and
16 \$2,000,000 for the fiscal year 2003 are au-
17 thorized to be appropriated only for the re-
18 cruitment of members of minority groups
19 for careers in the Foreign Service and
20 international affairs.

21 (iv) MOBILE LIBRARY FOR UNITED
22 STATES INTERESTS SECTION IN CUBA.—Of
23 the amounts authorized to be appropriated
24 by subparagraph (A), \$70,000 for the fis-
25 cal year 2002 and \$70,000 for the fiscal

1 year 2003 are authorized to be appro-
2 priated only for the establishment and op-
3 eration of a mobile library at the United
4 States Interests Section in Cuba primarily
5 for use by dissidents and democracy activ-
6 ists in Cuba.

7 (2) CAPITAL INVESTMENT FUND.—For “Cap-
8 ital Investment Fund” of the Department of State,
9 \$210,000,000 for the fiscal year 2002 and such
10 sums as may be necessary for the fiscal year 2003.

11 (3) EMBASSY SECURITY, CONSTRUCTION AND
12 MAINTENANCE.—In addition to amounts otherwise
13 authorized to be appropriated for “Embassy Secu-
14 rity, Construction and Maintenance” by section 604
15 of the Admiral James W. Nance and Meg Donovan
16 Foreign Relations Authorization Act, Fiscal Years
17 2000 and 2001 (section 604 of division A of H.R.
18 3427, as enacted into law by section 1000(a)(7) of
19 Public Law 106–113; appendix G; 113 Stat. 1501A–
20 470), there are authorized to be appropriated for
21 “Embassy Security, Construction and Maintenance”,
22 \$475,046,000 for the fiscal year 2002 and such
23 sums as may be necessary for the fiscal year 2003.

24 (4) REPRESENTATION ALLOWANCES.—For
25 “Representation Allowances”, \$9,000,000 for the

1 fiscal year 2002 and \$9,000,000 for the fiscal year
2 2003.

3 (5) EMERGENCIES IN THE DIPLOMATIC AND
4 CONSULAR SERVICE.—For “Emergencies in the Dip-
5 lomatic and Consular Service”, \$15,500,000 for the
6 fiscal year 2002 and \$15,500,000 for the fiscal year
7 2003.

8 (6) OFFICE OF THE INSPECTOR GENERAL.—
9 For “Office of the Inspector General”, \$29,264,000
10 for the fiscal year 2002 and such sums as may be
11 necessary for the fiscal year 2003.

12 (7) PAYMENT TO THE AMERICAN INSTITUTE IN
13 TAIWAN.—For “Payment to the American Institute
14 in Taiwan”, \$17,044,000 for the fiscal year 2002
15 and such sums as may be necessary for the fiscal
16 year 2003.

17 (8) PROTECTION OF FOREIGN MISSIONS AND
18 OFFICIALS.—

19 (A) AMOUNTS AUTHORIZED TO BE APPRO-
20 PRIATED.—For “Protection of Foreign Missions
21 and Officials”, \$10,000,000 for the fiscal year
22 2002 and \$10,000,000 for the fiscal year 2003.

23 (B) AVAILABILITY OF FUNDS.—Each
24 amount appropriated pursuant to this para-
25 graph is authorized to remain available through

1 September 30 of the fiscal year following the
2 fiscal year for which the amount was appro-
3 priated.

4 (9) REPATRIATION LOANS.—For “Repatriation
5 Loans”, \$1,219,000 for the fiscal year 2002 and
6 \$1,219,000 for the fiscal year 2003, for administra-
7 tive expenses.

8 **SEC. 102. INTERNATIONAL COMMISSIONS.**

9 The following amounts are authorized to be appro-
10 priated under “International Commissions” for the De-
11 partment of State to carry out the authorities, functions,
12 duties, and responsibilities in the conduct of the foreign
13 affairs of the United States and for other purposes author-
14 ized by law:

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

19 (A) for “Salaries and Expenses”,
20 \$7,452,000 for the fiscal year 2002 and such
21 sums as may be necessary for the fiscal year
22 2003; and

23 (B) for “Construction”, \$25,654,000 for
24 the fiscal year 2002 and such sums as may be
25 necessary for the fiscal year 2003.

1 (2) INTERNATIONAL BOUNDARY COMMISSION,
2 UNITED STATES AND CANADA.—For “International
3 Boundary Commission, United States and Canada”,
4 \$989,000 for the fiscal year 2002 and such sums as
5 may be necessary for the fiscal year 2003.

6 (3) INTERNATIONAL JOINT COMMISSION.—For
7 “International Joint Commission”, \$7,282,000 for
8 the fiscal year 2002 and such sums as may be nec-
9 essary for the fiscal year 2003.

10 (4) INTERNATIONAL FISHERIES COMMIS-
11 SIONS.—For “International Fisheries Commissions”,
12 \$19,780,000 for the fiscal year 2002 and such sums
13 as may be necessary for the fiscal year 2003.

14 **SEC. 103. UNITED STATES EDUCATIONAL AND CULTURAL**
15 **PROGRAMS.**

16 The following amounts are authorized to be appro-
17 priated for the Department of State to carry out inter-
18 national activities and educational and cultural exchange
19 programs under the United States Information and Edu-
20 cational Exchange Act of 1948, the Mutual Educational
21 and Cultural Exchange Act of 1961, Reorganization Plan
22 Number 2 of 1977, the Center for Cultural and Technical
23 Interchange Between East and West Act of 1960, the
24 Dante B. Fascell North-South Center Act of 1991, and

1 the National Endowment for Democracy Act, and to carry
2 out other authorities in law consistent with such purposes:

3 (1) EDUCATIONAL AND CULTURAL EXCHANGE
4 PROGRAMS.—

5 (A) FULBRIGHT ACADEMIC EXCHANGE
6 PROGRAMS.—

7 (i) IN GENERAL.—For the “Fulbright
8 Academic Exchange Programs” (other
9 than programs described in subparagraph
10 (B)), \$125,000,000 for the fiscal year
11 2002 and such sums as may be necessary
12 for the fiscal year 2003.

13 (ii) NEW CENTURY SCHOLARS INITIA-
14 TIVE—HIV/AIDS.—Of the amounts author-
15 ized to be appropriated under clause (i), up
16 to \$1,000,000 for the fiscal year 2002 and
17 up to \$1,000,000 for the fiscal year 2003
18 are authorized to be available only for
19 HIV/AIDS research and mitigation strate-
20 gies under the Health Issues in a Border-
21 Less World academic program of the New
22 Century Scholars Initiative.

23 (iii) TIBETAN EXCHANGES.—Of the
24 amounts authorized to be appropriated
25 under clause (i), \$500,000 for the fiscal

1 year 2002 and \$500,000 for the fiscal year
2 2003 are authorized to be available for
3 “Ngawang Choephel Exchange Programs”
4 (formerly known as educational and cul-
5 tural exchanges with Tibet) under section
6 103(a) of the Human Rights, Refugee, and
7 Other Foreign Relations Provisions Act of
8 1996 (Public Law 104–319).

9 (B) OTHER EDUCATIONAL AND CULTURAL
10 EXCHANGE PROGRAMS.—

11 (i) IN GENERAL.—For other edu-
12 cational and cultural exchange programs
13 authorized by law, \$117,000,000 for the
14 fiscal year 2002 and such sums as may be
15 necessary for the fiscal year 2003.

16 (ii) SOUTH PACIFIC EXCHANGES.—Of
17 the amounts authorized to be appropriated
18 under clause (i), \$750,000 for the fiscal
19 year 2002 and \$750,000 for the fiscal year
20 2003 are authorized to be available for
21 “South Pacific Exchanges”.

22 (iii) EAST TIMORESE SCHOLAR-
23 SHIPS.—Of the amounts authorized to be
24 appropriated under clause (i), \$500,000
25 for the fiscal year 2002 and \$500,000 for

1 the fiscal year 2003 are authorized to be
2 available for “East Timorese Scholar-
3 ships”.

4 (iv) AFRICAN EXCHANGES.—Of the
5 amounts authorized to be appropriated
6 under clause (i), \$500,000 for the fiscal
7 year 2002 and \$500,000 for the fiscal year
8 2003 are authorized to be available only
9 for “Educational and Cultural Exchanges
10 with Sub-Saharan Africa”.

11 (v) ISRAEL-ARAB PEACE PARTNERS
12 PROGRAM.—Of the amounts authorized to
13 be appropriated under clause (i), \$750,000
14 for the fiscal year 2002 and \$750,000 for
15 the fiscal year 2003 are authorized to be
16 available only for people-to-people activities
17 (with a focus on young people) to support
18 the Middle East peace process involving
19 participants from Israel, the Palestinian
20 Authority, Arab countries, and the United
21 States, to be known as the “Israel-Arab
22 Peace Partners Program”.

23 (vi) SUDANESE SCHOLARSHIPS.—Of
24 the amounts authorized to be appropriated
25 under clause (i), \$500,000 for the fiscal

1 year 2002 and \$500,000 for the fiscal year
2 2003 are authorized to be available only
3 for scholarships for students from southern
4 Sudan for secondary or postsecondary edu-
5 cation in the United States, to be known
6 as “Sudanese Scholarships”.

7 (2) NATIONAL ENDOWMENT FOR DEMOC-
8 RACY.—For the “National Endowment for Democ-
9 racy”, \$36,000,000 for the fiscal year 2002 and
10 \$40,000,000 for the fiscal year 2003.

11 (3) REAGAN-FASCELL DEMOCRACY FELLOWS.—
12 For a fellowship program, to be known as the
13 “Reagan-Fascell Democracy Fellows”, for democ-
14 racy activists and scholars from around the world at
15 the International Forum for Democratic Studies in
16 Washington, D.C., to study, write, and exchange
17 views with other activists and scholars and with
18 Americans, \$1,000,000 for the fiscal year 2002 and
19 \$1,000,000 for the fiscal year 2003.

20 (4) DANTE B. FASCELL NORTH-SOUTH CEN-
21 TER.—For “Dante B. Fascell North-South Center”
22 \$4,000,000 for the fiscal year 2002 and \$4,000,000
23 for the fiscal year 2003.

24 (5) CENTER FOR CULTURAL AND TECHNICAL
25 INTERCHANGE BETWEEN EAST AND WEST.—For the

1 “Center for Cultural and Technical Interchange be-
2 tween East and West”, \$13,500,000 for the fiscal
3 year 2002 and \$13,500,000 for the fiscal year 2003.

4 **SEC. 104. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**
5 **TIONS.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There are authorized to be
8 appropriated under the heading “Contributions to
9 International Organizations” \$944,067,000 for the
10 fiscal year 2002 and such sums as may be necessary
11 for the fiscal year 2003 for the Department of State
12 to carry out the authorities, functions, duties, and
13 responsibilities in the conduct of the foreign affairs
14 of the United States with respect to international or-
15 ganizations and to carry out other authorities in law
16 consistent with such purposes.

17 (2) UNESCO.—

18 (A) Of the amounts authorized to be
19 appropriated under paragraph (1),
20 \$59,800,000 for the fiscal year 2002 and
21 \$59,800,000 for the fiscal year 2003 is au-
22 thorized to be appropriated only for pay-
23 ment of assessed contributions of the
24 United States to the United Nations Edu-

1 cational, Scientific and Cultural Organiza-
2 tion (UNESCO).

3 (B) Of the amounts authorized to be
4 appropriated under paragraph (1) for the
5 fiscal year 2002, \$5,500,000 is authorized
6 to be appropriated only for payments to
7 the UNESCO Working Capital Fund.

8 (b) AVAILABILITY OF FUNDS FOR CIVIL BUDGET OF
9 NATO.—Of the amounts authorized to be appropriated
10 under the heading “Contributions to International Organi-
11 zations” for fiscal year 2002 and for each fiscal year
12 thereafter such sums as may be necessary are authorized
13 for the United States assessment for the civil budget of
14 the North Atlantic Treaty Organization.

15 (c) PROHIBITION ON FUNDING OTHER FRAMEWORK
16 TREATY-BASED ORGANIZATIONS.—None of the funds
17 made available for the 2002–2003 biennium budget under
18 subsection (a) for United States contributions to the reg-
19 ular budget of the United Nations shall be available for
20 the United States proportionate share of any other frame-
21 work treaty-based organization, including the Framework
22 Convention on Global Climate Change, the International
23 Seabed Authority, and the International Criminal Court.

24 (d) FOREIGN CURRENCY EXCHANGE RATES.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—In
2 addition to amounts authorized to be appropriated
3 by subsection (a), there are authorized to be appro-
4 priated such sums as may be necessary for each of
5 fiscal years 2002 and 2003 to offset adverse fluctua-
6 tions in foreign currency exchange rates.

7 (2) AVAILABILITY OF FUNDS.—Amounts appro-
8 priated under this subsection shall be available for
9 obligation and expenditure only to the extent that
10 the Director of the Office of Management and Budg-
11 et determines and certifies to Congress that such
12 amounts are necessary due to such fluctuations.

13 (e) REFUND OF EXCESS CONTRIBUTIONS.—The
14 United States shall continue to insist that the United Na-
15 tions and its specialized and affiliated agencies shall credit
16 or refund to each member of the agency concerned its pro-
17 portionate share of the amount by which the total con-
18 tributions to the agency exceed the expenditures of the
19 regular assessed budgets of these agencies.

20 **SEC. 105. CONTRIBUTIONS FOR INTERNATIONAL PEACE-**
21 **KEEPING ACTIVITIES.**

22 There are authorized to be appropriated under the
23 heading “Contributions for International Peacekeeping
24 Activities” \$844,139,000 for the fiscal year 2002 and such
25 sums as may be necessary for the fiscal year 2003 for

1 the Department of State to carry out the authorities, func-
2 tions, duties, and responsibilities in the conduct of the for-
3 eign affairs of the United States with respect to inter-
4 national peacekeeping activities and to carry out other au-
5 thorities in law consistent with such purposes.

6 **SEC. 106. GRANTS TO THE ASIA FOUNDATION.**

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

10 “SEC. 404. There are authorized to be appropriated
11 to the Secretary of State \$15,000,000 for the fiscal year
12 2002 and \$15,000,000 for the fiscal year 2003 for grants
13 to The Asia Foundation pursuant to this title.”.

14 **SEC. 107. VOLUNTARY CONTRIBUTIONS TO INTER-**
15 **NATIONAL ORGANIZATIONS.**

16 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There
17 are authorized to be appropriated for the Department of
18 State for “Voluntary Contributions to International Orga-
19 nizations”, \$186,000,000 for the fiscal year 2002 and
20 such sums as may be necessary for the fiscal year 2003.

21 (b) **LIMITATIONS ON AUTHORIZATIONS OF APPRO-**
22 **PRIATIONS.**—

23 (1) **WORLD FOOD PROGRAM.**—Of the amounts
24 authorized to be appropriated under subsection (a),
25 \$5,000,000 for the fiscal year 2002 and \$5,000,000

1 for the fiscal year 2003 are authorized to be appro-
2 priated only for a United States contribution to the
3 World Food Program.

4 (2) UNITED NATIONS VOLUNTARY FUND FOR
5 VICTIMS OF TORTURE.—Of the amounts authorized
6 to be appropriated under subsection (a), \$5,000,000
7 for the fiscal year 2002 and \$5,000,000 for the fis-
8 cal year 2003 are authorized to be appropriated only
9 for a United States contribution to the United Na-
10 tions Voluntary Fund for Victims of Torture.

11 (3) ORGANIZATION OF AMERICAN STATES.—Of
12 the amounts authorized to be appropriated under
13 subsection (a), \$240,000 for the fiscal year 2002
14 and \$240,000 for the fiscal year 2003 are author-
15 ized to be appropriated only for a United States con-
16 tribution to the Organization of American States for
17 the Office of the Special Rapporteur for Freedom of
18 Expression in the Western Hemisphere, solely for
19 the purpose of conducting investigations, including
20 field visits, to establish a network of nongovern-
21 mental organizations, and to hold hemispheric con-
22 ferences, of which \$6,000 for each fiscal year is au-
23 thORIZED to be appropriated only for the investigation
24 and dissemination of information on violations of
25 freedom of expression by the Government of Cuba,

1 \$6,000 for each fiscal year is authorized to be ap-
2 propriated only for the investigation and dissemina-
3 tion of information on violations of freedom of ex-
4 pression by the Government of Peru, \$6,000 for
5 each fiscal year is authorized to be appropriated only
6 for the investigation and dissemination of informa-
7 tion on violations of freedom of expression by the
8 Government of Colombia, and \$6,000 for each fiscal
9 year is authorized to be appropriated only for the in-
10 vestigation and dissemination of information on vio-
11 lations of freedom of expression by the Government
12 of Haiti.

13 (c) RESTRICTIONS ON UNITED STATES VOLUNTARY
14 CONTRIBUTIONS TO UNITED NATIONS DEVELOPMENT
15 PROGRAM.—

16 (1) LIMITATION.—Of the amounts made avail-
17 able under subsection (a) for each of the fiscal years
18 2002 and 2003 for United States voluntary con-
19 tributions to the United Nations Development Pro-
20 gram an amount equal to the amount the United
21 Nations Development Program will spend in Burma
22 during each fiscal year shall be withheld unless dur-
23 ing such fiscal year the Secretary of State submits
24 to the appropriate congressional committees the cer-
25 tification described in paragraph (2).

1 (2) CERTIFICATION.—The certification referred
2 to in paragraph (1) is a certification by the Sec-
3 retary of State that all programs and activities of
4 the United Nations Development Program (including
5 United Nations Development Program—Adminis-
6 tered Funds) in Burma—

7 (A) are focused on eliminating human suf-
8 fering and addressing the needs of the poor;

9 (B) are undertaken only through inter-
10 national or private voluntary organizations that
11 have been deemed independent of the State
12 Peace and Development Council (SPDC) (for-
13 merly known as the State Law and Order Res-
14 toration Council (SLORC)), after consultation
15 with the leadership of the National League for
16 Democracy and the leadership of the National
17 Coalition Government of the Union of Burma;

18 (C) provide no financial, political, or mili-
19 tary benefit to the SPDC; and

20 (D) are carried out only after consultation
21 with the leadership of the National League for
22 Democracy and the leadership of the National
23 Coalition Government of the Union of Burma.

1 (d) UNICEF.—There is authorized to be appro-
2 priated \$120,000,000 for the fiscal year 2002 for a United
3 States voluntary contribution to UNICEF.

4 (e) ORGANIZATIONS AND PROGRAMS THAT SUPPORT
5 COERCIVE ABORTION OR INVOLUNTARY STERILIZA-
6 TION.—None of the funds authorized to be appropriated
7 by this Act may be made available to any organization
8 or program which, as determined by the President of the
9 United States, supports, or participates in the manage-
10 ment of, a program of coercive abortion or involuntary
11 sterilization.

12 (f) AVAILABILITY OF FUNDS.—Amounts authorized
13 to be appropriated under subsection (a) are authorized to
14 remain available until expended.

15 **SEC. 108. MIGRATION AND REFUGEE ASSISTANCE.**

16 (a) MIGRATION AND REFUGEE ASSISTANCE.—

17 (1) AUTHORIZATION OF APPROPRIATIONS.—

18 There are authorized to be appropriated for the De-
19 partment of State for “Migration and Refugee As-
20 sistance” for authorized activities, \$817,000,000 for
21 the fiscal year 2002 and \$817,000,000 for the fiscal
22 year 2003.

23 (2) LIMITATIONS.—

24 (A) TIBETAN REFUGEES IN INDIA AND
25 NEPAL.—Of the amounts authorized to be ap-

1 appropriated in paragraph (1), \$2,000,000 for the
2 fiscal year 2002 and \$2,000,000 for the fiscal
3 year 2003 are authorized to be available for hu-
4 manitarian assistance, including food, medicine,
5 clothing, and medical and vocational training,
6 to Tibetan refugees in India and Nepal who
7 have fled Chinese-occupied Tibet.

8 (B) REFUGEES RESETTLING IN ISRAEL.—

9 Of the amounts authorized to be appropriated
10 in paragraph (1), \$60,000,000 for the fiscal
11 year 2002 and \$60,000,000 for the fiscal year
12 2003 are authorized to be available only for as-
13 sistance for refugees resettling in Israel from
14 other countries.

15 (C) HUMANITARIAN ASSISTANCE FOR DIS-

16 PLACED BURMESE.—Of the amounts authorized
17 to be appropriated in paragraph (1),
18 \$2,000,000 for the fiscal year 2002 and
19 \$2,000,000 for the fiscal year 2003 are author-
20 ized to be available for humanitarian assistance
21 (including food, medicine, clothing, and medical
22 and vocational training) to persons displaced as
23 a result of civil conflict in Burma, including
24 persons still within Burma.

1 (b) AVAILABILITY OF FUNDS.—Funds appropriated
2 pursuant to this section are authorized to remain available
3 until expended.

4 **Subtitle B—United States Inter-**
5 **national Broadcasting Activities**

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

7 (a) IN GENERAL.—The following amounts are au-
8 thorized to be appropriated to carry out the United States
9 International Broadcasting Act of 1994, the Radio Broad-
10 casting to Cuba Act, and the Television Broadcasting to
11 Cuba Act, and to carry out other authorities in law con-
12 sistent with such purposes:

13 (1) INTERNATIONAL BROADCASTING OPER-
14 ATIONS.—

15 (A) IN GENERAL.—For “International
16 Broadcasting Operations”, \$428,234,000 for
17 the fiscal year 2002, and such sums as may be
18 necessary for the fiscal year 2003.

19 (B) LIMITATIONS.—

20 (i) TRANSMISSION FACILITIES IN
21 BELIZE.—Of the amounts authorized to be
22 appropriated under subparagraph (A),
23 \$750,000 for the fiscal year 2002 is au-
24 thorized to be appropriated only for en-

1 hancements to and costs of transmission
2 from the facilities in Belize.

3 (ii) RADIO FREE ASIA.—Of the
4 amounts authorized to be appropriated
5 under subparagraph (A), \$30,000,000 for
6 the fiscal year 2002 and \$30,000,000 for
7 the fiscal year 2003 are authorized to be
8 appropriated only for “Radio Free Asia”.

9 (2) BROADCASTING CAPITAL IMPROVEMENTS.—
10 For “Broadcasting Capital Improvements”,
11 \$16,900,000 for the fiscal year 2002 and such sums
12 as may be necessary for the fiscal year 2003.

13 (3) BROADCASTING TO CUBA.—For “Broad-
14 casting to Cuba”, \$25,000,000 for the fiscal year
15 2002 and \$25,000,000 for the fiscal year 2003.

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

20 (1) in subsection (a) by striking “2001” and in-
21 serting “2002”; and

22 (2) in subsection (b)(1) by striking “2001 and
23 2002” and inserting “2001, 2002, and 2003”.

24 (c) ADDITIONAL AUTHORIZATION OF APPROPRIA-
25 TIONS FOR MIDDLE EAST RADIO NETWORK OF VOICE OF

1 AMERICA.—In addition to such amounts as are made
2 available for the Middle East Radio Network of Voice of
3 America pursuant to the authorization of appropriations
4 under subsection (a), there is authorized to be appro-
5 priated \$15,000,000 for the fiscal year 2002 for the Mid-
6 dle East Radio Network of Voice of America.

7 **TITLE II—AUTHORITIES AND AC-**
8 **TIVITIES OF THE DEPART-**
9 **MENT OF STATE**

10 **Subtitle A—Basic Authorities and**
11 **Activities**

12 **SEC. 201. CONTINUATION OF REPORTING REQUIREMENTS.**

13 (a) REPORTS ON CLAIMS BY UNITED STATES FIRMS
14 AGAINST THE GOVERNMENT OF SAUDI ARABIA.—Section
15 2801(b)(1) of the Foreign Affairs Reform and Restruc-
16 turing Act of 1998 (as enacted by division G of the Omni-
17 bus Consolidated and Emergency Supplemental Appro-
18 priations Act, 1999; Public Law 105–277), is amended by
19 striking “seventh” and inserting “eleventh”.

20 (b) REPORTS ON DETERMINATIONS UNDER TITLE
21 IV OF THE LIBERTAD ACT.—Section 2802(a) of the For-
22 eign Affairs Reform and Restructuring Act of 1998 (as
23 enacted by division G of the Omnibus Consolidated and
24 Emergency Supplemental Appropriations Act, 1999; Pub-

1 lic Law 105–277), is amended by striking “September 30,
2 2001,” and inserting “September 30, 2003,”.

3 (c) RELATIONS WITH VIETNAM.—Section 2805 of
4 the Foreign Affairs Reform and Restructuring Act of
5 1998 (as enacted by division G of the Omnibus Consoli-
6 dated and Emergency Supplemental Appropriations Act,
7 1999; Public Law 105–277), is amended by striking “Sep-
8 tember 30, 2001,” and inserting “September 30, 2003,”.

9 (d) REPORTS ON BALLISTIC MISSILE COOPERATION
10 WITH RUSSIA.—Section 2705(d) of the Foreign Affairs
11 Reform and Restructuring Act of 1998 (as enacted by di-
12 vision G of the Omnibus Consolidated and Emergency
13 Supplemental Appropriations Act, 1999; Public Law 105–
14 277), is amended by striking “and January 1, 2001,” and
15 inserting “January 1, 2001, January 1, 2002, and Janu-
16 ary 1, 2003”.

17 **SEC. 202. CONTINUATION OF OTHER REPORTS.**

18 (a) SEMIANNUAL REPORTS ON UNITED STATES SUP-
19 PORT FOR MEMBERSHIP OR PARTICIPATION OF TAIWAN
20 IN INTERNATIONAL ORGANIZATIONS.—Section 704(a) of
21 the Admiral James W. Nance and Meg Donovan Foreign
22 Relations Authorization Act, Fiscal Years 2000 and 2001
23 (section 704(a) of division A of H.R. 3427, as enacted
24 into law by section 1000(a)(7) of Public Law 106–113,

1 appendix G; 113 Stat. 1501A–460), is amended by strik-
2 ing “and 2001,” and inserting “, 2001, 2002, and 2003,”.

3 (b) REPORT ON TERRORIST ACTIVITY IN WHICH
4 UNITED STATES CITIZENS WERE KILLED AND RELATED
5 MATTERS.—Section 805(a) of the Admiral James W.
6 Nance and Meg Donovan Foreign Relations Authorization
7 Act, Fiscal Years 2000 and 2001 (section 805(a) of divi-
8 sion A of H.R. 3427, as enacted into law by section
9 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat.
10 1501A–470), is amended by striking “October 1, 2001,”
11 and inserting “October 1, 2003,”.

12 (c) REPORT ON COMPLIANCE WITH THE HAGUE
13 CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL
14 CHILD ABDUCTION.—Section 2803(a) of the Foreign Af-
15 fairs Reform and Restructuring Act of 1998 (as contained
16 in division G of Public Law 105–277), is amended in the
17 first sentence by striking “2001,” and inserting “2003,”.

18 **SEC. 203. ROYAL ULSTER CONSTABULARY TRAINING.**

19 (a) REPORT ON PAST TRAINING PROGRAMS.—Sec-
20 tion 405(b) of the Admiral James W. Nance and Meg
21 Donovan Foreign Relations Authorization Act, Fiscal
22 Years 2000 and 2001 (as enacted into law by section
23 1000(a)(7) of Public Law 106–113; 113 Stat. 1501A–
24 447), is amended in the matter preceding paragraph (1)—

1 (1) by striking “The President” and inserting
2 “Not later than 60 days after the date of the enact-
3 ment of the Foreign Relations Authorization Act,
4 Fiscal Years 2002 and 2003, the President”; and

5 (2) by striking “during fiscal years 1994
6 through 1999” and inserting “during each of the fis-
7 cal years 1994 through 2000”.

8 (b) REPORT ON RELATED MATTERS.—Section 405
9 of the Admiral James W. Nance and Meg Donovan For-
10 eign Relations Authorization Act, Fiscal Years 2000 and
11 2001, is amended—

12 (1) by redesignating subsection (c) as sub-
13 section (d); and

14 (2) by inserting after subsection (b) the fol-
15 lowing:

16 “(c) REPORT ON RELATED MATTERS.—Not later
17 than 60 days after the date of the enactment of the For-
18 eign Relations Authorization Act, Fiscal Years 2002 and
19 2003, the President shall report on the following:

20 “(1) The extent to which the Government of the
21 United Kingdom has implemented the recommenda-
22 tions relating to the 175 policing reforms contained
23 in the Patten Commission report issued on Sep-
24 tember 9, 1999, including a description of the
25 progress of the integration of human rights, as well

1 as recruitment procedures aimed at increasing
2 Catholic representation, in the new Northern Ireland
3 police force.

4 “(2) The status of the investigations into the
5 murders of Patrick Finucane, Rosemary Nelson, and
6 Robert Hamill, including the extent to which
7 progress has been made on recommendations for
8 independent judicial inquiries into these murders.”.

9 (c) CONFORMING AMENDMENTS.—Section 405 of the
10 Admiral James W. Nance and Meg Donovan Foreign Re-
11 lations Authorization Act, Fiscal Years 2000 and 2001,
12 as amended by subsections (a) and (b), is further
13 amended—

14 (1) in subsection (a)—

15 (A) by striking “the report required by
16 subsection (b)” and inserting “the reports re-
17 quired by subsections (b) and (c)”; and

18 (B) by striking “subsection (c)(1)” and in-
19 serting “subsection (d)(1)”; and

20 (2) in subsection (d)(2) (as redesignated)—

21 (A) in the heading, by striking “2001” and
22 inserting “2003”; and

23 (B) by striking “2001” and inserting
24 “2003”.

1 **SEC. 204. REPORT CONCERNING ELIMINATION OF COLOM-**
2 **BIAN OPIUM.**

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

5 (1) There is a growing heroin crisis in the
6 United States resulting from increasingly cheap,
7 pure, and deadly heroin flooding into this country,
8 much of it from Colombia.

9 (2) Interdicting heroin entering the United
10 States is difficult, in part because it can be traf-
11 ficked in such small quantities.

12 (3) Destruction of opium, from which heroin is
13 derived, at its source in Colombia is traditionally one
14 of the best strategies to combat the heroin crisis ac-
15 cording to Federal law enforcement officials.

16 (b) REPORT TO CONGRESS.—Not later than 60 days
17 after the date of the enactment of this Act, the Secretary
18 of State, through the Bureau of International Narcotics
19 and Law Enforcement, shall submit to the Congress a re-
20 port which outlines a comprehensive strategy to address
21 the crisis of heroin in the United States due to opium orig-
22 inating from Colombia including destruction of opium at
23 its source.

1 **SEC. 205. REPEAL OF PROVISION REGARDING HOUSING**
2 **FOR FOREIGN AGRICULTURAL ATTACHE.**

3 Section 738 of the Agriculture, Rural Development,
4 Food and Drug Administration, and Related Agencies Ap-
5 propriations Act, 2001 (as enacted into law by Public Law
6 106–387; 114 Stat. 1549A–34) is repealed.

7 **SEC. 206. HUMAN RIGHTS MONITORING.**

8 Funds authorized to be appropriated for the Bureau
9 of Democracy, Human Rights, and Labor pursuant to sec-
10 tion 101(1)(B)(ii) are authorized to be available to fund
11 positions at United States posts abroad that are primarily
12 responsible for following human rights developments in
13 foreign countries and that are assigned at the rec-
14 ommendation of such bureau in conjunction with the rel-
15 evant regional bureau.

16 **SEC. 207. CORRECTION OF FISHERMEN'S PROTECTIVE ACT**
17 **OF 1967.**

18 Section 7(a)(3) of the Fishermen's Protective Act of
19 1967 (22 U.S.C. 1977(A)(3)), is amended by striking
20 "Secretary of Commerce" and inserting "Secretary of
21 State".

22 **SEC. 208. INTERNATIONAL LITIGATION FUND.**

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

26 "(e) RETENTION OF FUNDS.—

1 “(1) IN GENERAL.—To reimburse the expenses
2 of the United States Government in preparing or
3 prosecuting a claim against a foreign government or
4 other foreign entity, the Secretary of State shall re-
5 tain 1.5 percent of any amount between \$100,000
6 and \$5,000,000, and one percent of any amount
7 over \$5,000,000, received per claim under chapter
8 34 of the Act of February 27, 1896 (22 U.S.C.
9 2668a; 29 Stat. 32).

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

13 **SEC. 209. EMERGENCY EVACUATION SERVICES.**

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

17 “(A) the evacuation when their lives are endan-
18 gered by war, civil unrest, or natural disaster of: (i)
19 United States Government employees and their de-
20 pendants; and (ii) private United States citizens or
21 third-country nationals, on a reimbursable basis to
22 the extent feasible, with such reimbursements to be
23 credited to the applicable Department of State ap-
24 propriation and to remain available until expended.
25 No reimbursement shall be required which is greater

1 than the amount the person evacuated would have
2 been charged for a commercial air fare at the lowest
3 rate available immediately prior to the onset of the
4 war, civil unrest, or natural disaster giving rise to
5 the evacuation;”.

6 **SEC. 210. IMPLEMENTATION OF THE INTERCOUNTRY ADOPTI-**
7 **ON ACT OF 2000.**

8 The Secretary of State, acting through the Assistant
9 Secretary of State for Consular Affairs, shall consult with
10 the appropriate congressional committees on a regular
11 basis on the implementation of the Intercountry Adoption
12 Act of 2000 (Public Law 106–279; 42 U.S.C. 14901 et
13 seq.).

14 **SEC. 211. REPORT CONCERNING THE EFFECT OF PLAN CO-**
15 **LOMBIA ON ECUADOR.**

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

18 (1) There is a growing alarm concerning the
19 spillover effect of Plan Colombia on Ecuador, a
20 frontline state. The northern region of Ecuador, in-
21 cluding the Sucumbios province, is an area of par-
22 ticular concern. It faces the Colombian Putumayo
23 zone, where there is no presence of military or law
24 enforcement personnel.

1 (2) Activities relating to the implementation of
2 Plan Colombia have resulted in incursions on Ecuad-
3 orian territory by drug traffickers and guerrilla and
4 paramilitary groups from Colombia and a concomi-
5 tant increase in the levels of violence and delin-
6 quency. Recent kidnappings of American and other
7 foreign nationals, as well as discoveries of clandes-
8 tine cocaine laboratories, are especially troublesome.

9 (3) Ecuador is receiving an influx of Colombian
10 refugees and its own indigenous communities have
11 been displaced from their ancestral villages.

12 (4) Ecuador has demonstrated its moral and
13 political commitment in the fight against drugs. The
14 agreement signed in November 1999 with the
15 United States to establish a forward operating loca-
16 tion in Manta is a clear sign of this active stance.

17 (5) Ecuador is implementing a comprehensive
18 program aimed at reinforcing its security mecha-
19 nisms in the northern border, as well as converting
20 the area into a buffer zone of peace and develop-
21 ment.

22 (b) REPORT TO CONGRESS.—Not later than 60 days
23 after the date of the enactment of this Act, the Secretary
24 of State, through the Bureau of International Narcotics
25 and Law Enforcement, shall submit to Congress a report

1 which outlines a comprehensive strategy to address the
2 spillover effect of Plan Colombia on Ecuador.

3 **SEC. 212. REPORT CONCERNING EFFORTS TO PROMOTE**
4 **ISRAEL'S DIPLOMATIC RELATIONS WITH**
5 **OTHER COUNTRIES.**

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

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

11 (2) Israel currently maintains diplomatic rela-
12 tions with 162 countries. Approximately 25 coun-
13 tries do not have any diplomatic relations with Israel
14 and another four countries have only limited rela-
15 tions.

16 (3) The government of Israel has been actively
17 seeking to establish formal relations with a number
18 of countries.

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

21 (5) After 52 years of existence, Israel deserves
22 to be treated as an equal nation by its neighbors and
23 the world community.

24 (b) REPORT CONCERNING UNITED STATES EFFORTS
25 TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH

1 OTHER COUNTRIES.—Not later than 60 days after the
2 date of the enactment of this Act, and annually thereafter,
3 the Secretary of State shall submit a report which includes
4 the following information (in classified or unclassified
5 form, as appropriate) to the Committee on Foreign Rela-
6 tions and the Committee on Appropriations of the Senate
7 and the Committee on International Relations and the
8 Committee on Appropriations of the House of Representa-
9 tives:

10 (1) Actions taken by representatives of the
11 United States to encourage other countries to estab-
12 lish full diplomatic relations with Israel.

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

18 (3) Other measures being undertaken, and
19 measures that will be undertaken, by the United
20 States to ensure and promote Israel's full participa-
21 tion in the world diplomatic community.

22 **SEC. 213. REPORTS ON ACTIVITIES IN THE REPUBLIC OF**
23 **COLOMBIA.**

24 (a) REPORT ON REFORM ACTIVITIES.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, and
3 every 180 days thereafter, the Secretary of State
4 shall submit to the appropriate congressional com-
5 mittees a report on the status of activities funded or
6 authorized, in whole or in part, by the Department
7 of State in the Republic of Colombia to promote al-
8 ternative development, recovery and resettlement of
9 internally displaced persons, judicial reform, the
10 peace process, and human rights.

11 (2) CONTENTS.—Each such report shall contain
12 the following:

13 (A) A summary of activities described in
14 paragraph (1) during the previous 180-day pe-
15 riod.

16 (B) An estimated timetable for the conduct
17 of such activities in the subsequent 180-day pe-
18 riod.

19 (C) An explanation of any delays in meet-
20 ing timetables contained in previous reports
21 submitted in accordance with this subsection.

22 (D) An assessment of steps to be taken to
23 correct any delays in meeting such timetables.

24 (b) REPORT ON CERTAIN COUNTERNARCOTICS AC-
25 TIVITIES.—

1 (1) DECLARATION OF POLICY.—It is the policy
2 of the United States to encourage the transfer of
3 counternarcotics activities carried out in the Repub-
4 lic of Colombia by United States businesses that
5 have entered into agreements with the Department
6 of State to conduct such activities, to Colombian na-
7 tionals, in particular personnel of the Colombian
8 antinarcotics police, when properly qualified per-
9 sonnel are available.

10 (2) REPORT.—Not later than 90 days after the
11 date of the enactment of this Act, and not later than
12 March 1 of each year thereafter, the Secretary of
13 State shall submit to the appropriate congressional
14 committees a report on the activities of United
15 States businesses that have entered into agreements
16 with the Department of State to carry out counter-
17 narcotics activities in the Republic of Colombia.

18 (3) CONTENTS.—Each such report shall contain
19 the following:

20 (A) The name of each United States busi-
21 ness described in paragraph (2) and description
22 of the counternarcotics activities carried out by
23 the business in Colombia.

1 (B) The total value of all payments by the
2 Department of State to each such business for
3 such activities.

4 (C) A written statement justifying the de-
5 cision by the Department of State to enter into
6 an agreement with each such business for such
7 activities.

8 (D) An assessment of the risks to personal
9 safety and potential involvement in hostilities
10 incurred by employees of each such business as
11 a result of their activities in Colombia.

12 (E) A plan to provide for the transfer of
13 the counternarcotics activities carried out by
14 such United States businesses to Colombian na-
15 tionals, in particular personnel of the Colom-
16 bian antinarcotics police.

17 (4) DEFINITION.—In this subsection, the term
18 “United States business” means any corporation,
19 partnership, or other organization that employs
20 three or more individuals and is organized under the
21 laws of the United States.

1 **SEC. 214. REPORT CONCERNING THE GERMAN FOUNDA-**
2 **TION “REMEMBRANCE, RESPONSIBILITY, AND**
3 **THE FUTURE”.**

4 (a) REPORT CONCERNING THE GERMAN FOUNDA-
5 TION “REMEMBRANCE, RESPONSIBILITY, AND THE FU-
6 TURE”.—Not later than 180 days after the date of the
7 enactment of this Act, and every 180 days thereafter until
8 all funds made available to the German Foundation have
9 been disbursed, the Secretary of State shall report to the
10 appropriate congressional committees on the status of the
11 implementation of the Agreement and, to the extent pos-
12 sible, on whether or not—

13 (1) during the 180-day period preceding the
14 date of the report, the German Bundestag has au-
15 thorized the allocation of funds to the Foundation,
16 in accordance with section 17 of the law on the cre-
17 ation of the Foundation, enacted by the Federal Re-
18 public of Germany on August 8, 2000;

19 (2) the entire sum of DM 10,000,000,000 has
20 been made available to the German Foundation in
21 accordance with Annex B to the Joint Statement of
22 July 17, 2000;

23 (3) during the 180-day period preceding the
24 date of the report, any company or companies inves-
25 tigating a claim, who are members of ICHEIC, were
26 required to provide to the claimant, within 90 days

1 after receiving the claim, a status report on the
2 claim, or a decision that included—

3 (A) an explanation of the decision, pursu-
4 ant to those standards of ICHEIC to be applied
5 in approving claims;

6 (B) all documents relevant to the claim
7 that were retrieved in the investigation; and

8 (C) an explanation of the procedures for
9 appeal of the decision;

10 (4) during the 180-day period preceding the
11 date of the report, any entity that elected to deter-
12 mine claims under Article 1(4) of the Agreement
13 was required to comply with the standards of proof,
14 criteria for publishing policyholder names, valuation
15 standards, auditing requirements, and decisions of
16 the Chairman of ICHEIC;

17 (5) during the 180-day period preceding the
18 date of the report, an independent process to appeal
19 decisions made by any entity that elected to deter-
20 mine claims under Article 1(4) of the Agreement
21 was available to and accessible by any claimant
22 wishing to appeal such a decision, and the appellate
23 body had the jurisdiction and resources necessary to
24 fully investigate each claim on appeal and provide a
25 timely response;

1 (6) an independent audit of compliance by every
2 entity that has elected to determine claims under
3 Article 1(4) of the Agreement has been conducted;
4 and

5 (7) the administrative and operational expenses
6 incurred by the companies that are members of
7 ICHEIC are appropriate for the administration of
8 claims described in paragraph (3).

9 The Secretary of State's report shall include the Sec-
10 retary's justification for each determination under this
11 subsection.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that—

14 (1) the resolution of slave and forced labor
15 claims is an urgent issue for aging Holocaust sur-
16 vivors, and the German Bundestag should allocate
17 funds for disbursement by the German Foundation
18 to Holocaust survivors as soon as possible; and

19 (2) ICHEIC should work in consultation with
20 the Secretary of State in gathering the information
21 required for the report under subsection (a).

22 (c) DEFINITIONS.—In this section:

23 (1) AGREEMENT.—The term “Agreement”
24 means the Agreement between the Government of
25 the United States of America and the Government

1 of the Federal Republic of Germany concerning the
2 Foundation “Remembrance, Responsibility and the
3 Future”, done at Berlin July 17, 2000.

4 (2) ANNEX B TO THE JOINT STATEMENT OF
5 JULY 17, 2000.—The term “Annex B to the Joint
6 Statement of July 17, 2000” means Annex B to the
7 Joint Statement on occasion of the final plenary
8 meeting concluding international talks on the prepa-
9 ration of the Federal Foundation “Remembrance,
10 Responsibility and the Future”, done at Berlin on
11 July 17, 2000.

12 (3) GERMAN FOUNDATION.—The term “Ger-
13 man Foundation” means the Foundation “Remem-
14 brance, Responsibility and the Future” referred to
15 in the Agreement.

16 (4) ICHEIC.—The term “ICHEIC” means the
17 International Commission on Holocaust Era Insur-
18 ance Claims referred to in Article 1(4) of the Agree-
19 ment.

20 **Subtitle B—Consular Authorities**

21 **SEC. 231. MACHINE READABLE VISAS.**

22 Section 140(a) of the Foreign Relations Authoriza-
23 tion Act, Fiscal Years 1994 and 1995 (8 U.S.C. 1351
24 note), is amended in the first sentence of paragraph (3)—

1 (1) by striking “2001, and 2002,” and insert-
2 ing “2001, 2002, and 2003,”; and

3 (2) by striking “and \$316,715,000 for fiscal
4 year 2002” and inserting “\$414,000,000 for fiscal
5 year 2002, and \$422,000,000 for fiscal year 2003,”.

6 **SEC. 232. ESTABLISHMENT OF A CONSULAR BRANCH OF-**
7 **FICE IN LHASA, TIBET.**

8 The Secretary of State shall make best efforts to es-
9 tablish a branch office in Lhasa, Tibet, of the United
10 States Consulate General in Chengdu, People’s Republic
11 of China, to monitor political, economic, and cultural de-
12 velopments in Tibet.

13 **SEC. 233. ESTABLISHMENT OF A DIPLOMATIC OR CON-**
14 **SULAR POST IN EQUATORIAL GUINEA.**

15 The Secretary of State shall establish a diplomatic
16 or consular post in Equatorial Guinea.

17 **SEC. 234. PROCESSING OF VISA APPLICATIONS.**

18 It shall be the policy of the Department of State to
19 process immigrant visa applications of immediate relatives
20 of United States citizens and nonimmigrant K–1 visa ap-
21 plications of fiances of United States citizens within 30
22 days of the receipt of all necessary documents from the
23 applicant and the Immigration and Naturalization Service.
24 In the case of an immigrant visa application where the
25 sponsor of such applicant is a relative other than an imme-

1 diate relative, it should be the policy of the Department
2 of State to process such an application within 60 days of
3 the receipt of all necessary documents from the applicant
4 and the Immigration and Naturalization Service.

5 **SEC. 235. UNITED STATES POLICY WITH RESPECT TO JERU-**
6 **SALEM AS THE CAPITAL OF ISRAEL.**

7 (a) CONGRESSIONAL STATEMENT OF POLICY.—The
8 Congress maintains its commitment to relocating the
9 United States Embassy in Israel to Jerusalem and urges
10 the President, pursuant to the Jerusalem Embassy Act
11 of 1995 (Public Law 104–45; 109 Stat. 398), to imme-
12 diately begin the process of relocating the United States
13 Embassy in Israel to Jerusalem.

14 (b) LIMITATION ON USE OF FUNDS FOR CONSULATE
15 IN JERUSALEM.—None of the funds authorized to be ap-
16 propriated by this Act may be expended for the operation
17 of a United States consulate or diplomatic facility in Jeru-
18 salem unless such consulate or diplomatic facility is under
19 the supervision of the United States Ambassador to Israel.

20 (c) LIMITATION ON USE OF FUNDS FOR PUBLICA-
21 TIONS.—None of the funds authorized to be appropriated
22 by this Act may be available for the publication of any
23 official government document which lists countries and
24 their capital cities unless the publication identifies Jeru-
25 salem as the capital of Israel.

1 (d) RECORD OF PLACE OF BIRTH AS ISRAEL FOR
2 PASSPORT PURPOSES.—For purposes of the registration
3 of birth, certification of nationality, or issuance of a pass-
4 port of a United States citizen born in the city of Jeru-
5 salem, the Secretary of State shall, upon the request of
6 the citizen or the citizen’s legal guardian, record the place
7 of birth as Israel.

8 **SEC. 236. DENIAL OF VISAS TO SUPPORTERS OF COLOM-**
9 **BIAN ILLEGAL ARMED GROUPS.**

10 (a) DENIAL OF VISAS TO PERSONS SUPPORTING CO-
11 LOMBIAN INSURGENT AND PARAMILITARY GROUPS.—
12 Subject to subsection (b), the Secretary of State shall not
13 issue a visa to any alien who the Secretary determines,
14 based on credible evidence—

15 (1) has willfully provided direct or indirect sup-
16 port to the Revolutionary Armed Forces of Colombia
17 (FARC), the National Liberation Army (ELN), or
18 the United Self-Defense Forces of Colombia (AUC);
19 or

20 (2) has willfully conspired to allow, facilitate, or
21 promote the illegal activities of any group listed in
22 paragraph (1).

23 (b) WAIVER.—Subsection (a) shall not apply if the
24 Secretary of State determines and certifies to the appro-
25 priate congressional committees, on a case-by-case basis,

1 that issuance of a visa to the alien is necessary to support
2 the peace process in Colombia, for urgent humanitarian
3 reasons, for significant public benefit, or to further the
4 national security interests of the United States.

5 **Subtitle C—Migration and**
6 **Refugees**

7 **SEC. 251. UNITED STATES POLICY REGARDING THE INVOL-**
8 **UNTARY RETURN OF REFUGEES.**

9 (a) IN GENERAL.—None of the funds made available
10 by this Act or by section 2(c) of the Migration and Ref-
11 ugee Assistance Act of 1962 (22 U.S.C. 2601(c)) shall be
12 available to effect the involuntary return by the United
13 States of any person to a country in which the person has
14 a well-founded fear of persecution on account of race, reli-
15 gion, nationality, membership in a particular social group,
16 or political opinion, except on grounds recognized as pre-
17 cluding protection as a refugee under the United Nations
18 Convention Relating to the Status of Refugees of July 28,
19 1951, and the Protocol Relating to the Status of Refugees
20 of January 31, 1967, subject to the reservations contained
21 in the United States Senate Resolution of Ratification.

22 (b) MIGRATION AND REFUGEE ASSISTANCE.—None
23 of the funds made available by this Act or by section 2(c)
24 of the Migration and Refugee Assistance Act of 1962 (22
25 U.S.C. 2601(c)) shall be available to effect the involuntary

1 return of any person to any country unless the Secretary
2 of State first notifies the appropriate congressional com-
3 mittees, except that in the case of an emergency involving
4 a threat to human life the Secretary of State shall notify
5 the appropriate congressional committees as soon as prac-
6 ticable.

7 (c) INVOLUNTARY RETURN DEFINED.—As used in
8 this section, the term “to effect the involuntary return”
9 means to require, by means of physical force or cir-
10 cumstances amounting to a threat thereof, a person to re-
11 turn to a country against the person’s will, regardless of
12 whether the person is physically present in the United
13 States and regardless of whether the United States acts
14 directly or through an agent.

15 **SEC. 252. REPORT ON OVERSEAS REFUGEE PROCESSING.**

16 (a) REPORT ON OVERSEAS REFUGEE PROCESSING.—
17 Not later than 90 days after the date of the enactment
18 of this Act, the Secretary shall provide to the appropriate
19 congressional committees a report on overseas processing
20 of refugees for admission to the United States.

21 (b) CONTENTS.—The report shall include the fol-
22 lowing detailed information:

23 (1) United States procedures for the identifica-
24 tion of refugees who are particularly vulnerable or
25 whose individual circumstances otherwise suggest an

1 urgent need for resettlement, including the extent to
2 which the Department now insists on referral by the
3 United Nations High Commissioner for Refugees as
4 a prerequisite to consideration of such refugees for
5 resettlement in the United States, together with a
6 plan for the expanded use of alternatives to such re-
7 ferral, including the use of field-based nongovern-
8 mental organizations to identify refugees in urgent
9 need of resettlement.

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

17 (3) The extent to which the United States cur-
18 rently provides opportunities for resettlement in the
19 United States of individuals who are close family
20 members of citizens or lawful residents of the United
21 States, together with the reasons for any decline in
22 the extent of such provision over the last 10 years
23 and a plan for expansion of such opportunities in
24 the future.

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

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

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18 (6) The extent to which the Department uses
19 private voluntary agencies to assist in the identification of refugees for admission to the United States,
20 including the Department’s assessment of the advantages and disadvantages of private voluntary agencies,
21 the reasons for any decline in the Department’s
22 use of voluntary agencies over the last 10 years, and
23 a plan for the expanded use of such agencies.
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25

1 (7) The extent to which the per capita reception
2 and placement grant to voluntary agencies assisting
3 in resettlement of refugees has kept up over the last
4 10 years with the cost to such agencies of providing
5 such services.

6 (8) An estimate of the cost of each change in
7 current practice or procedure discussed in the re-
8 port, together with an estimate of any increase in
9 the annual refugee admissions ceiling that would be
10 necessary to implement each change.

11 **TITLE III—ORGANIZATION AND**
12 **PERSONNEL OF THE DEPART-**
13 **MENT OF STATE**

14 **Subtitle A—Organizational Matters**

15 **SEC. 301. COMPREHENSIVE WORKFORCE PLAN.**

16 (a) WORKFORCE PLAN.—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of State shall submit to the appropriate congressional
19 committees a comprehensive workforce plan for the De-
20 partment of State for the fiscal years 2002 through 2006.
21 The plan shall consider personnel needs in both the civil
22 service and the Foreign Service and expected domestic and
23 overseas personnel allocations. The workforce plan should
24 set forth the detailed mission of the Department, the defi-
25 nition of work to be done and cyclical personnel needs

1 based on expected retirements and the time required to
2 hire, train, and deploy new personnel.

3 (b) DOMESTIC STAFFING MODEL.—Not later than 1
4 year after the date of the enactment of this Act, the Sec-
5 retary of State shall compile and submit to the appropriate
6 congressional committees a domestic staffing model for
7 the Department of State.

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

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

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

14 (2) PRELIMINARY REPORT.—Not later than 60
15 days after the date of the enactment of this Act, the
16 Secretary of State shall submit to the appropriate
17 congressional committees a report which outlines the
18 status, plans, and activities of the task force. In ad-
19 dition to such other information as the Secretary
20 considers appropriate, the report shall include the
21 following:

22 (A) The objectives of the task force.

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

1 (C) The official of the Department with
2 primary responsibility for the issue of
3 “rightsizing”.

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

8 (3) PERIODIC REPORTS.—Not later than 6
9 months after the date of the enactment of this Act,
10 and every 6 months thereafter during the fiscal
11 years 2002 and 2003, the Secretary of State shall
12 submit to the appropriate congressional committees
13 a report reviewing the activities and progress of the
14 task force established under paragraph (1).

15 (b) INTERAGENCY WORKING GROUP.—

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

20 (2) PRELIMINARY REPORT.—Not later than 60
21 days after the date of the enactment of this Act, the
22 Secretary of State shall submit to the appropriate
23 congressional committees a report which outlines the
24 status, plans, and activities of the interagency work-
25 ing group. In addition to such other information as

1 the Secretary considers appropriate, the report shall
2 include the following:

3 (A) The objectives of the working group.

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

6 (C) The official of each agency with pri-
7 mary responsibility for the issue of
8 “rightsizing”.

9 (3) PERIODIC REPORTS.—Not later than 6
10 months after the date of the enactment of this Act,
11 and every 6 months thereafter during the fiscal
12 years 2002 and 2003, the Secretary of State shall
13 submit to the appropriate congressional committees
14 a report reviewing the activities and progress of the
15 working group established under paragraph (1).

16 **SEC. 303. QUALIFICATIONS OF CERTAIN OFFICERS OF THE**
17 **DEPARTMENT OF STATE.**

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

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

21 (2) by inserting after subsection (e) the fol-
22 lowing new subsection (f):

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

1 “(1) OFFICER HAVING PRIMARY RESPONSI-
2 BILITY FOR PERSONNEL MANAGEMENT.—The officer
3 of the Department of State with primary responsi-
4 bility for assisting the Secretary of State with re-
5 spect to matters relating to personnel in the Depart-
6 ment of State, or that officer’s principal deputy,
7 shall have substantial professional qualifications in
8 the field of human resource policy and management.

9 “(2) OFFICER HAVING PRIMARY RESPONSI-
10 BILITY FOR DIPLOMATIC SECURITY.—The officer of
11 the Department of State with primary responsibility
12 for assisting the Secretary of State with respect to
13 diplomatic security, or that officer’s principal dep-
14 uty, shall have substantial professional qualifications
15 in the fields of (A) management, and (B) Federal
16 law enforcement, intelligence, or security.

17 “(3) OFFICER HAVING PRIMARY RESPONSI-
18 BILITY FOR INTERNATIONAL NARCOTICS AND LAW
19 ENFORCEMENT.—The officer of the Department of
20 State with primary responsibility for assisting the
21 Secretary of State with respect to international nar-
22 cotics and law enforcement, or that officer’s prin-
23 cipal deputy, shall have substantial professional
24 qualifications in the fields of management and Fed-
25 eral law enforcement.”.

1 **SEC. 304. UNITED STATES SPECIAL COORDINATOR FOR TI-**
2 **BETAN ISSUES.**

3 (a) UNITED STATES SPECIAL COORDINATOR FOR TI-
4 BETAN ISSUES.—There shall be within the Department of
5 State a United States Special Coordinator for Tibetan
6 Issues.

7 (b) CONSULTATION.—The Secretary of State shall
8 consult with the chairman and ranking minority member
9 of the Committee on Foreign Relations of the Senate and
10 the Committee on International Relations of the House
11 of Representatives prior to the designation of the special
12 coordinator.

13 (c) CENTRAL OBJECTIVE.—The central objective of
14 the special coordinator is to promote substantive dialogue
15 between the Government of the People's Republic of China
16 and the Dalai Lama or his representatives.

17 (d) DUTIES AND RESPONSIBILITIES.—The special co-
18 ordinator shall—

19 (1) coordinate United States Government poli-
20 cies, programs, and projects concerning Tibet;

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

25 (3) maintain close contact with religious, cul-
26 tural, and political leaders of the Tibetan people, in-

1 including regular travel to Tibetan areas of the Peo-
2 ple's Republic of China, and to Tibetan refugee set-
3 tlements in India and Nepal;

4 (4) consult with Congress on policies relevant to
5 Tibet and the future and welfare of the Tibetan peo-
6 ple;

7 (5) make efforts to establish contacts in the for-
8 eign ministries of other countries to pursue a nego-
9 tiated solution for Tibet; and

10 (6) take all appropriate steps to ensure ade-
11 quate resources, staff, and bureaucratic support to
12 fulfill the duties and responsibilities of the special
13 coordinator.

14 **SEC. 305. UNITED STATES SPECIAL ENVOY FOR SUDAN**
15 **ISSUES.**

16 Section 1 of the State Department Basic Authorities
17 Act of 1956 (22 U.S.C. 2651a), is amended by inserting
18 after subsection (f) (as added by section 303 of this Act)
19 the following new subsection (g):

20 “(g) UNITED STATES SPECIAL ENVOY FOR SUDAN
21 ISSUES.—

22 “(1) IN GENERAL.—There shall be within the
23 Department of State a United States Special Envoy
24 for Sudan Issues who shall be appointed by the

1 President, by and with the advice and consent of the
2 Senate.

3 “(2) DUTIES.—In addition to such duties as
4 the President and Secretary of State shall prescribe,
5 the envoy shall work for a peaceful resolution of the
6 conflict in Sudan and an end to abuses of human
7 rights, including religious freedom, in Sudan.”.

8 **Subtitle B—Personnel Matters**

9 **SEC. 331. REPORT CONCERNING RETIRED MEMBERS OF** 10 **THE FOREIGN SERVICE AND CIVIL SERVICE** 11 **WHO ARE REGISTERED AGENTS OF A GOV-** 12 **ERNMENT OF A FOREIGN COUNTRY.**

13 The Secretary of State shall submit, annually, a re-
14 port to the Committee on International Relations of the
15 House of Representatives and the Committee on Foreign
16 Affairs of the Senate which lists members of the Foreign
17 Service and the civil service who have retired, have been
18 issued an identification which authorizes access to facili-
19 ties of the Department of State, and are registered under
20 the Foreign Agents Registration Act of 1938 as an agent
21 of a government of a foreign country. The report shall
22 specify each individual and the governments represented
23 by that individual.

1 **SEC. 332. TIBETAN LANGUAGE TRAINING.**

2 The Secretary of State shall ensure that Tibetan lan-
3 guage training is available to Foreign Service officers, and
4 that every effort is made to ensure that a Tibetan-speak-
5 ing Foreign Service officer is assigned to the consulate in
6 China responsible for tracking developments in Tibet.

7 **SEC. 333. DEPENDENTS ON FAMILY VISITATION TRAVEL.**

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

12 (b) PROMULGATION OF GUIDANCE.—The Secretary
13 shall promulgate guidance for the implementation of the
14 amendment made by subsection (a) to ensure its imple-
15 mentation in a manner which does not substantially in-
16 crease the total amount of travel expenses paid or reim-
17 bursed by the Department for travel under section 901
18 of the Foreign Service Act of 1980.

19 (c) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect on the date on which guid-
21 ance for implementation of such amendment is issued by
22 the Secretary.

23 **SEC. 334. THOMAS JEFFERSON STAR.**

24 Section 36A of the State Department Basic Authori-
25 ties Act of 1956 (22 U.S.C. 2708a), is amended—

1 (1) in the section heading by striking “FOR-
2 EIGN SERVICE” and inserting “THOMAS JEF-
3 FERSON”; and

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

7 **SEC. 335. HEALTH EDUCATION AND DISEASE PREVENTION**
8 **PROGRAMS.**

9 Section 904(b) of the Foreign Service Act of 1980
10 (22 U.S.C. 4084(b)), is amended by striking “families,
11 and (3)” and inserting “families, (3) health education and
12 disease prevention programs for all employees, and (4)”.

13 **SEC. 336. TRAINING AUTHORITIES.**

14 Section 2205(a) of the Foreign Affairs Reform and
15 Restructuring Act of 1998 (as enacted in division G of
16 Public Law 105–277), is amended by striking paragraph
17 (3).

18 **SEC. 337. FOREIGN NATIONAL RETIREMENT PLANS.**

19 Section 408(a)(1) of the Foreign Service Act of 1980
20 (22 U.S.C. 3968(a)(1)), is amended in the third sentence
21 by striking “(C)” and all that follows through “covered
22 employees.” and inserting “(C) payments by the Govern-
23 ment and employees to: (i) a trust or other fund in a fi-
24 nancial institution in order to finance future benefits for
25 employees, including provision for retention in the fund

1 of accumulated interest and dividends for the benefit of
2 covered employees; or (ii) a Foreign Service National Sav-
3 ings Fund established in the Treasury of the United
4 States, which: (I) shall be administered by the Secretary
5 of State, at whose direction the Secretary of the Treasury
6 shall invest amounts not required for the current needs
7 of the fund; and (II) shall be public monies, which are
8 authorized to be appropriated and remain available with-
9 out fiscal year limitation to pay benefits, to be invested
10 in public debt obligations bearing interest at rates deter-
11 mined by the Secretary of the Treasury taking into consid-
12 eration current average market yields on outstanding mar-
13 ketable obligations of the United States of comparable ma-
14 turity, and to pay administrative expenses.”.

15 **SEC. 338. PRESIDENTIAL RANK AWARDS.**

16 (a) COMPARABLE TO PAYMENTS TO MERITORIOUS
17 EXECUTIVES AND DISTINGUISHED EXECUTIVES.—Sec-
18 tion 405(b)(3) of the Foreign Service Act of 1980 (22
19 U.S.C. 3965(b)(3)), is amended by striking the second
20 sentence and inserting “Payments under this paragraph
21 to a member of the Senior Foreign Service may not ex-
22 ceed, in any fiscal year, the percentage of base pay estab-
23 lished under section 4507(e)(1) of title 5, United States
24 Code, for a Meritorious Executive, except that payments
25 of the percentage of the base pay established under section

1 4507(e)(2) of title 5, United States, Code, for Distin-
2 guished Executives may be made in any fiscal year to up
3 to 1 percent of the members of the Senior Foreign Serv-
4 ice.”.

5 (b) EFFECTIVE DATE.—The amendment made by
6 subsection (a) shall take effect October 1, 2001.

7 **SEC. 339. EMERGENCY MEDICAL ADVANCE PAYMENTS.**

8 Section 5927(a)(3) of title 5, United States Code, is
9 amended to read as follows:

10 “(3) to an employee compensated pursuant to
11 section 408 of the Foreign Service Act of 1980,
12 who—

13 “(A) pursuant to government authorization
14 is located outside the country of employment;
15 and

16 “(B) requires medical treatment outside
17 the country of employment in circumstances
18 specified by the President in regulations.”.

19 **SEC. 340. UNACCOMPANIED AIR BAGGAGE.**

20 Section 5924(4)(B) of title 5, United States Code,
21 is amended by inserting after the first sentence the fol-
22 lowing: “At the option of the employee, in lieu of the
23 transportation of the baggage of a dependent child from
24 the dependent’s school, the costs incurred to store the bag-
25 gage at or in the vicinity of the school during the depend-

1 ent's annual trip between the school and the employee's
2 duty station may be paid or reimbursed to the employee.
3 The amount of the payment or reimbursement may not
4 exceed the cost that the government would incur to trans-
5 port the baggage.”.

6 **SEC. 341. SPECIAL AGENT AUTHORITIES.**

7 Section 37(a) of the State Department Basic Au-
8 thorities Act of 1956 (22 U.S.C. 2709(a)), is amended in
9 paragraph (3)(F) by inserting “or President-elect” after
10 “President”.

11 **SEC. 342. REPORT CONCERNING MINORITY EMPLOYMENT.**

12 During each of the years 2002 and 2003, the Sec-
13 retary of State shall submit a comprehensive report to the
14 Congress concerning the status of employment of members
15 of minority groups at the Department of State, including
16 the Civil Service, the Foreign Service, and State Depart-
17 ment employees serving abroad. The report shall include
18 the following data (reported in terms of real numbers and
19 percentages and not as ratios):

20 (1) For the last preceding Foreign Service ex-
21 amination and promotion cycles for which such in-
22 formation is available—

23 (A) the numbers and percentages of mem-
24 bers of all minority groups taking the written
25 Foreign Service examination;

1 (B) the numbers and percentages of mem-
2 bers of all minority groups successfully com-
3 pleting and passing the written Foreign Service
4 examination;

5 (C) the numbers and percentages of mem-
6 bers of all minority groups successfully com-
7 pleting and passing the oral Foreign Service ex-
8 amination;

9 (D) the numbers and percentages of mem-
10 bers of all minority groups entering the junior
11 officers class of the Foreign Service;

12 (E) the numbers and percentages of mem-
13 bers of all minority groups who are Foreign
14 Service officers at each grade; and

15 (F) the numbers of and percentages of
16 members of all minority groups promoted at
17 each grade of the Foreign Service Officer
18 Corps.

19 (2) For the last preceding year for Civil Service
20 employment at the Department of State for which
21 such information is available—

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

24 (B) the number and percentages of mem-
25 bers of all minority groups who are civil service

1 employees at each grade of the Civil Service;
2 and

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

6 **SEC. 343. USE OF FUNDS AUTHORIZED FOR MINORITY RE-**
7 **CRUITMENT.**

8 (a) CONDUCT OF RECRUITMENT ACTIVITIES.—

9 (1) IN GENERAL.—Amounts authorized to be
10 appropriated for minority recruitment under section
11 101(1)(B)(iii) shall be used only for activities di-
12 rectly related to minority recruitment, such as re-
13 cruitment materials designed to target members of
14 minority groups and the travel expenses of recruit-
15 ment trips to colleges, universities, and other institu-
16 tions or locations.

17 (2) LIMITATION.—Amounts authorized to be
18 appropriated for minority recruitment under section
19 101(1)(B)(iii) may not be used to pay salaries of
20 employees of the Department of State.

21 (b) RECRUITMENT ACTIVITIES AT ACADEMIC INSTI-
22 TUTIONS.—The Secretary of State shall expand the re-
23 cruitment efforts of the Department of State to include
24 not less than 25 percent of the part B institutions (as
25 defined under section 322 of the Higher Education Act

1 of 1965) in the United States and not less than 25 percent
2 of the Hispanic-serving institutions (as defined in section
3 502(a)(5) of such Act) in the United States.

4 (c) EVALUATION OF RECRUITMENT EFFORTS.—The
5 Secretary of State shall establish a database relating to
6 efforts to recruit members of minority groups into the
7 Foreign Service and the Civil Service and shall report to
8 the appropriate congressional committees annually on the
9 evaluation of efforts to recruit such individuals, including
10 an analysis of the information collected in the database
11 created under this subsection. For each of the years 2002
12 and 2003, such a report may be part of the report re-
13 quired under section 342.

14 **SEC. 344. CORRECTION OF TIME LIMIT FOR GRIEVANCE**
15 **FILING.**

16 Section 1104(a) of the Foreign Service Act of 1980
17 (22 U.S.C. 4134(a)), is amended in the first sentence by
18 striking “but in no case less than two years after the oc-
19 currence giving rise to the grievance” and inserting “but
20 in no case more than three years after the occurrence giv-
21 ing rise to the grievance.”.

22 **SEC. 345. CLARIFICATION OF SEPARATION FOR CAUSE.**

23 Section 610(a) of the Foreign Service Act of 1980
24 (22 U.S.C. 4010(a)), is amended—

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

3 (b) by striking paragraphs (2), (3), (4), (5) and (6)
4 and inserting the following:

5 “(2) When the Secretary decides under para-
6 graph (1) to separate, on the basis of misconduct,
7 any member of the service (other than a United
8 States citizen employed under section 311 who is not
9 a family member) who either (A) is serving under a
10 career appointment, or (B) is serving under a lim-
11 ited appointment, the member may not be separated
12 from the Service until the member receives a hearing
13 before the Foreign Service Grievance Board and the
14 Board decides that cause for separation has been es-
15 tablished, unless the member waives the right to
16 such a hearing in writing, or the member’s appoint-
17 ment has expired, whichever occurs first.

18 “(3) If the Board decides that cause for separa-
19 tion has not been established, the Board may direct
20 the Department to pay reasonable attorneys fees to
21 the extent and in the manner provided by section
22 1107(b)(5). A hearing under this paragraph shall be
23 conducted in accordance with the hearing procedures
24 applicable to grievances under section 1106 and
25 shall be in lieu of any other administrative procedure

1 authorized or required by this or any other law. Sec-
2 tion 1110 shall apply to proceedings under this
3 paragraph.

4 “(4) Notwithstanding the hearing required by
5 paragraph (2), when the Secretary decides to sepa-
6 rate a member of the Service for cause, the member
7 shall be placed on leave without pay. If the member
8 does not waive the right to a hearing, and the Board
9 decides that cause for separation has not been estab-
10 lished, the member shall be reinstated with back
11 pay.”.

12 **TITLE IV—UNITED STATES EDU-**
13 **CATIONAL AND CULTURAL**
14 **PROGRAMS OF THE DEPART-**
15 **MENT OF STATE**

16 **SEC. 401. EXTENSION OF REQUIREMENT FOR SCHOLAR-**
17 **SHIPS FOR TIBETANS AND BURMESE.**

18 Section 103(b)(1) of the Human Rights, Refugee,
19 and Other Foreign Relations Provisions Act of 1996 (Pub-
20 lic Law 104–319; 22 U.S.C. 2151 note), is amended by
21 striking “for the fiscal year 2000” and inserting “for each
22 of the fiscal years 2002 and 2003”.

1 **SEC. 402. NONPROFIT ENTITIES FOR CULTURAL PRO-**
2 **GRAMS.**

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

5 (1) It is in the national interest of the United
6 States to promote mutual understanding between
7 the people of the United States and other nations.

8 (2) Among the means to be used in achieving
9 this objective are a wide range of international edu-
10 cational and cultural exchange programs, including
11 the J. William Fulbright Educational Exchange Pro-
12 gram and the International Visitors Program.

13 (3) Cultural diplomacy, especially the presen-
14 tation abroad of the finest of America's creative, vis-
15 ual and performing arts, is an especially effective
16 means of advancing the United States national in-
17 terest.

18 (4) The financial support available for inter-
19 national cultural and scholarly exchanges has de-
20 clined by approximately 10 percent in recent years.

21 (5) Funds appropriated for the purpose of en-
22 suring that the excellence, diversity, and vitality of
23 the arts in the United States are presented to for-
24 eign audiences by, and in cooperation with, our dip-
25 lomatic and consular representatives have declined
26 dramatically.

1 (6) One of the ways to deepen and expand cul-
2 tural and educational exchange programs is through
3 the establishment of nonprofit entities to encourage
4 the participation and financial support of corpora-
5 tions and other private sector contributors.

6 (7) The United States private sector should be
7 encouraged to cooperate closely with the Secretary of
8 State and representatives of the Department to ex-
9 pand and spread appreciation of United States cul-
10 tural and artistic accomplishments.

11 (b) **AUTHORITY TO ESTABLISH NONPROFIT ENTI-**
12 **TIES.**—Section 105 of the Mutual Educational and Cul-
13 tural Exchange Act of 1961 (22 U.S.C. 2255), is amended
14 by striking subsection (g) and inserting the following:

15 “(g) **NONPROFIT ENTITIES FOR CULTURAL PRO-**
16 **GRAMMING.**—

17 “(1) The Secretary of State is authorized to
18 provide for the establishment of private nonprofit
19 entities to assist in carrying out the purposes of this
20 subsection. Any such entity shall not be considered
21 an agency or instrumentality of the United States
22 Government and employees of such an entity shall
23 not be considered employees of the United States
24 Government for any purpose.

1 “(2) An entity established pursuant to the au-
2 thority of paragraph (1) may carry out the fol-
3 lowing:

4 “(A) Encourage participation and support
5 by United States corporations and other ele-
6 ments of the private sector for cultural, arts,
7 and educational exchange programs which will
8 enhance international appreciation of America’s
9 cultural and artistic accomplishments.

10 “(B) Solicit and receive contributions from
11 the private sector to support cultural, arts, and
12 educational exchange programs.

13 “(C) Provide grants and other assistance
14 for such programs.

15 “(3) The Secretary of State is authorized to
16 make such arrangements as are necessary to carry
17 out the purposes of any entity established pursuant
18 to paragraph (1) including the following:

19 “(A) The solicitation and receipt of funds
20 for an entity.

21 “(B) Designation of a program in recogni-
22 tion of such contributions.

23 “(C) Appointment of members of the board
24 of directors or other body established to admin-
25 ister an entity, including the appointment of

1 employees of the United States Government as
2 ex officio nonvoting members of such a board or
3 other administrative body.

4 “(D) Making recommendations with re-
5 spect to specific artistic and cultural programs
6 to be carried out by the entity.

7 “(4) For fiscal years 2002 and 2003, not to ex-
8 ceed \$500,000 of funds available to the Department
9 of State are authorized to be made available for each
10 fiscal year for administrative and other costs for the
11 establishment of entities pursuant to paragraph (1).
12 An entity established pursuant to paragraph (1) is
13 authorized to invest amounts made available to the
14 entity by the Department of State, and such
15 amounts, as well as interest or earnings on such
16 amounts, may be used by the entity to carry out its
17 purposes.

18 “(5) Each entity established pursuant to para-
19 graph (1) shall submit an annual report on the
20 sources and amount of funds and other resources re-
21 ceived and the programs funded by the entity to the
22 Committee on Foreign Relations of the Senate and
23 the Committee on International Relations of the
24 House of Representatives.

1 “(6) The financial transactions of each entity
2 established under paragraph (1) for each fiscal year
3 shall be the subject of an independent audit. A re-
4 port of each such audit shall be made available to
5 the Committee on Foreign Relations of the Senate
6 and the Committee on International Relations of the
7 House of Representatives.”.

8 **SEC. 403. FULBRIGHT-HAYS AUTHORITIES.**

9 Section 112(d) of the Mutual Educational and Cul-
10 tural Exchange Act of 1961 (22 U.S.C. 2460(d), is
11 amended by striking “operating under the authority of
12 this Act and consistent with” and inserting “which oper-
13 ate under the authority of this Act or promote”.

14 **SEC. 404. ETHICAL ISSUES IN INTERNATIONAL HEALTH RE-**
15 **SEARCH.**

16 (a) IN GENERAL.—The Secretary shall make avail-
17 able funds for public diplomacy and international ex-
18 changes, including, as appropriate, funds for international
19 visitor programs and scholarships available under the
20 United States Information and Educational Exchange Act
21 of 1948, the Mutual Educational and Cultural Exchange
22 Act of 1961 and other similar statutes, to provide opportu-
23 nities to researchers in developing countries to obtain
24 scholarships and otherwise participate in activities related

1 to ethical issues in human subject research, as described
2 in subsection (b).

3 (b) ETHICAL ISSUES IN HUMAN SUBJECT RE-
4 SEARCH.—For purposes of subsection (a), “activities re-
5 lated to ethical issues in human subject research” include
6 courses of study, conferences, and fora on development of
7 and compliance with international ethical standards for
8 clinical trials involving human subjects, particularly with
9 respect to responsibilities of researchers to individuals and
10 local communities participating in such trials, and on
11 management and monitoring of such trials based on such
12 international ethical standards.

13 **TITLE V—UNITED STATES**
14 **INTERNATIONAL BROAD-**
15 **CASTING ACTIVITIES**

16 **SEC. 501. ELIMINATING STAFF POSITIONS FOR THE ADVI-**
17 **SORY BOARD FOR CUBA BROADCASTING.**

18 (a) ELIMINATING POSITION OF STAFF DIRECTOR.—

19 (1) Section 245 of the Television Broadcasting
20 to Cuba Act (22 U.S.C. 1465c note), is amended by
21 striking subsection (d).

22 (2) Any funds made available through the elimi-
23 nation of the position under the amendment made
24 by paragraph (1) shall be made available for broad-
25 casting to Cuba.

1 (b) PROHIBITING PAID STAFF POSITIONS.—The Ad-
2 visory Board for Cuba Broadcasting is not authorized to
3 employ administrative or support staff who are com-
4 pensated by the Advisory Board.

5 **SEC. 502. REPORTS ON BROADCASTING PERSONNEL.**

6 Not later than 3 months after the date of the enact-
7 ment of this Act and every 6 months thereafter during
8 the fiscal years 2002 and 2003, the Broadcasting Board
9 of Governors shall submit to the appropriate congressional
10 committees a report regarding high-level personnel of the
11 Broadcasting Board of Governors and efforts to diversify
12 the workforce. Each report shall include the following in-
13 formation, reported separately, for the International
14 Broadcasting Bureau, Radio Free Europe/Radio Liberty,
15 and Radio Free Asia:

16 (1) A list of all personnel positions at and above
17 the GS–13 pay level.

18 (2) The number and percentage of women and
19 members of minority groups in positions under para-
20 graph (1).

21 (3) The increase or decrease in the representa-
22 tion of women and members of minority groups in
23 positions under paragraph (1) from previous years.

24 (4) The recruitment budget for each broad-
25 casting entity and the aggregate budget.

1 (5) Information concerning the recruitment ef-
2 ferts of the Broadcasting Board of Governors relat-
3 ing to women and members of minority groups, in-
4 cluding the percentage of the recruitment budget
5 utilized for such efforts.

6 **SEC. 503. PERSONAL SERVICES CONTRACTING PILOT PRO-**
7 **GRAM.**

8 (a) **IN GENERAL.**—The Director of the International
9 Broadcasting Bureau is authorized to establish a pilot pro-
10 gram for the purpose of hiring United States citizens or
11 aliens as personal services contractors, without regard to
12 civil service and classification laws, for service in the
13 United States as broadcasters, producers, and writers in
14 the International Broadcasting Bureau to respond to new
15 or emerging broadcasting needs or to augment broadcast
16 services.

17 (b) **LIMITATION ON AUTHORITY.**—The Director is
18 authorized to use such pilot program authority subject to
19 the following limitations:

20 (1) The Director shall determine that existing
21 personnel resources are insufficient and the need is
22 of limited or unknown duration.

23 (2) The Director shall approve each contract
24 for a personal services contractor.

1 (3) The length of any personal services contract
2 may not exceed 2 years, unless the Director finds
3 that exceptional circumstances justify an extension
4 of not more than 1 additional year.

5 (4) Not more than 50 United States citizens or
6 aliens shall be employed at any time as personal
7 services contractors under the pilot program.

8 (c) **TERMINATION OF AUTHORITY.**—The authority to
9 award personal services contracts under the pilot program
10 authorized by this section shall terminate on December 31,
11 2005. A contract entered into prior to the termination
12 date under this subsection may remain in effect for a pe-
13 riod not to exceed 6 months after such termination date.

14 **SEC. 504. PAY PARITY FOR SENIOR EXECUTIVES OF RADIO**
15 **FREE EUROPE AND RADIO LIBERTY.**

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

19 (1) by inserting after subparagraph (B) the fol-
20 lowing new subparagraph:

21 “(C) Notwithstanding the limitations under
22 subparagraph (A), grant funds provided under this
23 section may be used by RFE/RL, Incorporated to
24 pay up to two employees employed in Washington,
25 D.C. salary or other compensation not to exceed the

1 rate of pay payable for level III of the Executive
2 Schedule under section 5314 of title 5, United
3 States Code.”; and

4 (2) in subparagraph (A) by striking “(B),” and
5 inserting “(B) or (C),”.

6 **SEC. 505. REPEAL OF BAN ON UNITED STATES TRANS-**
7 **MITTER IN KUWAIT.**

8 The Foreign Relations Authorization Act, Fiscal
9 Years 1994 and 1995 (Public Law 103–236), is
10 amended—

11 (1) by striking section 226; and

12 (2) by striking the item relating to section 226
13 in the table of sections.

14 **TITLE VI—INTERNATIONAL OR-**
15 **GANIZATIONS AND COMMIS-**
16 **SIONS**

17 **SEC. 601. UNITED NATIONS ARREARS PAYMENTS AND RE-**
18 **FORM.**

19 (a) **ADDITIONAL RESTRICTION ON RELEASE OF AR-**
20 **REARAGE PAYMENTS RELATING TO UNITED STATES**
21 **MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON**
22 **HUMAN RIGHTS AND USE OF SECRET BALLOTS.**—In ad-
23 dition to the satisfaction of all other preconditions applica-
24 ble to the obligation and expenditure of funds authorized
25 to be appropriated by section 911(a)(3) of the United Na-

1 tions Reform Act of 1999, such funds may not be obli-
2 gated or expended until the Secretary of State certifies
3 to the appropriate congressional committees that—

4 (1) the United States has obtained full mem-
5 bership on the United Nations Commission on
6 Human Rights for a term commencing after May 3,
7 2001; and

8 (2)(A) neither the United Nations nor any spe-
9 cialized agency of the United Nations takes any ac-
10 tion or exercises any authority by any vote of the
11 membership of the body by a secret ballot which pre-
12 vents the identification of each vote with the member
13 casting the ballot; or

14 (B) a detailed analysis of voting within the
15 United Nations and specialized agencies of the
16 United Nations has demonstrated to the satisfaction
17 of the Secretary of State that the use of secret bal-
18 lots can serve the interests of the United States and
19 that analysis has been transmitted to the appro-
20 priate congressional committees.

21 (b) ADDITIONAL RESTRICTION ON RELEASE OF AR-
22 REARAGE PAYMENTS RELATING TO GENERAL ACCOUNT-
23 ING OFFICE REPORT ON UNITED STATES CONTRIBU-
24 TIONS TO UNITED NATIONS PEACEKEEPING OPER-
25 ATIONS.—

1 (1) In addition to the satisfaction of all other
2 preconditions applicable to the obligation and ex-
3 penditure of funds authorized to be appropriated by
4 section 911(a)(3) of the United Nations Reform Act
5 of 1999, such funds may not be obligated or ex-
6 pended until the date on which the General Account-
7 ing Office submits a report to Congress under para-
8 graph (2) or September 30, 2001, whichever occurs
9 first.

10 (2) Not later than September 30, 2001, the
11 General Accounting Office, in consultation with the
12 Department of Defense, shall submit to the Con-
13 gress a detailed accounting of United States con-
14 tributions to United Nations peacekeeping oper-
15 ations during the period 1990 through 2001, includ-
16 ing a review of any reimbursement by the United
17 Nations for such contributions.

18 (c) **ADDITIONAL RESTRICTIONS ON RELEASE OF AR-**
19 **REARAGE PAYMENTS RELATING TO UNITED STATES SOV-**
20 **EREIGNTY.**—In addition to the satisfaction of all other
21 preconditions applicable to the obligation and expenditure
22 of funds authorized to be appropriated by section
23 911(a)(2) of the United Nations Reform Act of 1999, such
24 funds may not be obligated or expended until the Sec-

1 retary of State certifies to the appropriate congressional
2 committees that the following conditions are satisfied:

3 (1) SUPREMACY OF THE UNITED STATES CON-
4 STITUTION.—No action has been taken by the
5 United Nations or any of its specialized or affiliated
6 agencies that requires the United States to violate
7 the United States Constitution or any law of the
8 United States.

9 (2) NO UNITED NATIONS SOVEREIGNTY.—Nei-
10 ther the United Nations nor any of its specialized or
11 affiliated agencies—

12 (A) has exercised sovereignty over the
13 United States; or

14 (B) has taken any steps that require the
15 United States to cede sovereignty.

16 (3) NO UNITED NATIONS TAXATION.—

17 (A) NO LEGAL AUTHORITY.—Except as
18 provided in subparagraph (D), neither the
19 United Nations nor any of its specialized or af-
20 filiated agencies has the authority under United
21 States law to impose taxes or fees on United
22 States nationals.

23 (B) NO TAXES OR FEES.—Except as pro-
24 vided in subparagraph (D), a tax or fee has not
25 been imposed on any United States national by

1 the United Nations or any of its specialized or
2 affiliated agencies.

3 (C) NO TAXATION PROPOSALS.—Except as
4 provided in subparagraph (D), neither the
5 United Nations nor any of its specialized or af-
6 filiated agencies has, on or after October 1,
7 1996, officially approved any formal effort to
8 develop, advocate, or promote any proposal con-
9 cerning the imposition of a tax or fee on any
10 United States national in order to raise revenue
11 for the United Nations or any such agency.

12 (D) EXCEPTION.—This paragraph does
13 not apply to—

14 (i) fees for publications or other kinds
15 of fees that are not tantamount to a tax on
16 United States citizens;

17 (ii) the World Intellectual Property
18 Organization; or

19 (iii) the staff assessment costs of the
20 United Nations and its specialized or affili-
21 ated agencies.

22 (4) NO STANDING ARMY.—The United Nations
23 has not, on or after October 1, 1996, budgeted any
24 funds for, nor taken any official steps to develop,
25 create, or establish any special agreement under Ar-

1 title 43 of the United Nations Charter to make
2 available to the United Nations, on its call, the
3 armed forces of any member of the United Nations.

4 (5) NO INTEREST FEES.—The United Nations
5 has not, on or after October 1, 1996, levied interest
6 penalties against the United States or any interest
7 on arrearages on the annual assessment of the
8 United States, and neither the United Nations nor
9 its specialized agencies have, on or after October 1,
10 1996, amended their financial regulations or taken
11 any other action that would permit interest penalties
12 to be levied against the United States or otherwise
13 charge the United States any interest on arrearages
14 on its annual assessment.

15 (6) UNITED STATES REAL PROPERTY
16 RIGHTS.—Neither the United Nations nor any of its
17 specialized or affiliated agencies has exercised au-
18 thority or control over any United States national
19 park, wildlife preserve, monument, or real property,
20 nor has the United Nations nor any of its specialized
21 or affiliated agencies implemented plans, regulations,
22 programs, or agreements that exercise control or au-
23 thority over the private real property of United
24 States citizens located in the United States without
25 the approval of the property owner.

1 (7) TERMINATION OF BORROWING AUTHOR-
2 ITY.—

3 (A) PROHIBITION ON AUTHORIZATION OF
4 EXTERNAL BORROWING.—On or after the date
5 of the enactment of this Act, neither the United
6 Nations nor any specialized agency of the
7 United Nations has amended its financial regu-
8 lations to permit external borrowing.

9 (B) PROHIBITION OF UNITED STATES PAY-
10 MENT OF INTEREST COSTS.—The United States
11 has not, on or after October 1, 1984, paid its
12 share of any interest costs made known to or
13 identified by the United States Government for
14 loans incurred, on or after October 1, 1984, by
15 the United Nations or any specialized agency of
16 the United Nations through external borrowing.

17 (d) AMENDMENTS TO THE UNITED NATIONS RE-
18 FORM ACT OF 1999.—The United Nations Reform Act of
19 1999 (title IX of division A of H.R. 3427, as enacted into
20 law by section 1000(a)(7) of Public Law 106–113; appen-
21 dix G; 113 Stat. 1501A–475), is amended as follows:

22 (1) Section 912(c) is amended by striking “sec-
23 tion 911” and inserting “section 911(a)(3)”.

24 (2) Section 931(b) is amended by—

25 (A) striking paragraph (2); and

1 (B) redesignating paragraph (3) as para-
2 graph (2).

3 (3) Section 941(a)(2) is amended—

4 (A) by striking “also”;

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

7 (C) by striking “satisfied, if the other con-
8 ditions in subsection (b) are satisfied” and in-
9 serting “satisfied”.

10 (4) Section 941(b)(3) is amended—

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

14 (B) by striking “has established and”;

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

17 (D) in subparagraphs (A) and (B) by
18 striking “require” both places it appears and
19 inserting in both places “result in”.

20 (5) Section 941(b)(9) is amended—

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

24 (B) by striking “Each designated special-
25 ized agency has established procedures to—”

1 and inserting “The practices of each designated
2 specialized agency—”; and

3 (C) in subparagraphs (A), (B), and (C) by
4 striking “require” each of the 3 places it ap-
5 pears such subparagraphs and inserting in the
6 3 places “result in”.

7 (e) AMENDMENT TO UNITED NATIONS PARTICIPA-
8 TION ACT.—Section 6 of the United Nations Participation
9 Act of 1945 (22 U.S.C. 287d), is amended to read as fol-
10 lows:

11 **“SEC. 6. AGREEMENTS WITH SECURITY COUNCIL.**

12 “(a) Any agreement described in subsection (b) that
13 is concluded by the President with the Security Council
14 shall not be effective unless approved by the Congress by
15 appropriate Act or joint resolution.

16 “(b) An agreement referred to in subsection (a) is
17 an agreement providing for the numbers and types of
18 United States Armed Forces, their degree of readiness and
19 general locations, or the nature of facilities and assistance,
20 including rights of passage, to be made available to the
21 Security Council for the purpose of maintaining inter-
22 national peace and security in accordance with Article 43
23 of the Charter of the United Nations.

24 “(c) Except as provided in section 7, nothing in this
25 section may be construed as an authorization to the Presi-

1 dent by the Congress to make available United States
2 Armed Forces, facilities, or assistance to the Security
3 Council.”.

4 (f) AMENDMENT TO PUBLIC LAW 103–236.—Section
5 404(b)(2) of the Foreign Relations Authorization Act, Fis-
6 cal Years 1994 and 1995 (Public Law 103–236; 22 U.S.C.
7 287e note), is amended—

8 (1) by striking “for any fiscal year after fiscal
9 year 1995” and inserting “for—

10 “(A) fiscal years 1996 through 2001, and
11 any fiscal year after fiscal year 2003”; and

12 (2) by striking “operation.” and inserting “op-
13 eration; and

14 “(B) fiscal years 2002 and 2003 shall not
15 be available for the payment of the United
16 States assessed contribution for a United Na-
17 tions peacekeeping operation in an amount
18 which is greater than 28.15 percent of the total
19 of all assessed contributions for that oper-
20 ation.”.

21 (g) CONFORMING AMENDMENT TO PUBLIC LAW 92–
22 544.—The last sentence of the paragraph headed “Con-
23 tributions to International Organizations” in Public Law
24 92–544 (22 U.S.C. 287e note) is amended—

1 (1) by striking “Appropriations are authorized”
2 and inserting “Subject to section 404(b)(2) of the
3 Foreign Relations Authorization Act, Fiscal Years
4 1994 and 1995 (Public Law 103–236, 22 U.S.C.
5 287e note), as amended, appropriations are author-
6 ized”; and

7 (2) by striking “(other than United Nations
8 peacekeeping operations) conducted” and inserting
9 “conducted by or under the auspices of the United
10 Nations or”.

11 (h) CONFORMING AMENDMENT TO PUBLIC LAW
12 105–277.—The undesignated paragraph under the head-
13 ing “ARREARAGE PAYMENTS” in title IV of the Depart-
14 ments of Commerce, Justice, and State, the Judiciary, and
15 Related Agencies Appropriations Act, 1999 (as enacted
16 into law by section 101(b) of division A of the Omnibus
17 Consolidated and Emergency Supplemental Appropria-
18 tions Act, 1999; 112 Stat. 2681–96) is amended by strik-
19 ing “member, and the share of the budget for each as-
20 sessed United Nations peacekeeping operation does not ex-
21 ceed 25 percent for any single United Nations member.”
22 and inserting “member.”.

23 (i) CONFORMING AMENDMENT TO PUBLIC LAW 106–
24 113.—The undesignated paragraph under the heading
25 “ARREARAGE PAYMENTS” in title IV of the Departments

1 of Commerce, Justice, and State, the Judiciary, and Re-
2 lated Agencies Appropriations Act, 2000 (as enacted into
3 law by section 1000(a)(1) of division B of Public Law
4 106–113; appendix A; 113 Stat. 1501A–42) is amended—

5 (1) in the first proviso, by striking “the share
6 of the total of all assessed contributions for any des-
7 ignated specialized agency of the United Nations
8 does not exceed 22 percent for any single member of
9 the agency, and”; and

10 (2) by inserting immediately after the first pro-
11 viso “*Provided further*, That, none of the funds ap-
12 propriated or otherwise made available under this
13 heading for payment of arrearages may be obligated
14 or expended with respect to a designated specialized
15 agency of the United Nations until such time as the
16 share of the total of all assessed contributions for
17 that designated specialized agency does not exceed
18 22 percent for any member of the agency:”.

19 (j) EFFECTIVE DATE.—This section and the amend-
20 ments made by this section shall take effect on the date
21 of the enactment of this Act.

1 **SEC. 602. TRAVEL BY ADVISORY COMMITTEE MEMBERS TO**
2 **GREAT LAKES FISHERY COMMISSION AN-**
3 **NUAL MEETING.**

4 Section 4(c) of the Great Lakes Fishery Act of 1956
5 (70 Stat. 242; 16 U.S.C. 933(c)), is amended in the sec-
6 ond sentence—

7 (1) by striking “five” and inserting “ten”; and

8 (2) by striking “each” and inserting “the an-
9 nual”.

10 **SEC. 603. UNITED STATES POLICY ON COMPOSITION OF**
11 **THE UNITED NATIONS HUMAN RIGHTS COM-**
12 **MISSION.**

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

15 (1) The United Nations Human Rights Com-
16 mission is an important organ of the United Nations
17 that plays a significant role in monitoring inter-
18 national human rights developments and can make
19 an important contribution to advancing human
20 rights around the world.

21 (2) The membership of the Commission, how-
22 ever, continues to include countries that are them-
23 selves human rights violators.

24 (3) Countries that are on the Commission have
25 a special duty to ensure that they are prepared to

1 allow human rights monitors into their own country
2 to investigate allegations of human rights violations.

3 (b) UNITED STATES POLICY ON MEMBERSHIP OF
4 THE COMMISSION.—The President, acting through the
5 Secretary of State, the United States Permanent Rep-
6 resentative to the United Nations, and other appropriate
7 United States Government officials, shall use the voice and
8 vote of the United States at the United Nations to oppose
9 membership on the United Nations Commission on
10 Human Rights for any country that does not provide a
11 standing invitation to allow the following persons to mon-
12 itor human rights in the territory of such country:

13 (1) Designated United Nations human rights
14 investigators and rapporteurs.

15 (2) Representatives from nongovernmental or-
16 ganizations that focus on human rights.

17 **SEC. 604. UNITED STATES MEMBERSHIP IN THE INTER-**
18 **NATIONAL ORGANIZATION FOR MIGRATION.**

19 (a) CONTINUATION OF MEMBERSHIP.—The Presi-
20 dent is authorized to continue membership for the United
21 States in the International Organization for Migration in
22 accordance with the constitution of such organization ap-
23 proved in Venice, Italy, on October 19, 1953, as amended
24 in Geneva, Switzerland, on November 24, 1998, upon
25 entry into force of such amendments.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purpose of assisting in the movement of refugees and mi-
3 grants, there are authorized to be appropriated such
4 amounts as may be necessary from time to time for pay-
5 ment by the United States of its contributions to the
6 International Organization for Migration and all necessary
7 salaries and expenses incidental to United States partici-
8 pation in such organization.

9 **SEC. 605. REPORT RELATING TO COMMISSION ON SECURITY**
10 **AND COOPERATION IN EUROPE.**

11 Section 5 of the Act entitled “An Act to establish a
12 Commission on Security and Cooperation in Europe”
13 (Public Law 94–304; 22 U.S.C. 3005) is amended to read
14 as follows:

15 “SEC. 5. In order to assist the Commission in car-
16 rying out its duties, the Secretary of State shall submit
17 to the Commission an annual report discussing the overall
18 United States policy objectives that are advanced through
19 meetings of decision-making bodies of the Organization on
20 Security and Cooperation in Europe (OSCE), the OSCE
21 implementation review process, and other activities of the
22 OSCE. The report shall also include a summary of specific
23 United States policy objectives with respect to partici-
24 pating states where there is a particular concern relating
25 to the implementation of Organization on Security and

1 Cooperation in Europe commitments or where an OSCE
2 presence exists. Such summary shall address the role
3 played by Organization on Security and Cooperation in
4 Europe institutions, mechanisms, or field activities in
5 achieving United States policy objectives. Each annual re-
6 port shall cover the period January 1 through December
7 31, shall be submitted not more than 90 days after the
8 end of the reporting period, and shall be posted on the
9 website of the Department of State.”.

10 **SEC. 606. REPORTS TO CONGRESS ON UNITED NATIONS AC-**
11 **TIVITIES.**

12 (a) AMENDMENTS TO UNITED NATIONS PARTICIPA-
13 TION ACT.—Section 4 of the United Nations Participation
14 Act (22 U.S.C. 287b), is amended—

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

16 (2) by inserting after subsection (a) the fol-
17 lowing new subsection:

18 “(b) ANNUAL REPORT ON FINANCIAL CONTRIBU-
19 TIONS.—Not later than July 1 of each year, the Secretary
20 of State shall submit a report to the designated congres-
21 sional committees on the extent and disposition of all fi-
22 nancial contributions made by the United States during
23 the preceding year to international organizations in which
24 the United States participates as a member.”;

1 (3) in subsection (e)(5) by striking subpara-
2 graph (B) and inserting the following:

3 “(B) ANNUAL REPORT.—The President
4 shall submit an annual report to the designated
5 congressional committees on all assistance pro-
6 vided by the United States during the preceding
7 calendar year to the United Nations to support
8 peacekeeping operations. Each such report shall
9 describe the assistance provided for each such
10 operation, listed by category of assistance.”;

11 and

12 (4) by redesignating subsections (d), (e), (f),
13 and (g) as subsections (c), (d), (e), and (f) respec-
14 tively.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 2 of Public Law 81–806 (22 U.S.C.
17 262a) is amended by striking the last sentence.

18 (2) Section 409 of the Foreign Relations Au-
19 thorization Act, Fiscal Years 1994 and 1995 (22
20 U.S.C. 287e note), is amended by striking sub-
21 section (d).

1 **Subtitle B—American**
2 **Servicemembers’ Protection Act**

3 **SEC. 631. SHORT TITLE.**

4 This subtitle may be cited as the “American
5 Servicemembers’ Protection Act of 2001”.

6 **SEC. 632. FINDINGS.**

7 Congress makes the following findings:

8 (1) On July 17, 1998, the United Nations Dip-
9 lomatic Conference of Plenipotentiaries on the Es-
10 tablishment of an International Criminal Court,
11 meeting in Rome, Italy, adopted the “Rome Statute
12 of the International Criminal Court.” The vote on
13 whether to proceed with the Statute was 120 in
14 favor to 7 against, with 21 countries abstaining. The
15 United States voted against final adoption of the
16 Rome Statute.

17 (2) As of April 30, 2001, 139 countries had
18 signed the Rome Statute and 30 had ratified it. Pur-
19 suant to Article 126 of the Rome Statute, the Stat-
20 ute will enter into force on the first day of the
21 month after the 60th day following the date on
22 which the 60th country deposits an instrument rati-
23 fying the Statute.

24 (3) Since adoption of the Rome Statute, a Pre-
25 paratory Commission for the International Criminal

1 Court has met regularly to draft documents to im-
2 plement the Rome Statute, including Rules of Proce-
3 dure and Evidence, Elements of Crimes, and a defi-
4 nition of the Crime of Aggression.

5 (4) During testimony before the Congress fol-
6 lowing the adoption of the Rome Statute, the lead
7 United States negotiator, Ambassador David
8 Scheffer stated that the United States could not
9 sign the Rome Statute because certain critical nego-
10 tiating objectives of the United States had not been
11 achieved. As a result, he stated: “We are left with
12 consequences that do not serve the cause of inter-
13 national justice.”.

14 (5) Ambassador Scheffer went on to tell the
15 Congress that: “Multinational peacekeeping forces
16 operating in a country that has joined the treaty can
17 be exposed to the Court’s jurisdiction even if the
18 country of the individual peacekeeper has not joined
19 the treaty. Thus, the treaty purports to establish an
20 arrangement whereby United States armed forces
21 operating overseas could be conceivably prosecuted
22 by the international court even if the United States
23 has not agreed to be bound by the treaty. Not only
24 is this contrary to the most fundamental principles
25 of treaty law, it could inhibit the ability of the

1 United States to use its military to meet alliance ob-
2 ligations and participate in multinational operations,
3 including humanitarian interventions to save civilian
4 lives. Other contributors to peacekeeping operations
5 will be similarly exposed.”.

6 (6) Notwithstanding these concerns, President
7 Clinton directed that the United States sign the
8 Rome Statute on December 31, 2000. In a state-
9 ment issued that day, he stated that in view of the
10 unremedied deficiencies of the Rome Statute, “I will
11 not, and do not recommend that my successor sub-
12 mit the Treaty to the Senate for advice and consent
13 until our fundamental concerns are satisfied”.

14 (7) Any American prosecuted by the Inter-
15 national Criminal Court will, under the Rome Stat-
16 ute, be denied procedural protections to which all
17 Americans are entitled under the Bill of Rights to
18 the United States Constitution, such as the right to
19 trial by jury.

20 (8) Members of the Armed Forces of the
21 United States deserve the full protection of the
22 United States Constitution wherever they are sta-
23 tioned or deployed around the world to protect the
24 vital national interests of the United States. The
25 United States Government has an obligation to pro-

1 tect the members of its Armed Forces, to the max-
2 imum extent possible, against criminal prosecutions
3 carried out by United Nations officials under proce-
4 dures that deny them their constitutional rights.

5 (9) In addition to exposing members of the
6 Armed Forces of the United States to the risk of
7 international criminal prosecution, the Rome Statute
8 creates a risk that the President and other senior
9 elected and appointed officials of the United States
10 Government may be prosecuted by the International
11 Criminal Court. Particularly if the Preparatory
12 Commission agrees on a definition of the Crime of
13 Aggression over United States objections, senior
14 United States officials may be at risk of criminal
15 prosecution for national security decisions involving
16 such matters as responding to acts of terrorism, pre-
17 venting the proliferation of weapons of mass destruc-
18 tion, and deterring aggression. No less than mem-
19 bers of the Armed Forces of the United States, sen-
20 ior officials of the United States Government deserve
21 the full protection of the United States Constitution
22 with respect to official actions taken by them to pro-
23 tect the national interests of the United States.

1 **SEC. 633. WAIVER AND TERMINATION OF PROHIBITIONS OF**
2 **THIS ACT.**

3 (a) **AUTHORITY TO INITIALLY WAIVE SECTIONS 635**
4 **AND 637.**—The President is authorized to waive the prohi-
5 bitions and requirements of sections 635 and 637 for a
6 single period of 1 year. Such a waiver may be issued only
7 if the President at least 15 days in advance of exercising
8 such authority—

9 (1) notifies the appropriate congressional com-
10 mittees of the intention to exercise such authority;
11 and

12 (2) determines and reports to the appropriate
13 congressional committees that the International
14 Criminal Court has entered into a binding agree-
15 ment that—

16 (A) prohibits the International Criminal
17 Court from seeking to exercise jurisdiction over
18 the following persons with respect to actions
19 undertaken by them in an official capacity:

20 (i) covered United States persons;

21 (ii) covered allied persons; and

22 (iii) individuals who were covered
23 United States persons or covered allied
24 persons; and

25 (B) ensures that no person described in
26 subparagraph (A) will be arrested, detained,

1 prosecuted, or imprisoned by or on behalf of the
2 International Criminal Court.

3 (b) AUTHORITY TO EXTEND WAIVER OF SECTIONS
4 635 AND 637.—The President is authorized to waive the
5 prohibitions and requirements of sections 635 and 637 for
6 successive periods of 1 year each upon the expiration of
7 a previous waiver pursuant to subsection (a) or this sub-
8 section. Such a waiver may be issued only if the President
9 at least 15 days in advance of exercising such authority—

10 (1) notifies the appropriate congressional com-
11 mittees of the intention to exercise such authority;
12 and

13 (2) determines and reports to the appropriate
14 congressional committees that the International
15 Criminal Court—

16 (A) remains party to, and has continued to
17 abide by, a binding agreement that—

18 (i) prohibits the International Crimi-
19 nal Court from seeking to exercise jurisdic-
20 tion over the following persons with respect
21 to actions undertaken by them in an offi-
22 cial capacity:

23 (I) covered United States per-
24 sons;

25 (II) covered allied persons; and

1 (III) individuals who were cov-
2 ered United States persons or covered
3 allied persons; and

4 (ii) ensures that no person described
5 in clause (i) will be arrested, detained,
6 prosecuted, or imprisoned by or on behalf
7 of the International Criminal Court; and

8 (B) has taken no steps to arrest, detain,
9 prosecute, or imprison any person described in
10 clause (i) of subparagraph (A).

11 (c) AUTHORITY TO WAIVE SECTIONS 634 AND 636
12 WITH RESPECT TO AN INVESTIGATION OR PROSECUTION
13 OF A NAMED INDIVIDUAL.—The President is authorized
14 to waive the prohibitions and requirements of sections 634
15 and 636 to the degree they would prevent United States
16 cooperation with an investigation or prosecution of a
17 named individual by the International Criminal Court.
18 Such a waiver may be issued only if the President at least
19 15 days in advance of exercising such authority—

20 (1) notifies the appropriate congressional com-
21 mittees of the intention to exercise such authority;
22 and

23 (2) determines and reports to the appropriate
24 congressional committees that—

1 (A) a waiver pursuant to subsection (a) or
2 (b) of the prohibitions and requirements of sec-
3 tions 635 and 637 is in effect;

4 (B) there is reason to believe that the
5 named individual committed the crime or
6 crimes that are the subject of the International
7 Criminal Court's investigation or prosecution;

8 (C) it is in the national interest of the
9 United States for the International Criminal
10 Court's investigation or prosecution of the
11 named individual to proceed; and

12 (D) in investigating events related to ac-
13 tions by the named individual, none of the fol-
14 lowing persons will be investigated, arrested,
15 detained, prosecuted, or imprisoned by or on
16 behalf of the International Criminal Court with
17 respect to actions undertaken by them in an of-
18 ficial capacity:

19 (i) Covered United States persons.

20 (ii) Covered allied persons.

21 (iii) Individuals who were covered
22 United States persons or covered allied
23 persons.

24 (d) TERMINATION OF WAIVER PURSUANT TO SUB-
25 SECTION (c).—Any waiver or waivers exercised pursuant

1 to subsection (c) of the prohibitions and requirements of
2 sections 634 and 636 shall terminate at any time that a
3 waiver pursuant to subsection (a) or (b) of the prohibitions
4 and requirements of sections 635 and 637 expires and is
5 not extended pursuant to subsection (b).

6 (e) **TERMINATION OF PROHIBITIONS OF THIS ACT.**—
7 The prohibitions and requirements of sections 634, 635,
8 636, and 637 shall cease to apply, and the authority of
9 section 638 shall terminate, if the United States becomes
10 a party to the International Criminal Court pursuant to
11 a treaty made under article II, section 2, clause 2 of the
12 Constitution of the United States.

13 **SEC. 634. PROHIBITION ON COOPERATION WITH THE**
14 **INTERNATIONAL CRIMINAL COURT.**

15 (a) **CONSTRUCTION.**—The provisions of this
16 section—

17 (1) apply only to cooperation with the Inter-
18 national Criminal Court and shall not be construed
19 to apply to cooperation with an ad hoc international
20 criminal tribunal established by the United Nations
21 Security Council before or after the date of the en-
22 actment of this Act to investigate and prosecute war
23 crimes committed in a specific country or during a
24 specific conflict; and

25 (2) shall not be construed to prohibit—

1 (A) any action permitted under section
2 638;

3 (B) any other action taken by members of
4 the Armed Forces of the United States outside
5 the territory of the United States while engaged
6 in military operations involving the threat or
7 use of force when necessary to protect such per-
8 sonnel from harm or to ensure the success of
9 such operations; or

10 (C) communication by the United States to
11 the International Criminal Court of its policy
12 with respect to a particular matter.

13 (b) PROHIBITION ON RESPONDING TO REQUESTS
14 FOR COOPERATION.—No agency or entity of the United
15 States Government or of any State or local government,
16 including any court, may cooperate with the International
17 Criminal Court in response to a request for cooperation
18 submitted by the International Criminal Court pursuant
19 to Part 9 of the Rome Statute.

20 (c) PROHIBITION ON SPECIFIC FORMS OF COOPERA-
21 TION AND ASSISTANCE.—No agency or entity of the
22 United States Government or of any State or local govern-
23 ment, including any court, may provide financial support
24 or other cooperation, support, or assistance to the Inter-
25 national Criminal Court, including by undertaking any ac-

1 tion described in the following articles of the Rome Statute
2 with the purpose or intent of cooperating with, or other-
3 wise providing support or assistance to, the International
4 Criminal Court:

5 (1) Article 89 (relating to arrest, extradition,
6 and transit of suspects).

7 (2) Article 92 (relating to provisional arrest of
8 suspects).

9 (3) Article 93 (relating to seizure of property,
10 asset forfeiture, execution of searches and seizures,
11 service of warrants and other judicial process, taking
12 of evidence, and similar matters).

13 (d) RESTRICTION ON ASSISTANCE PURSUANT TO
14 MUTUAL LEGAL ASSISTANCE TREATIES.—The United
15 States shall exercise its rights to limit the use of assist-
16 ance provided under all treaties and executive agreements
17 for mutual legal assistance in criminal matters, multilat-
18 eral conventions with legal assistance provisions, and ex-
19 tradition treaties, to which the United States is a party,
20 and in connection with the execution or issuance of any
21 letter rogatory, to prevent the transfer to, or other use
22 by, the International Criminal Court of any assistance
23 provided by the United States under such treaties and let-
24 ters rogatory.

1 (e) PROHIBITION ON INVESTIGATIVE ACTIVITIES OF
2 AGENTS.—No agent of the International Criminal Court
3 may conduct, in the United States or any territory subject
4 to the jurisdiction of the United States, any investigative
5 activity relating to a preliminary inquiry, investigation,
6 prosecution, or other proceeding at the International
7 Criminal Court.

8 **SEC. 635. RESTRICTION ON UNITED STATES PARTICIPA-**
9 **TION IN CERTAIN UNITED NATIONS PEACE-**
10 **KEEPING OPERATIONS.**

11 (a) POLICY.—Effective beginning on the date on
12 which the Rome Statute enters into force pursuant to Ar-
13 ticle 126 of the Rome Statute, the President should use
14 the voice and vote of the United States in the United Na-
15 tions Security Council to ensure that each resolution of
16 the Security Council authorizing any peacekeeping oper-
17 ation under chapter VI of the charter of the United Na-
18 tions or peace enforcement operation under chapter VII
19 of the charter of the United Nations permanently exempts,
20 at a minimum, members of the Armed Forces of the
21 United States participating in such operation from crimi-
22 nal prosecution by the International Criminal Court for
23 actions undertaken by such personnel in connection with
24 the operation.

1 (b) RESTRICTION.—Members of the Armed Forces of
2 the United States may not participate in any peacekeeping
3 operation under chapter VI of the charter of the United
4 Nations or peace enforcement operation under chapter VII
5 of the charter of the United Nations, the creation of which
6 is authorized by the United Nations Security Council on
7 or after the date that the Rome Statute enters into effect
8 pursuant to Article 126 of the Rome Statute, unless the
9 President has submitted to the appropriate congressional
10 committees a certification described in subsection (c) with
11 respect to such operation.

12 (c) CERTIFICATION.—The certification referred to in
13 subsection (b) is a certification by the President that
14 members of the Armed Forces of the United States are
15 able to participate in the peacekeeping or peace enforce-
16 ment operation without risk of criminal prosecution by the
17 International Criminal Court because—

18 (1) in authorizing the operation, the United
19 Nations Security Council permanently exempted, at
20 a minimum, members of the Armed Forces of the
21 United States participating in the operation from
22 criminal prosecution by the International Criminal
23 Court for actions undertaken by them in connection
24 with the operation;

1 (2) each country in which members of the
2 Armed Forces of the United States participating in
3 the operation will be present is either not a party to
4 the International Criminal Court and has not in-
5 voked the jurisdiction of the International Criminal
6 Court pursuant to Article 12 of the Rome Statute,
7 or has entered into an agreement in accordance with
8 Article 98 of the Rome Statute preventing the Inter-
9 national Criminal Court from proceeding against
10 members of the Armed Forces of the United States
11 present in that country; or

12 (3) the United States has taken other appro-
13 priate steps to guarantee that members of the
14 Armed Forces of the United States participating in
15 the operation will not be prosecuted by the Inter-
16 national Criminal Court for actions undertaken by
17 such personnel in connection with the operation.

18 **SEC. 636. PROHIBITION ON DIRECT OR INDIRECT TRANS-**
19 **FER OF CERTAIN CLASSIFIED NATIONAL SE-**
20 **CURITY INFORMATION TO THE INTER-**
21 **NATIONAL CRIMINAL COURT.**

22 (a) DIRECT TRANSFER.—Not later than the date on
23 which the Rome Statute enters into force, the President
24 shall ensure that appropriate procedures are in place to

1 prevent the transfer of classified national security infor-
2 mation to the International Criminal Court.

3 (b) INDIRECT TRANSFER.—Not later than the date
4 on which the Rome Statute enters into force, the President
5 shall ensure that appropriate procedures are in place to
6 prevent the transfer of classified national security infor-
7 mation relevant to matters under consideration by the
8 International Criminal Court to the United Nations and
9 to the government of any country that is a party to the
10 International Criminal Court unless the United Nations
11 or that government, as the case may be, has provided writ-
12 ten assurances that such information will not be made
13 available to the International Criminal Court.

14 (c) CONSTRUCTION.—The provisions of this section
15 shall not be construed to prohibit any action permitted
16 under section 638.

17 **SEC. 637. PROHIBITION OF UNITED STATES MILITARY AS-**
18 **SISTANCE TO PARTIES TO THE INTER-**
19 **NATIONAL CRIMINAL COURT.**

20 (a) PROHIBITION OF MILITARY ASSISTANCE.—Sub-
21 ject to subsections (b) and (c), no United States military
22 assistance may be provided to the government of a country
23 that is a party to the International Criminal Court.

1 (b) WAIVER.—The President may waive the prohibi-
2 tion of subsection (a) with respect to a particular
3 country—

4 (1) for one or more periods not exceeding 1
5 year each, if the President determines and reports to
6 the appropriate congressional committees that it is
7 vital to the national interest of the United States to
8 waive such prohibition; and

9 (2) permanently, if the President determines
10 and reports to the appropriate congressional com-
11 mittees that such country has entered into an agree-
12 ment with the United States pursuant to Article 98
13 of the Rome Statute preventing the International
14 Criminal Court from proceeding against United
15 States personnel present in such country.

16 (c) EXEMPTION.—The prohibition of subsection (a)
17 shall not apply to the government of—

18 (1) a NATO member country;

19 (2) a major non-NATO ally (including, inter
20 alia, Australia, Egypt, Israel, Japan, the Republic of
21 Korea, and New Zealand); or

22 (3) Taiwan.

1 **SEC. 638. AUTHORITY TO FREE MEMBERS OF THE ARMED**
2 **FORCES OF THE UNITED STATES AND CER-**
3 **TAIN OTHER PERSONS HELD CAPTIVE BY OR**
4 **ON BEHALF OF THE INTERNATIONAL CRIMI-**
5 **NAL COURT.**

6 (a) **AUTHORITY.**—The President is authorized to use
7 all means necessary and appropriate to bring about the
8 release from captivity of any person described in sub-
9 section (b) who is being detained or imprisoned against
10 that person's will by or on behalf of the International
11 Criminal Court.

12 (b) **PERSONS AUTHORIZED TO BE FREED.**—The au-
13 thority of subsection (a) shall extend to the following per-
14 sons:

15 (1) Covered United States persons.

16 (2) Covered allied persons.

17 (3) Individuals detained or imprisoned for offi-
18 cial actions taken while the individual was a covered
19 United States person or a covered allied person, and
20 in the case of a covered allied person, upon the re-
21 quest of such government.

22 (c) **AUTHORIZATION OF LEGAL ASSISTANCE.**—When
23 any person described in subsection (b) is arrested, de-
24 tained, prosecuted, or imprisoned by or on behalf of the
25 International Criminal Court, the authority under sub-
26 section (a) may be used—

1 (1) for the provision of legal representation and
2 other legal assistance to that person (including, in
3 the case of a person entitled to assistance under sec-
4 tion 1037 of title 10, United States Code, represen-
5 tation and other assistance in the manner provided
6 in that section); and

7 (2) for the provision of exculpatory evidence on
8 behalf of that person.

9 (d) BRIBES AND OTHER INDUCEMENTS NOT AU-
10 THORIZED.—Subsection (a) does not authorize the pay-
11 ment of bribes or the provision of other incentives to in-
12 duce the release from captivity of a person described in
13 subsection (b).

14 **SEC. 639. ALLIANCE COMMAND ARRANGEMENTS.**

15 (a) REPORT ON ALLIANCE COMMAND ARRANGE-
16 MENTS.—Not later than 6 months after the date of the
17 enactment of this Act, the President shall transmit to the
18 appropriate congressional committees a report with re-
19 spect to each military alliance to which the United States
20 is party—

21 (1) describing the degree to which members of
22 the Armed Forces of the United States may, in the
23 context of military operations undertaken by or pur-
24 suant to that alliance, be placed under the command
25 or operational control of foreign military officers

1 subject to the jurisdiction of the International Crimi-
2 nal Court because they are nationals of a party to
3 the International Criminal Court; and

4 (2) evaluating the degree to which members of
5 the Armed Forces of the United States engaged in
6 military operations undertaken by or pursuant to
7 that alliance may be exposed to greater risks as a
8 result of being placed under the command or oper-
9 ational control of foreign military officers subject to
10 the jurisdiction of the International Criminal Court.

11 (b) DESCRIPTION OF MEASURES TO ACHIEVE EN-
12 HANCED PROTECTION FOR MEMBERS OF THE ARMED
13 FORCES OF THE UNITED STATES.—Not later than 1 year
14 after the date of the enactment of this Act, the President
15 shall transmit to the appropriate congressional committees
16 a description of modifications to command and operational
17 control arrangements within military alliances to which
18 the United States is a party that could be made in order
19 to reduce any risks to members of the Armed Forces of
20 the United States identified pursuant to subsection (a)(2).

21 (c) SUBMISSION IN CLASSIFIED FORM.—The report
22 under subsection (a), and the description of measures
23 under subsection (b), or appropriate parts thereof, may
24 be submitted in classified form.

1 **SEC. 640. WITHHOLDINGS.**

2 Funds withheld from the United States share of as-
3 sessments to the United Nations or any other inter-
4 national organization during any fiscal year pursuant to
5 section 705 of the Admiral James W. Nance and Meg
6 Donovan Foreign Relations Authorization Act, Fiscal
7 Years 2000 and 2001 (as enacted by section 1000(a)(7)
8 of Public Law 106–113; 113 Stat. 1501A–460), are au-
9 thorized to be transferred to the Embassy Security, Con-
10 struction and Maintenance Account of the Department of
11 State.

12 **SEC. 641. NONDELEGATION.**

13 The authorities vested in the President by sections
14 633, 635(c), and 637(b) may not be delegated by the
15 President pursuant to section 301 of title 3, United States
16 Code, or any other provision of law.

17 **SEC. 642. DEFINITIONS.**

18 As used in this Act and in sections 705 and 706 of
19 the Admiral James W. Nance and Meg Donovan Foreign
20 Relations Authorization Act, Fiscal Years 2000 and 2001:

21 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
22 **TEES.**—The term “appropriate congressional com-
23 mittees” means the Committee on International Re-
24 lations of the House of Representatives and the
25 Committee on Foreign Relations of the Senate.

1 (2) CLASSIFIED NATIONAL SECURITY INFORMA-
2 TION.—The term “classified national security infor-
3 mation” means information that is classified or clas-
4 sifiable under Executive Order No. 12958 or a suc-
5 cessor Executive order.

6 (3) COVERED ALLIED PERSONS.—The term
7 “covered allied persons” means military personnel,
8 elected or appointed officials, and other persons em-
9 ployed by or working on behalf of the government of
10 a NATO member country, a major non-NATO ally
11 (including, inter alia, Australia, Egypt, Israel,
12 Japan, the Republic of Korea, and New Zealand), or
13 Taiwan, for so long as that government is not a
14 party to the International Criminal Court and wish-
15 es its officials and other persons working on its be-
16 half to be exempted from the jurisdiction of the
17 International Criminal Court.

18 (4) COVERED UNITED STATES PERSONS.—The
19 term “covered United States persons” means mem-
20 bers of the Armed Forces of the United States,
21 elected or appointed officials of the United States
22 Government, and other persons employed by or
23 working on behalf of the United States Government,
24 for so long as the United States is not a party to
25 the International Criminal Court.

1 (5) EXTRADITION.—The terms “extradition”
2 and “extradite” include both “extradition” and “sur-
3 render” as those terms are defined in article 102 of
4 the Rome Statute.

5 (6) INTERNATIONAL CRIMINAL COURT.—The
6 term “International Criminal Court” means the
7 court established by the Rome Statute.

8 (7) MAJOR NON-NATO ALLY.—The term “major
9 non-NATO ally” means a country that has been so
10 designated in accordance with section 517 of the
11 Foreign Assistance Act of 1961.

12 (8) PARTY TO THE INTERNATIONAL CRIMINAL
13 COURT.—The term “party to the International
14 Criminal Court” means a government that has de-
15 posited an instrument of ratification, acceptance, ap-
16 proval, or accession to the Rome Statute, and has
17 not withdrawn from the Rome Statute pursuant to
18 Article 127 thereof.

19 (9) PEACEKEEPING OPERATION UNDER CHAP-
20 TER VI OF THE CHARTER OF THE UNITED NATIONS
21 OR PEACE ENFORCEMENT OPERATION UNDER CHAP-
22 TER VII OF THE CHARTER OF THE UNITED NA-
23 TIONS.—The term “peacekeeping operation under
24 chapter VI of the charter of the United Nations or
25 peace enforcement operation under chapter VII of

1 the charter of the United Nations” means any mili-
2 tary operation to maintain or restore international
3 peace and security that—

4 (A) is authorized by the United Nations
5 Security Council under chapter VI or VII of the
6 charter of the United Nations; and

7 (B) is paid for from assessed contributions
8 of United Nations members that are made
9 available for peacekeeping or peace enforcement
10 activities.

11 (10) ROME STATUTE.—The term “Rome Stat-
12 ute” means the Rome Statute of the International
13 Criminal Court, adopted by the United Nations Dip-
14 lomatic Conference of Plenipotentiaries on the Es-
15 tablishment of an International Criminal Court on
16 July 17, 1998.

17 (11) SUPPORT.—The term “support” means as-
18 sistance of any kind, including financial support,
19 material support, services, intelligence sharing, law
20 enforcement cooperation, the training or detail of
21 personnel, and the arrest or detention of individuals.

22 (12) UNITED STATES MILITARY ASSISTANCE.—
23 The term “United States military assistance”
24 means—

1 (A) assistance provided under chapters 2
2 through 6 of part II of the Foreign Assistance
3 Act of 1961 (22 U.S.C. 2311 et seq.);

4 (B) defense articles or defense services fur-
5 nished with the financial assistance of the
6 United States Government, including through
7 loans and guarantees; or

8 (C) military training or education activities
9 provided by any agency or entity of the United
10 States Government.

11 Such term does not include activities reportable
12 under title V of the National Security Act of 1947
13 (50 U.S.C. 413 et seq.).

14 **TITLE VII—MISCELLANEOUS**
15 **PROVISIONS**

16 **Subtitle A—General Provisions**

17 **SEC. 701. AMENDMENTS TO THE IRAN NONPROLIFERATION**
18 **ACT OF 2000.**

19 (a) REPORTS ON PROLIFERATION TO IRAN.—Section
20 2 of the Iran Nonproliferation Act of 2000 (Public Law
21 106–178; 114 Stat. 39; 50 U.S.C. 1701 note), is amended
22 by inserting after subsection (d) the following new sub-
23 section:

24 “(e) CONTENT OF REPORTS.—Each report under
25 subsection (a) shall contain, with respect to each foreign

1 person identified in such report, a brief description of the
2 type and quantity of the goods, services, or technology
3 transferred by that person to Iran, the circumstances sur-
4 rounding the transfer, the usefulness of the transfer to
5 Iranian weapons programs, and the probable awareness or
6 lack thereof of the transfer on the part of the government
7 with primary jurisdiction over the person.”.

8 (b) DETERMINATION EXEMPTING FOREIGN PERSONS
9 FROM CERTAIN MEASURES UNDER THE ACT.—Section
10 5(a)(2) of such Act is amended by striking “systems” and
11 inserting “systems, or conventional weapons”.

12 **SEC. 702. AMENDMENTS TO THE NORTH KOREA THREAT**
13 **REDUCTION ACT OF 1999.**

14 Section 822(a) of the North Korea Threat Reduction
15 Act of 1999 (subtitle B of title VIII of division A of H.R.
16 3427, as enacted into law by section 1000(a)(7) of Public
17 Law 106–113; appendix G; 113 Stat. 1501A–472), is
18 amended by striking “such agreement,” both places it ap-
19 pears and inserting in both places “such agreement (or
20 that are controlled under the Export Trigger List of the
21 Nuclear Suppliers Group),”.

1 **SEC. 703. AMENDMENTS TO THE INTERNATIONAL RELI-**
2 **GIUS FREEDOM ACT OF 1998.**

3 (a) REPEAL OF TERMINATION OF COMMISSION.—
4 The International Religious Freedom Act of 1998 (22
5 U.S.C. 6401 et seq.), is amended by striking section 209.

6 (b) AUTHORIZATIONS OF APPROPRIATIONS.—Section
7 207(a) of such Act (22 U.S.C. 6435(a)) is amended by
8 inserting “for each of the fiscal years 2002 and 2003”
9 after “\$3,000,000”.

10 (c) ELECTION OF CHAIR OF COMMISSION.—Section
11 201(d) of such Act (22 U.S.C. 6431(d)) is amended by
12 striking “in each calendar” and inserting “after May 30
13 of each”.

14 (d) PROCUREMENT OF NONGOVERNMENTAL SERV-
15 ICES.—Section 208(c)(1) of such Act (22 U.S.C.
16 6435a(c)(1)) is amended by striking “authority other than
17 that allowed under this title” and inserting “authority, in
18 excess of \$75,000 annually, except as otherwise provided
19 in this title”.

20 (e) DONATION OF SERVICES.—Section 208(d)(1) of
21 such Act (22 U.S.C. 6435a(d)(1)) is amended by striking
22 “services or” both places it appears.

23 (f) ESTABLISHMENT OF STAGGERED TERMS OF
24 MEMBERS OF COMMISSION.—Section 201(c) of such Act
25 (22 U.S.C. 6431(c)) is amended by adding after para-
26 graph (1) the following new paragraph:

1 “(2) ESTABLISHMENT OF STAGGERED
2 TERMS.—Notwithstanding paragraph (1), members
3 of the Commission appointed to serve on the Com-
4 mission during the period May 15, 2003, through
5 May 14, 2005, shall be appointed to terms in ac-
6 cordance with the provisions of this paragraph. Of
7 the three members of the Commission appointed by
8 the President under subsection (b)(1)(B)(i), two
9 shall be appointed to a 1-year term and one shall be
10 appointed to a 2-year term. Of the three members
11 of the Commission appointed by the President pro
12 tempore of the Senate under subsection
13 (b)(1)(B)(ii), one of the appointments made upon
14 the recommendation of the leader in the Senate of
15 the political party that is not the political party of
16 the President shall be appointed to a 1-year term,
17 and the other two appointments under such clause
18 shall be 2-year terms. Of the three members of the
19 Commission appointed by the Speaker of the House
20 of Representatives under subsection (b)(1)(B)(iii),
21 one of the appointments made upon the rec-
22 ommendation of the leader in the House of the polit-
23 ical party that is not the political party of the Presi-
24 dent shall be to a 1-year term, and the other two ap-
25 pointments under such clause shall be 2-year terms.

1 The term of each member of the Commission ap-
2 pointed to a 1-year term shall be considered to have
3 begun on May 15, 2003, and shall end on May 14,
4 2004, regardless of the date of the appointment to
5 the Commission. Each vacancy which occurs upon
6 the expiration of the term of a member appointed to
7 a 1-year term shall be filled by the appointment of
8 a successor to a 2-year term.”.

9 (g) VACANCIES.—Section 201(g) of such Act (22
10 U.S.C. 6431(g)) is amended by adding at the end the fol-
11 lowing: “A member may serve after the expiration of that
12 member’s term until a successor has taken office. Any
13 member appointed to fill a vacancy occurring before the
14 expiration of the term for which the member’s predecessor
15 was appointed shall be appointed only for the remainder
16 of that term.”.

17 **SEC. 704. CONTINUATION OF UNITED STATES ADVISORY**
18 **COMMISSION ON PUBLIC DIPLOMACY.**

19 (a) AUTHORITY TO CONTINUE COMMISSION.—Sec-
20 tion 1334 of the Foreign Affairs Reform and Restruc-
21 turing Act of 1998 (as enacted in division G of the Omni-
22 bus Consolidated and Emergency Supplemental Appro-
23 priations Act, 1999: Public Law 105–277), is amended by
24 striking “October 1, 2001” and inserting “October 1,
25 2005”.

1 (b) REPEAL.—Section 404(c) of the Admiral James
2 W. Nance and Meg Donovan Foreign Relations Authoriza-
3 tion Act, Fiscal Years 2000 and 2001 (section 404(c) of
4 division A of H.R. 3427, as enacted into law by section
5 1000(a)(7) of Public Law 106–113; appendix G; 113 Stat.
6 1501A–446), is amended by striking paragraph (2).

7 **SEC. 705. PARTICIPATION OF SOUTH ASIA COUNTRIES IN**
8 **INTERNATIONAL LAW ENFORCEMENT.**

9 The Secretary of State shall ensure, where prac-
10 ticable, that appropriate government officials from coun-
11 tries in the South Asia region shall be eligible to attend
12 courses at the International Law Enforcement Academy
13 located in Bangkok, Thailand, and Budapest, Hungary,
14 consistent with other provisions of law, with the goal of
15 enhancing regional cooperation in the fight against
16 transnational crime.

17 **SEC. 706. PARTICIPATION BY SMALL BUSINESSES IN PRO-**
18 **CUREMENT CONTRACTS OF USAID.**

19 (a) STUDY.—The Administrator of the United States
20 Agency for International Development shall conduct a
21 study to determine what industries are under-represented
22 by small businesses in the procurement contracts of the
23 Agency.

24 (b) INITIAL REPORT.—Not later than 120 days after
25 the date of the enactment of this Act, the Administrator

1 shall submit to the designated congressional committees
2 a report that contains the following:

3 (1) The results of the study conducted pursuant
4 to subsection (a).

5 (2)(A) A specific plan of outreach to include
6 measurable achievement milestones, to increase both
7 the total numbers of contracts and the percentage of
8 total contract dollars to small business, small dis-
9 advantaged business, women-owned businesses (as
10 such terms are defined in the Small Business Act),
11 and small businesses participating in the program
12 under section 8(a) of such Act.

13 (B) The plan shall include proposals for all con-
14 tracts (Washington, D.C.-based, field-based, and
15 host country contracts) issued by the Agency or on
16 behalf of the Agency.

17 (C) The plan shall include proposals and mile-
18 stones of the Agency to increase the amount of sub-
19 contracting to businesses described in subparagraph
20 (A) by the prime contractors of the Agency.

21 (D) The milestones described in subparagraph
22 (C) shall include a description of how the Agency
23 will use failure to meet goals by prime contractors
24 as a ranking factor in evaluating any other submis-

1 sions from this vendor for future contracts by the
2 Agency.

3 (c) SEMIANNUAL REPORT.—The Administrator shall
4 submit to the designated congressional committees on a
5 semiannual basis a report that contains a description of
6 the percentage of total contract dollars awarded and the
7 total numbers of contracts awarded to businesses de-
8 scribed in subsection (b)(2)(A), including a description of
9 achievements toward measurable milestones for both di-
10 rect contracts of the Agency, host country contracts, and
11 for subcontracting by prime contractors of the Agency.

12 (d) DEFINITION.—In this section, the term “des-
13 ignated congressional committees” means—

14 (1) the Committee on International Relations
15 and the Committee on Small Business of the House
16 of Representatives; and

17 (2) the Committee on Foreign Relations and
18 the Committee on Small Business of the Senate.

19 **SEC. 707. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON**
20 **CHILD SOLDIERS.**

21 (a) COUNTRIES RECEIVING ECONOMIC ASSIST-
22 ANCE.—Section 116(d) of the Foreign Assistance Act of
23 1961 (22 U.S.C. 2151n(f)), is amended—

24 (1) in paragraph (7), by striking “and” at the
25 end and inserting a semicolon;

1 (2) in paragraph (8), by striking the period at
2 the end and inserting “; and”; and

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

4 “(9)(A) wherever applicable, a description of
5 the nature and extent of—

6 “(i) the recruitment and conscription of in-
7 dividuals under the age of 18 by armed forces
8 of the government of the country, government-
9 supported paramilitaries, or other armed
10 groups, and the participation of such individ-
11 uals in such groups; and

12 “(ii) the participation of such individuals
13 in conflict;

14 “(B) what steps, if any, taken by the govern-
15 ment of the country to eliminate such practices; and

16 “(C) such other information related to the use
17 by the country of individuals under the age of 18 as
18 soldiers, as determined to be appropriate by the Sec-
19 retary of State.”.

20 (b) COUNTRIES RECEIVING SECURITY ASSIST-
21 ANCE.—Section 502B(b) of the Foreign Assistance Act of
22 1961 (22 U.S.C. 2304(b)), is amended by inserting after
23 the sixth sentence the following: “Each report under this
24 section shall also include (i) wherever applicable, a de-
25 scription of the nature and extent of the recruitment and

1 conscription of individuals under the age of 18 by armed
2 forces of the government of the country, government-sup-
3 ported paramilitaries, or other armed groups, the partici-
4 pation of such individuals in such groups, and the partici-
5 pation of such individuals in conflict, (ii) what steps, if
6 any, taken by the government of the country to eliminate
7 such practices, and (iii) such other information related to
8 the use by the country of individuals under the age of 18
9 as soldiers, as determined to be appropriate by the Sec-
10 retary of State.”.

11 **SEC. 708. AMENDMENTS TO THE VICTIMS OF TRAFFICKING**
12 **AND VIOLENCE PROTECTION ACT OF 2000.**

13 (a) ASSISTANCE FOR VICTIMS IN OTHER COUN-
14 TRIES.—Section 107(a)(1) of the Victims of Trafficking
15 and Violence Protection Act of 2000 is amended by adding
16 at the end the following: “In addition, such programs and
17 initiatives shall, to the maximum extent practicable, in-
18 clude the following:

19 (A) Support for local in-country non-
20 governmental organization-operated hotlines,
21 culturally and linguistically appropriate protec-
22 tive shelters, and regional and international
23 nongovernmental organization networks and
24 databases on trafficking, including support to
25 assist nongovernmental organizations in estab-

1 lishing service centers and systems that are mo-
2 bile and extend beyond large cities.

3 “(B) Support for nongovernmental organi-
4 zations and advocates to provide legal, social,
5 and other services and assistance to trafficked
6 individuals, particularly those individuals in de-
7 tention.

8 “(C) Education and training for trafficked
9 women and girls upon their return home.

10 “(D) The safe reintegration of trafficked
11 individuals into an appropriate community or
12 family, with full respect for the wishes, dignity,
13 and safety of the trafficked individual.

14 “(E) Support for increasing or developing
15 programs to assist families of victims in locat-
16 ing, repatriating, and treating their trafficked
17 family members.”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
19 113 of the Victims of Trafficking and Violence Protection
20 Act of 2000 is amended—

21 (1) in subsection (a), by striking “for fiscal
22 year 2002” and inserting “for each of the fiscal
23 years 2002 and 2003”;

24 (2) in subsection (c)—

1 (A) in paragraph (1), by striking “and
2 \$10,000,000 for fiscal year 2002” and inserting
3 “, \$10,000,000 for fiscal year 2002, and
4 \$15,000,000 for fiscal year 2003”; and

5 (B) in paragraph (2), by striking “for fis-
6 cal year 2001” and inserting “for each of the
7 fiscal years 2001, 2002, and 2003”; and

8 (3) in paragraphs (1) and (2) of subsection (e),
9 by striking “and \$10,000,000 for fiscal year 2002”
10 each place it appears and inserting “, \$10,000,000
11 for fiscal year 2002, and \$15,000,000 for fiscal year
12 2003”.

13 **SEC. 709. REPORT ON EXTRADITION EFFORTS BETWEEN**
14 **THE UNITED STATES AND FOREIGN GOVERN-**
15 **MENTS.**

16 (a) REPORT.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, the Sec-
19 retary of State, in conjunction with the Attorney
20 General, shall prepare and submit to the Congress
21 a report on efforts between the United States and
22 the governments of foreign countries to extradite to
23 the United States individuals described in paragraph
24 (2).

1 (2) INDIVIDUALS DESCRIBED.—An individual
2 described in this paragraph is an individual who is
3 being held in custody by the government of a foreign
4 country (or who is otherwise known to be in the for-
5 eign country), and with respect to which a com-
6 petent authority of the United States—

7 (A) has charged with a major extraditable
8 offense described in paragraph (3);

9 (B) has found guilty of committing a
10 major extraditable offense described in para-
11 graph (3); or

12 (C) is seeking extradition in order to com-
13 plete a judicially pronounced penalty of depriva-
14 tion of liberty for a major extraditable offense
15 described in paragraph (3).

16 (3) MAJOR EXTRADITABLE OFFENSES DE-
17 SCRIBED.—A major extraditable offense described in
18 this paragraph is an offense of murder, attempted
19 murder, manslaughter, aggravated assault, kidnap-
20 ping, abduction, or other false imprisonment, drug
21 trafficking, terrorism, or rape.

22 (b) ADDITIONAL INFORMATION.—The report re-
23 quired under subsection (a) shall also include the fol-
24 lowing:

1 (1) The aggregate number of individuals de-
2 scribed in subsection (a)(2) who are being held in
3 custody by all governments of foreign countries (or
4 are otherwise known to be in the foreign countries),
5 including the name of each such foreign country and
6 the number of such individuals held in custody by
7 the government of each such foreign country.

8 (2) The aggregate number of requests by com-
9 petent authorities of the United States to extradite
10 to the United States such individuals that have been
11 denied by each foreign government, the reasons why
12 such individuals have not been so extradited, and the
13 specific actions the United States has taken to ob-
14 tain extradition.

15 (c) **ADDITIONAL REQUIREMENT.**—In preparing the
16 report under subsection (a), the Secretary of State, in con-
17 junction with the Attorney General—

18 (1) shall establish procedures under which a
19 competent authority of a State, which is requesting
20 extradition of 1 or more individuals from a foreign
21 country as described in subsection (a)(2) and with
22 respect to which the foreign country has failed to
23 comply with such request, may submit to the Attor-
24 ney General appropriate information with respect to
25 such extradition request; and

1 (2) shall include information received under
2 paragraph (1) in the report under subsection (a).

3 **SEC. 710. PAYMENT OF ANTI-TERRORISM JUDGMENTS.**

4 Section 2002(a)(2)(A)(ii) of the Victims of Traf-
5 ficking and Violence Protection Act of 2000 (Public Law
6 106–386; 114 Stat. 1542)), is amended by inserting
7 “June 6, 2000,” after “March 15, 2000,”.”.

8 **Subtitle B—Sense of Congress**
9 **Provisions**

10 **SEC. 731. SENSE OF CONGRESS RELATING TO HIV/AIDS AND**

11 **UNITED NATIONS PEACEKEEPING OPER-**
12 **ATIONS.**

13 It is the sense of the Congress that the President
14 should direct the Secretary of State and the United States
15 Representative to the United Nations to urge the United
16 Nations to adopt an HIV/AIDS mitigation strategy as a
17 component of United Nations peacekeeping operations.

18 **SEC. 732. SENSE OF CONGRESS RELATING TO HIV/AIDS**

19 **TASK FORCE.**

20 It is the sense of the Congress that the Secretary of
21 State should establish an international HIV/AIDS inter-
22 vention, mitigation, and coordination task force to coordi-
23 nate activities on international HIV/AIDS programs ad-
24 ministered by agencies of the Federal Government and to

1 work with international public and private entities working
2 to combat the HIV/AIDS pandemic.

3 **SEC. 733. SENSE OF CONGRESS CONDEMNING THE DE-**
4 **STRUCTION OF PRE-ISLAMIC STATUES IN AF-**
5 **GHANISTAN BY THE TALIBAN REGIME.**

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

8 (1) Many of the oldest and most significant
9 Buddhist statues in the world are in Afghanistan,
10 which, at the time that many of the statues were
11 carved, was one of the most cosmopolitan regions in
12 the world and hosted merchants, travelers, and art-
13 ists from China, India, central Asia, and the Roman
14 Empire.

15 (2) Such statues are part of the common herit-
16 age of mankind, which must be preserved for future
17 generations.

18 (3) On February 26, 2001, the leader of the
19 Taliban regime, Mullah Mohammad Omar, ordered
20 the destruction of all pre-Islamic statues in Afghani-
21 stan, among them a pair of 1,600-year-old, 100-foot-
22 tall statues of Buddha that are carved out of a
23 mountainside.

24 (4) The religion of Islam and Buddhist statues
25 have coexisted in Afghanistan as part of the unique

1 historical and cultural heritage of that nation for
2 more than 1,100 years.

3 (5) The destruction of the pre-Islamic statues
4 contradicts the basic tenet of the Islamic religion
5 that other religions should be tolerated.

6 (6) People of all faiths and nationalities have
7 condemned the destruction of the statues in Afghan-
8 istan, including Muslim communities around the
9 world.

10 (7) The destruction of the statues violates the
11 United Nations Convention Concerning the Protec-
12 tion of the World Cultural and Natural Heritage,
13 which was ratified by Afghanistan on March 20,
14 1979.

15 (b) SENSE OF CONGRESS.—The Congress—

16 (1) joins with people and governments around
17 the world in condemning the destruction of pre-Is-
18 lamic statues in Afghanistan by the Taliban regime;

19 (2) urges the Taliban regime to stop destroying
20 such statues; and

21 (3) calls upon the Taliban regime to grant
22 international organizations immediate access to Af-
23 ghanistan to survey the damage and facilitate inter-
24 national efforts to preserve and safeguard the re-
25 maining statues.

1 **SEC. 734. SENSE OF CONGRESS RELATING TO RESOLUTION**
2 **OF THE TAIWAN STRAIT ISSUE.**

3 It is the sense of the Congress that Taiwan is a ma-
4 ture democracy that fully respects human rights and it
5 is the policy of the United States that any resolution of
6 the Taiwan Strait issue must be peaceful and include the
7 assent of the people of Taiwan.

8 **SEC. 735. SENSE OF CONGRESS RELATING TO ARSENIC**
9 **CONTAMINATION IN DRINKING WATER IN**
10 **BANGLADESH.**

11 (a) FINDINGS.—In the early 1970s, the United Na-
12 tions Children’s Fund (UNICEF) and the Bangladeshi
13 Department of Public Health Engineering, in an attempt
14 to bring clean drinking water to the people of Bangladesh,
15 installed tube wells to access shallow aquifers. This was
16 done to provide an alternative to contaminated surface
17 water sources. However, at the time the wells were in-
18 stalled, arsenic was not recognized as a problem in water
19 supplies and standard water testing procedures did not in-
20 clude arsenic tests. Naturally occurring inorganic arsenic
21 contamination of water in those tube-wells was confirmed
22 in 1993 in the Nawabganj district in Bangladesh. The
23 health effects of ingesting arsenic-contaminated drinking
24 water appear slowly. This makes preventative measures,
25 including drawing arsenic out of the existing tube well and
26 finding alternate sources of water, critical to preventing

1 future contamination in large numbers of the Bangladeshi
2 population. Health effects of exposure to arsenic in both
3 adults and children include skin lesions, skin cancer, and
4 mortality from internal cancers.

5 (b) SENSE OF CONGRESS.—The Secretary of State
6 should work with appropriate United States Government
7 agencies, national laboratories, universities in the United
8 States, the Government of Bangladesh, international fi-
9 nancial institutions and organizations, and international
10 donors to identify a long term solution to the arsenic-con-
11 taminated drinking water problem.

12 (c) REPORT TO CONGRESS.—The Secretary of State
13 should report to the Congress on proposals to bring about
14 arsenic-free drinking water to Bangladeshis and to facili-
15 tate treatment for those who have already been affected
16 by arsenic-contaminated drinking water in Bangladesh.

17 **SEC. 736. SENSE OF CONGRESS RELATING TO DISPLAY OF**
18 **THE AMERICAN FLAG AT THE AMERICAN IN-**
19 **STITUTE IN TAIWAN.**

20 It is the sense of the Congress that the chancery of
21 the American Institute in Taiwan and the residence of the
22 director of the American Institute in Taiwan should pub-
23 licly display the flag of the United States in the same man-
24 ner as United States embassies, consulates, and official
25 residences throughout the world.

1 **SEC. 737. SENSE OF CONGRESS REGARDING HUMAN**
2 **RIGHTS VIOLATIONS IN WEST PAPUA AND**
3 **ACEH, INCLUDING THE MURDER OF JAFAR**
4 **SIDDIQ HAMZAH, AND ESCALATING VIO-**
5 **LENCE IN MALUKU AND CENTRAL**
6 **KALIMANTAN.**

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

9 (1) Human rights violations by elements of the
10 Indonesian Government continue to worsen in West
11 Papua (Irian Jaya) and Aceh, while other areas in-
12 cluding the Moluccas (Maluku) and Central
13 Kalimantan have experienced outbreaks of violence
14 by militia forces and other organized groups.

15 (2) Seven West Papuans were shot dead by In-
16 donesian security forces following a flag-raising cere-
17 mony in the town of Merauke on December 2, 2000,
18 and in a separate incident four others were report-
19 edly killed by Indonesian security forces after a West
20 Papuan flag was raised in Tiom on December 18,
21 2000.

22 (3) Indonesian police have attacked peaceful
23 West Papuan civilians, including students in their
24 dormitories at Cenderawasih University on Decem-
25 ber 6, 2000. This attack resulted in the beating and
26 arrests of some 100 students as well as the deaths

1 of three students, including one in police custody in
2 the capital city of Jayapura.

3 (4) To escape Indonesian security forces, hun-
4 dreds of peaceful West Papuans have sought safety
5 in refugee camps across the border in the neigh-
6 boring state of Papua New Guinea (PNG).

7 (5) The Indonesian armed forces have an-
8 nounced that they are initiating “limited military op-
9 erations” in Aceh, where the Exxon-Mobil gas com-
10 pany has suspended operations due to security con-
11 cerns.

12 (6) On September 7, 2000, the body of
13 Acehese human rights lawyer Jafar Siddiq
14 Hamzah, who had been missing for a month, was
15 identified along with four other badly decomposed
16 bodies, whose faces were bashed in and whose hands
17 and feet were bound with barbed wire, in a forested
18 area outside of Medan, in North Sumatra.

19 (7) Hamzah, a permanent resident of the
20 United States who resided in Queens, New York,
21 was last seen alive on August 5, 2000, in Medan,
22 after which he failed to keep an appointment and his
23 family lost all contact with him.

24 (8) As the founder and director of the Inter-
25 national Forum on Aceh, which works for peace and

1 human rights in Aceh, Hamzah was an important
2 voice of moderation and an internationally known
3 representative of his people who made irreplaceable
4 contributions to peace and respect for human rights
5 in his homeland.

6 (9) The Indonesian government has failed to re-
7 lease the results of Jafar Siddiq Hamzah's autopsy
8 report, and the inaccessibility of the report has de-
9 layed the investigation which could lead to bringing
10 the murderers to justice.

11 (10) There is supporting documentation from
12 the United States Department of State and other re-
13 liable sources that Indonesian military and police
14 forces have committed widespread acts of torture,
15 rape, disappearance and extra-judicial executions
16 against West Papuan and Acehnese civilians.

17 (11) In Maluku, where Muslim and Christian
18 peoples lived in peace and respected with each other
19 for decades, thousands have been killed and tens of
20 thousands displaced during outbreaks of violence
21 over the past 3 years.

22 (12) Militia forces known as the Laskar Jihad
23 have arrived from Java and other islands outside
24 Maluku to inflame hatred and perpetrate violence
25 against Christians, and to create religious intoler-

1 ance among the people of Maluku, and the Laskar
2 Jihad has been openly encouraged by some Indo-
3 nesian leaders including Amien Rais, Chair of the
4 People's Consultative Assembly.

5 (13) Muslim and Christian leaders alike have
6 called for the arrest of militia leaders in Maluku and
7 asking for international assistance in ending this
8 devastating conflict.

9 (14) The most recent instance of widespread vi-
10 olence in Indonesia has broken out on the island of
11 Kalimantan (Borneo), in the province of Central
12 Kalimantan, where indigenous Dayaks brutally at-
13 tacked migrant Madurese, killing hundreds and
14 causing thousands of others to flee.

15 (15) The people of the island of Madura who
16 were resettled in Kalimantan under the auspices of
17 the Soeharto government's transmigration program,
18 which served to strengthen the political control of
19 the regime, have become scapegoats for official gov-
20 ernment policy, while the Dayaks have suffered from
21 this policy and from official exploitation of the nat-
22 ural resources of their homeland.

23 (b) SENSE OF CONGRESS.—The Congress—

24 (1) expresses its deep concern over ongoing
25 human rights violations committed by Indonesian

1 military and police forces against civilians in West
2 Papua and Aceh, as well as over violence by militias
3 and others in Maluku, Central Kalimantan, and else-
4 where in Indonesia;

5 (2) calls upon the United States Department of
6 State to publicly protest the reemergence of political
7 imprisonment in Indonesia and to take necessary
8 steps to release, immediately and unconditionally, all
9 political prisoners, including Rev. Obed Komba, Rev.
10 Yudas Meage, Yafet Yelemaken, Murjono Murib and
11 Amelia Yigibalom of West Papua, and Muhammad
12 Nazar of Aceh, all adopted by Amnesty International
13 as Prisoners of Conscience, and student demonstra-
14 tors Matius Rumbrapuk, Laon Wenda, Jenderal
15 Achmad Yani, Joseph Wenda and Hans Gobay of
16 West Papua;

17 (3) calls upon the Department of State to sup-
18 port and encourage the Government of Indonesia to
19 engage in peaceful dialogue with respected West
20 Papuan community leaders and other members of
21 West Papuan civil society, as prescribed by the 1999
22 Terms of Reference for the National Dialogue on
23 Irian Jaya, and to urge the Governor of West Papua
24 to create an environment conducive to the peaceful
25 repatriation of West Papuan refugees and “illegal

1 border crossers” who now reside in Papua New
2 Guinea;

3 (4) calls upon the United States Government to
4 press the Government of Indonesia to permit access
5 to West Papua and Aceh, including the project areas
6 of the United States-owned Freeport mine and
7 Exxon-Mobil facilities, by independent human rights
8 and environmental monitors, including the United
9 Nations special rapporteurs on torture and extra-ju-
10 dicial execution, as well as by humanitarian non-
11 governmental organizations;

12 (5) calls upon the United States Government to
13 press for the withdrawal of nonorganic troops from
14 West Papua and Aceh, and an overall reduction of
15 force numbers in those areas, particularly along the
16 PNG border;

17 (6) calls upon the Government of Indonesia to
18 release the autopsy report of Jafar Siddiq Hamzah
19 immediately, to conduct a thorough, open, and
20 transparent investigation of the murder of Hamzah
21 and the four others with whom he was found, to
22 offer full access and support to independent inves-
23 tigators and forensics experts brought in to examine
24 these cases, and to ensure that the perpetrators of

1 these atrocities are brought to justice through open
2 and fair trials;

3 (7) condemns the recent atrocities in Central
4 Kalimantan the failure of Indonesian police and
5 other security forces to intervene to stop these atroc-
6 ities, as well as the underlying social and economic
7 conditions caused by systematic transmigration pro-
8 grams, imported labor, and inequitable and destruc-
9 tive exploitation of local natural resources that have
10 worsened the poverty and discrimination which were
11 contributing factors in their commission;

12 (8) condemns comparable Indonesian Govern-
13 ment policies in Maluku and the failure of Indo-
14 nesian police and other security forces in and around
15 Ambon to halt sectarian violence, including the oper-
16 ations of the Laskar Jihad militia;

17 (9) calls upon the Government of Indonesia to
18 take decisive action to halt sectarian violence in
19 Maluku and to arrest those guilty of violence, includ-
20 ing Laskar Jihad militia leaders and armed forces
21 officers guilty of complicity in their operations
22 against civilians, and to make significant progress
23 towards rehabilitation and reestablishment of local
24 communities displaced by the violence and rebuild
25 the physical infrastructure of the communities;

1 (10) calls upon the Department of State to sup-
2 port United Nations and other international delega-
3 tions and monitoring efforts by international and
4 nongovernmental agencies in West Papua, Aceh,
5 Maluku, Central Kalimantan, West Timor, and other
6 areas of Indonesia in order to deter further human
7 rights violations, and to encourage and support
8 international and nongovernmental agencies in ef-
9 forts to help the people of Indonesia rebuild and re-
10 habilitate communities torn by violence, particularly
11 by assisting in the return of internally displaced peo-
12 ples and in efforts at reconciliation within and
13 among communities;

14 (11) calls upon the Department of State to en-
15 sure that all appropriate information regarding cur-
16 rent conditions in the West Papua, Aceh, Maluku,
17 Kalimantan, and elsewhere in Indonesia is included
18 in the Annual Country Reports on Human Rights
19 Practices and the Annual Report on International
20 Religious Freedom;

21 (12) calls upon the Government of Indonesia to
22 devote official attention, in an atmosphere of open-
23 ness and transparency and oversight, to investiga-
24 tions into the numerous cases of disappearances,
25 extrajudicial killings, and other serious human rights

1 violations in West Papua, Aceh, Maluku, Central
2 Kalimantan, elsewhere in Indonesia, and occupied
3 East Timor; and

4 (13) calls upon the United States Government
5 to continue to insist upon vigorous investigation into
6 all such violations, and upon trials according to
7 international standards for military and police offi-
8 cers, militia leaders, and others accused of such vio-
9 lations.

10 **SEC. 738. SENSE OF CONGRESS SUPPORTING PROPERLY**
11 **CONDUCTED ELECTIONS IN KOSOVA DURING**
12 **2001.**

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

15 (1) Former Yugoslav President Slobodan
16 Milosevic perpetrated a brutal campaign of ethnic
17 cleansing against the ethnic Albanian population of
18 Kosova, resulting in thousands of deaths and rapes
19 and the displacement of nearly 1 million people.

20 (2) Prior to the disintegration of the former
21 Yugoslavia, Kosova was a separate political and legal
22 entity with a separate and distinct financial sector,
23 police force, government, education system, judici-
24 ary, and health care system.

1 (3) During that time, the people of Kosova suc-
2 cessfully administered the province.

3 (4) During the Milosevic era, Kosovar citizens
4 demonstrated again their ability to govern them-
5 selves by creating parallel governmental and social
6 institutions.

7 (5) Local elections held in Kosova in 2000 were
8 considered free and fair by international observers.

9 (6) United Nations Security Council Resolution
10 1244 authorizes the United Nations Mission in
11 Kosova to provide for transitional administration
12 while establishing and overseeing the development of
13 democratic and self-governing institutions, including
14 the holding of elections, to ensure conditions for a
15 peaceful and normal life for all inhabitants of
16 Kosova.

17 (7) The United Nations Mission in Kosova and
18 the Organization for Security and Cooperation in
19 Europe should ensure that the conditions for prop-
20 erly conducted elections in Kosova are in place prior
21 to the election.

22 (b) SENSE OF CONGRESS.—It is the sense of the
23 Congress that—

1 (1) the United Nations Mission in Kosova
2 should hold properly conducted elections throughout
3 Kosova during the year 2001;

4 (2) the only way to maintain a true and lasting
5 peace in the region is through the creation of demo-
6 cratic Kosovar institutions with real governing au-
7 thority and responsibility, and Kosova-wide jurisdic-
8 tion;

9 (3) all persons, regardless of ethnicity, are en-
10 couraged to participate in elections throughout
11 Kosova; and

12 (4) the United States should work with the
13 United Nations Mission in Kosova and the Organi-
14 zation for Security and Cooperation in Europe to en-
15 sure that the transition to Kosovar self-government
16 under the terms and conditions of United Nations
17 Security Council Resolution 1244 proceeds peace-
18 fully, successfully, expeditiously, and in a spirit of
19 ethnic inclusiveness.

20 **SEC. 739. SENSE OF CONGRESS RELATING TO POLICY RE-**
21 **VIEW OF RELATIONS WITH THE PEOPLE'S RE-**
22 **PUBLIC OF CHINA.**

23 It is the sense of Congress that—

24 (1) the President of the United States and his
25 advisors should be commended for their success and

1 the diplomatic skill with which they negotiated the
2 safe return of the 24 American crew members of the
3 United States Navy reconnaissance aircraft that
4 made an emergency landing on the Chinese island of
5 Hainan on April 1, 2001; and

6 (2) the United States Government should con-
7 duct a policy review of the nature of its relations
8 with the Government of the People's Republic of
9 China in light of recent events.

10 **SEC. 740. SENSE OF CONGRESS RELATING TO BROAD-**
11 **CASTING IN THE MACEDONIAN LANGUAGE BY**
12 **RADIO FREE EUROPE.**

13 It is the sense of the Congress that the Broadcasting
14 Board of Governors should initiate surrogate broadcasting
15 by Radio Free Europe in the Macedonian language to
16 Macedonian-speaking areas of the Former Yugoslav Re-
17 public of Macedonia.

18 **SEC. 741. SENSE OF CONGRESS RELATING TO MAGEN**
19 **DAVID ADOM SOCIETY.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) It is the mission of the International Red
22 Cross and Red Crescent Movement to prevent and
23 alleviate human suffering wherever it may be found,
24 without discrimination.

1 (2) The International Red Cross and Red Cres-
2 cent Movement is a worldwide institution in which
3 all national Red Cross and Red Crescent societies
4 have equal status.

5 (3) The Magen David Adom Society is the na-
6 tional humanitarian society in the state of Israel.

7 (4) The Magen David Adom Society follows all
8 the principles of the International Red Cross and
9 Red Crescent Movement.

10 (5) Since the founding of the Magen David
11 Adom Society in 1930, the American Red Cross has
12 regarded it as a sister national society and close
13 working ties have been established between the two
14 societies.

15 (6) The Magen David Adom Society has used
16 the Red Shield of David as its humanitarian emblem
17 since its founding in 1930 for the same purposes
18 that other national Red Cross and Red Crescent so-
19 cieties use their respective emblems.

20 (7) Since 1949 Magen David Adom has been
21 refused admission into the International Red Cross
22 and Red Crescent Movement and has been relegated
23 to observer status without a vote because it has used
24 the Red Shield of David.

1 (8) Magen David Adom is the only humani-
2 tarian organization equivalent to a national Red
3 Cross or Red Crescent society in a sovereign nation
4 that is denied membership into the International
5 Red Cross and Red Crescent Movement.

6 (9) The American Red Cross has consistently
7 advocated recognition and membership of the Magen
8 David Adom Society in the International Red Cross
9 and Red Crescent Movement.

10 (10) The House of Representatives adopted H.
11 Res. 464 on May 3, 2000, and the Senate adopted
12 S. Res. 343 on October 18, 2000, expressing the
13 sense of the House of Representatives and the sense
14 of the Senate, respectively, that the International
15 Red Cross and Red Crescent Movement should rec-
16 ognize and admit to full membership Israel's Magen
17 David Adom Society with its emblem, the Red Shield
18 of David.

19 (11) The Secretary of State testified before the
20 Committee on the Budget of the Senate on March
21 14, 2001, and stated that admission of Magen David
22 Adom into the International Red Cross movement is
23 a priority.

1 (12) The United States provided \$119,230,000
2 for the International Committee of the Red Cross in
3 fiscal year 2000.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) the International Committee of the Red
7 Cross should immediately recognize the Magen
8 David Adom Society;

9 (2) the Federation of Red Cross and Red Cres-
10 cent Societies should grant full membership to the
11 Magen David Adom Society immediately following
12 recognition by the International Committee of the
13 Red Cross of the Magen David Adom Society as a
14 full member of the International Committee of the
15 Red Cross;

16 (3) the Red Shield of David should be accorded
17 the same protections under international law as the
18 Red Cross and the Red Crescent; and

19 (4) the United States should continue to press
20 for full membership for the Magen David Adom in
21 the International Red Cross Movement.

1 **SEC. 742. SENSE OF CONGRESS URGING THE RETURN OF**
2 **PORTRAITS PAINTED BY DINA BABBITT DUR-**
3 **ING HER INTERNMENT AT AUSCHWITZ THAT**
4 **ARE NOW IN THE POSSESSION OF THE**
5 **AUSCHWITZ-BIRKENAU STATE MUSEUM.**

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

8 (1) Dina Babbitt (formerly known as Dinah
9 Gottliebova), a United States citizen now in her late
10 70's, has requested the return of watercolor por-
11 traits she painted while suffering a year-and-a-half-
12 long internment at the Auschwitz death camp during
13 World War II.

14 (2) Dina Babbitt was ordered to paint the por-
15 traits by the infamous war criminal Dr. Josef
16 Mengele.

17 (3) Dina Babbitt's life, and her mother's life,
18 were spared only because she painted portraits of
19 doomed inmates of Auschwitz-Birkenau, under or-
20 ders from Dr. Josef Mengele.

21 (4) These paintings are currently in the posses-
22 sion of the Auschwitz-Birkenau State Museum.

23 (5) Dina Babbitt is unquestionably the rightful
24 owner of the artwork, since the paintings were pro-
25 duced by her own talented hands as she endured the

1 unspeakable conditions that existed at the Auschwitz
2 death camp.

3 (6) The artwork is not available for the public
4 to view at the Auschwitz-Birkenau State Museum
5 and therefore this unique and important body of
6 work is essentially lost to history.

7 (7) This continued injustice can be righted
8 through cooperation between agencies of the United
9 States and Poland.

10 (b) SENSE OF CONGRESS.—The Congress—

11 (1) recognizes the moral right of Dina Babbitt
12 to obtain the artwork she created, and recognizes
13 her courage in the face of the evils perpetrated by
14 the Nazi command of the Auschwitz-Birkenau death
15 camp, including the atrocities committed by Dr.
16 Josef Mengele;

17 (2) urges the President to make all efforts nec-
18 essary to retrieve the seven watercolor portraits
19 Dina Babbitt painted, while suffering a year-and-a-
20 half-long internment at the Auschwitz death camp,
21 and return them to her;

22 (3) urges the Secretary of State to make imme-
23 diate diplomatic efforts to facilitate the transfer of
24 the seven original watercolors painted by Dina Bab-

1 bitt from the Auschwitz-Birkenau State Museum to
2 Dina Babbitt, their rightful owner;

3 (4) urges the Government of Poland to imme-
4 diately facilitate the return to Dina Babbitt of the
5 artwork painted by her that is now in the possession
6 of the Auschwitz-Birkenau State Museum; and

7 (5) urges the officials of the Auschwitz-
8 Birkenau State Museum to transfer the seven origi-
9 nal paintings to Dina Babbitt as expeditiously as
10 possible.

11 **SEC. 743. SENSE OF CONGRESS REGARDING VIETNAMESE**
12 **REFUGEE FAMILIES.**

13 It is the sense of the Congress that Vietnamese refu-
14 gees who served substantial sentences in re-education
15 camps due to their wartime associations with the United
16 States and who, subsequently, were resettled in the United
17 States should be permitted to include their unmarried sons
18 and daughters as family members for purposes of such
19 resettlement.

20 **SEC. 744. SENSE OF CONGRESS RELATING TO MEMBERSHIP**
21 **OF THE UNITED STATES IN UNESCO.**

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

24 (1) The United Nations Educational, Scientific,
25 and Cultural Organization (UNESCO) was created

1 in 1946 with the support of the United States as an
2 integral part of the United Nations systems, de-
3 signed to promote international cooperation and ex-
4 changes in the fields of education, science, culture,
5 and communication with the larger purpose of con-
6 structing the defense of peace against intolerance
7 and incitement to war.

8 (2) In 1984, the United States withdrew from
9 membership in UNESCO over serious questions of
10 internal management and political polarization.

11 (3) Since the United States withdrew from the
12 organization, UNESCO addressed such criticisms by
13 electing new leadership, tightening financial controls,
14 cutting budget and staff, restoring recognition of in-
15 tellectual property rights, and supporting the prin-
16 ciple of a free and independent international press.

17 (4) In 1993, the General Accounting Office,
18 after conducting an extensive review of UNESCO's
19 progress in implementing changes, concluded that
20 the organization's member states, the Director Gen-
21 eral of UNESCO, managers and employee associa-
22 tions demonstrated a commitment to management
23 reform through their actions.

24 (5) On September 28, 2000, former Secretary
25 of State George P. Schultz, who implemented the

1 withdrawal of the United States from UNESCO
2 with a letter to the organization's Director General
3 in 1984, indicated his support for the United States
4 renewal of membership in UNESCO.

5 (6) The participation of the United States in
6 UNESCO programs offers a means for furthering
7 the foreign policy interests of the United States
8 through the promotion of cultural understanding
9 and the spread of knowledge critical to strength-
10 ening civil society.

11 (b) SENSE OF CONGRESS.—It is the sense of the
12 Congress that the President should take all necessary
13 steps to renew the membership and participation of the
14 United States in the United Nations Educational, Sci-
15 entific and Cultural Organization (UNESCO).

16 **SEC. 745. SENSE OF CONGRESS RELATING TO GLOBAL**
17 **WARMING.**

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

20 (1) Global climate change poses a significant
21 threat to national security, the American economy,
22 public health and welfare, and the global environ-
23 ment.

24 (2) The Intergovernmental Panel on Climate
25 Change (IPCC) has found that most of the observed

1 warming over the last 50 years is attributable to
2 human activities, including fossil fuel-generated car-
3 bon dioxide emissions.

4 (3) The IPCC has stated that global average
5 surface temperatures have risen since 1861.

6 (4) The IPCC has stated that in the last 40
7 years, the global average sea level has risen, ocean
8 heat content has increased, and snow cover and ice
9 extent have decreased which threatens to inundate
10 low-lying Pacific island nations and coastal regions
11 throughout the world.

12 (5) The Environmental Protection Agency pre-
13 dicts that global warming will harm United States
14 citizens by altering crop yields, causing sea levels to
15 rise, and increasing the spread of tropical infectious
16 diseases.

17 (6) Industrial nations are the largest producers
18 today of fossil fuel-generated carbon dioxide emis-
19 sions.

20 (7) The United States has ratified the United
21 Nations Framework on Climate Change which
22 states, in part, “the Parties to the Convention are
23 to implement policies with the aim of returning . . . to
24 their 1990 levels anthropogenic emissions of carbon
25 dioxide and other greenhouse gases”.

1 (8) The United Nations Framework Convention
2 on Climate Change further states that “developed
3 country Parties should take the lead in combating
4 climate change and the adverse effects thereof”.

5 (9) Action by the United States to reduce emis-
6 sions, taken in concert with other industrialized na-
7 tions, will promote action by developing countries to
8 reduce their own emissions.

9 (10) A growing number of major American
10 businesses are expressing a need to know how gov-
11 ernments worldwide will respond to the threat of
12 global warming.

13 (11) More efficient technologies and renewable
14 energy sources will mitigate global warming and will
15 make the United States economy more productive
16 and create hundreds of thousands of jobs.

17 (b) SENSE OF CONGRESS.—It is the sense of the
18 Congress that the United States should demonstrate inter-
19 national leadership and responsibility in mitigating the
20 health, environmental, and economic threats posed by
21 global warming by—

22 (1) taking responsible action to ensure signifi-
23 cant and meaningful reductions in emissions of car-
24 bon dioxide and other greenhouse gases from all sec-
25 tors; and

1 (2) continuing to participate in international
2 negotiations with the objective of completing the
3 rules and guidelines for the Kyoto Protocol in a
4 manner that is consistent with the interests of the
5 United States and that ensures the environmental
6 integrity of the protocol.

7 **SEC. 746. SENSE OF CONGRESS REGARDING THE BAN ON**
8 **SINN FEIN MINISTERS FROM THE NORTH-**
9 **SOUTH MINISTERIAL COUNCIL IN NORTHERN**
10 **IRELAND.**

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

13 (1) The Good Friday Agreement established the
14 North-South Ministerial Council to bring together
15 those with executive responsibilities in Northern Ire-
16 land and the Republic of Ireland to discuss matters
17 of mutual interest on a cross-border and all-island
18 basis.

19 (2) The Ulster Unionist Party, Social Demo-
20 cratic and Labour Party, Sinn Fein and the Demo-
21 cratic Unionist Party comprise the Northern Ireland
22 executive.

23 (3) First Minister David Trimble continues to
24 ban Sinn Fein Ministers Martin McGuinness and

1 Bairbre de Brun from attending North-South Min-
2 isterial Council meetings.

3 (4) On January 30, 2001, the Belfast High
4 Court ruled First Minister Trimble had acted ille-
5 gally in preventing the Sinn Fein Ministers from at-
6 tending the North-South Ministerial Council meet-
7 ings.

8 (b) SENSE OF CONGRESS.—The Congress calls upon
9 First Minister David Trimble to adhere to the terms of
10 the Good Friday Agreement and lift the ban on the par-
11 ticipation of Sinn Fein Ministers on the North-South Min-
12 isterial Council.

13 **SEC. 747. SENSE OF CONGRESS RELATING TO THE NEGO-**
14 **TIATION OF EFFECTIVE EXTRADITION TREA-**
15 **TIES.**

16 (a) FINDINGS.—The Congress finds as follows:

17 (1) According to the Department of Justice,
18 there are approximately 3,000 open extradition cases
19 worldwide at any time.

20 (2) The United States has extradition treaties
21 with only approximately 60 percent of the worlds na-
22 tions.

23 (3) Of such treaties, nearly half were enacted
24 prior to World War II and are seriously out of date.

1 (4) Treaties enacted prior to the 1970's are ba-
2 sically ineffective because only specific crimes listed
3 in the treaties are extraditable offenses.

4 (5) Treaties negotiated since the 1970's are
5 much more effective because they are flexible and re-
6 flect modern criminal justice issues such as inter-
7 national child abduction and cybercrimes.

8 (b) SENSE OF CONGRESS.—The Congress calls on the
9 Secretary of State to develop and implement a process for
10 negotiating new effective extradition treaties with coun-
11 tries with which the United States has no current extra-
12 dition treaty, as well as renegotiating old ineffective trea-
13 ties, and to work closely with the Department of Justice
14 in achieving these objectives.

15 **SEC. 748. SENSE OF CONGRESS RELATING TO UPCOMING**
16 **ELECTIONS IN FIJI, EAST TIMOR, AND PERU.**

17 It is the sense of the Congress that—

18 (1) the upcoming national elections in Fiji and
19 East Timor in August 2001 and Peru in June 2001
20 are crucial and should be conducted in a free, fair,
21 and democratic manner; and

22 (2) the Secretary of State should send election
23 monitors to Fiji, and should offer technical support,
24 as appropriate, to East Timor and Peru, to support
25 free and fair elections in these nations.

1 **SEC. 749. SENSE OF CONGRESS REGARDING THE MURDER**
2 **OF JOHN M. ALVIS.**

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

5 (1) On November 30, 2000, John M. Alvis was
6 brutally murdered in Baku, Azerbaijan.

7 (2) John Alvis was serving his final two weeks
8 of a two year full-time commitment to the Inter-
9 national Republican Institute, an American non-
10 governmental organization carrying out assistance
11 projects for the United States Government to help
12 promote democracy and strengthen the rule of law
13 in Azerbaijan.

14 (3) Almost immediately following the news of
15 the murder of John M. Alvis, our United States Am-
16 bassador to Azerbaijan, Ross Wilson, raised the
17 issue with the the President of Azerbaijan and with
18 the Minister of Interior, and was assured that every
19 effort would be made to carry out a prompt and
20 thorough investigation.

21 (4) After the murder, 18 members of Congress,
22 led by Congressman Kevin Brady and then-Chair-
23 man of the House International Relations Com-
24 mittee, Ben Gilman, wrote President Aliyev express-
25 ing the commitment of the Congress to seeing
26 John's murder solved, and Senator John McCain

1 wrote former President Clinton's Administration re-
2 questing the FBI's involvement.

3 (5) The United States Ambassador to Azer-
4 baijan continues to raise this issue with Azerbaijani
5 officials.

6 (6) The Government of Azerbaijan has cooper-
7 ated with the FBI to find the individual or individ-
8 uals responsible for killing John Alvis.

9 (7) United States President George W. Bush
10 wrote Azerbaijan's President Hedar Aliyev and
11 thanked Azerbaijan for its efforts to find the mur-
12 derer or murderers of John M. Alvis.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the United States and the Congress is abso-
16 lutely committed to ensuring that the truth of the
17 murder of John M. Alvis is determined and the indi-
18 vidual or individuals responsible for this heinous act
19 are brought to justice; and

20 (2) the Congress—

21 (A) appreciates the efforts of the Govern-
22 ment of Azerbaijan to find the murderer or
23 murderers of John M. Alvis and urges it to con-
24 tinue to make it a high priority; and

1 (B) urges the United States Department
2 of State to continue to raise the issue of the
3 murder of John M. Alvis with the Government
4 of Azerbaijan and to make this issue a priority
5 item in relations between the Government of
6 the United States and the Government of Azer-
7 baijan.

8 **SEC. 750. SENSE OF CONGRESS RELATING TO REMARKS BY**
9 **THE PRESIDENT OF SYRIA CONCERNING**
10 **ISRAEL.**

11 (a) FINDINGS.—The Congress finds the following:

12 (1) On March 27, 2001, at the first regular
13 Arab summit gathering in more than 10 years,
14 President Bashar al-Assad used his speech to lash
15 out at Israel.

16 (2) On March 28, 2001, the New York Times
17 reported, “In electing Mr. Sharon to be their leader,
18 President Assad said, Israelis had chosen a man who
19 hated anything to do with Arabs and had dedicated
20 his career to killing them.”.

21 (3) President Assad additionally said, “We say
22 that the head of the government is a racist, it’s a
23 racist government, a racist army and security force,”
24 he said, adding that by extension, “It is a racist so-
25 ciety and it is even more racist than the Nazis.”.

1 (4) On March 28, 2001, State Department
2 spokesman Richard Boucher described President
3 Assad’s remarks as, “absolutely wrong . . . totally un-
4 acceptable and inappropriate.”.

5 (5) On March 29, 2001, the Bush administra-
6 tion’s top Middle East diplomat, Assistant Secretary
7 of State Edward Walker, responding to Assad’s re-
8 marks stated, “His statement at the Arab League
9 was unacceptable, particularly his reference to Zion-
10 ism as racism.”.

11 (6) On May 5, 2001, in his welcoming speech
12 to Pope John Paul II, upon the Pope’s arrival in
13 Damascus, President Assad said, “They, Israelis, try
14 to kill all the principles of divine faiths with the
15 same mentality of betraying Jesus Christ and tor-
16 turing Him, and in the same way that they tried to
17 commit treachery against Prophet Mohammad.”.

18 (7) On May 6, 2001, at the Umayyad Mosque,
19 Muhammad Ziyadah, Syria’s minister of religious af-
20 fairs, said, “We must be fully aware of what the en-
21 emies of God and malicious Zionism conspire to
22 commit against Christianity and Islam.”.

23 (8) On May 7, 2001, State Department spokes-
24 man Richard Boucher condemned President Assad’s
25 remarks, “Our view is that these comments are as

1 regrettable as they are unacceptable. There's no
2 place from anyone or from any side for statements
3 that inflame religious passions and hatred.”.

4 (9) It is only through constructive diplomacy,
5 and not through hateful, counterproductive speech,
6 that peace can possibly be achieved in the Middle
7 East.

8 (b) SENSE OF CONGRESS.—The Congress—

9 (1) condemns Syrian President Bashar al-Assad
10 for his inflammatory remarks on March 27, 2001,
11 and May 5, 2001;

12 (2) expresses its solidarity with the state and
13 people of Israel at this time of crisis;

14 (3) calls upon President Assad and the Syrian
15 Government to refrain from any future inflam-
16 matory remarks;

17 (4) commends the Administration for its swift
18 response to President Assad's remarks; and

19 (5) urges the Administration to emphasize to
20 Syrian Government officials the concerns of the
21 United States about the negative impact such re-
22 marks make on Middle East peace negotiations.

1 **SEC. 751. SENSE OF CONGRESS RELATING TO ENVIRON-**
2 **MENTAL CONTAMINATION AND HEALTH EF-**
3 **FECTS IN THE PHILIPPINES EMANATING**
4 **FROM FORMER UNITED STATES MILITARY**
5 **FACILITIES.**

6 It is the sense of the Congress that—

7 (1) the Secretary of State, in cooperation with
8 the Secretary of Defense, should continue to work
9 with the Government of the Philippines and with ap-
10 propriate non-governmental organizations in the
11 United States and the Philippines to fully identify
12 and share all relevant information concerning envi-
13 ronmental contamination and health effects ema-
14 nating from former United States military facilities
15 in the Philippines following departure of the United
16 States military forces from the Philippines in 1992;

17 (2) the United States and the Government of
18 the Philippines should continue to build upon the
19 agreements outlined in the Joint Statement by the
20 United States and the Republic of the Philippines on
21 a Framework for Bilateral Cooperation in the Envi-
22 ronment and Public Health signed on July 27, 2000;
23 and

24 (3) Congress should encourage an objective
25 non-governmental study which would examine envi-
26 ronmental contamination and health effects ema-

1 nating from former United States military facilities
2 in the Philippines, following departure of United
3 States military forces from the Philippines in 1992.

4 **SEC. 752. SENSE OF CONGRESS REGARDING THE LOCATION**
5 **OF PEACE CORPS OFFICES ABROAD.**

6 It is the sense of the Congress that, to the degree
7 permitted by security considerations, the Secretary of
8 State should give favorable consideration to requests by
9 the Director of the Peace Corps that the Secretary exer-
10 cise his authority under section 606(a)(2)(B) of the Se-
11 cure Embassy Construction and Counterterrorism Act of
12 1999 (22 U.S.C. 4865(a)(2)(B)) to waive certain require-
13 ments of that Act in order to permit the Peace Corps to
14 maintain offices in foreign countries at locations separate
15 from the United States embassy.

16 **SEC. 753. SENSE OF CONGRESS REGARDING THE MIS-**
17 **TREATMENT OF UNITED STATES CIVILIAN**
18 **PRISONERS INCARCERATED BY THE AXIS**
19 **POWERS DURING WORLD WAR II.**

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

22 (1) The Axis Powers captured and incarcerated
23 18,745 United States civilians who were living or
24 traveling abroad during World War II, of which
25 1,704 died or were executed in captivity.

1 (2) These civilian prisoners of war were sub-
2 jected to barbaric prison conditions and endured tor-
3 ture, starvation, and disease.

4 (3) The incarceration of these United States ci-
5 vilians and the conditions of such incarceration vio-
6 lated international human rights principles.

7 (4) The vast majority of these civilian prisoners
8 of war have never received any formal recognition or
9 compensation for their suffering, despite the physical
10 and emotional trauma they endured.

11 (5) The incarceration of United States civilians
12 by the Axis Powers during World War II and the
13 conditions of such incarceration violated inter-
14 national human rights principles.

15 (b) SENSE OF CONGRESS.—The Congress—

16 (1) extends its sympathies to the brave men
17 and women who endured the terrible hardships of
18 such incarceration and to their families; and

19 (2) encourages foreign nations that incarcerated
20 United States civilians during World War II to for-
21 mally apologize to these individuals and their fami-
22 lies.

1 **SEC. 754. SENSE OF CONGRESS REGARDING PURCHASE OF**
2 **AMERICAN-MADE EQUIPMENT AND PROD-**
3 **UCTS.**

4 In the case of any equipment or products that may
5 be authorized to be purchased with financial assistance
6 provided under this Act (including any amendment made
7 by this Act), it is the sense of the Congress that entities
8 receiving such assistance should, in expending the assist-
9 ance, purchase only American-made equipment and prod-
10 ucts.

11 **SEC. 755. SENSE OF CONGRESS RELATING TO STATE DE-**
12 **PARTMENT TRAVEL WARNINGS FOR ISRAEL,**
13 **THE WEST BANK, AND GAZA.**

14 It is the sense of the Congress that—

15 (1) the Secretary of State should, in an effort
16 to provide better and more accurate information to
17 American citizens traveling abroad, review the cur-
18 rent travel warning in place for Israel, the West
19 Bank, and Gaza, to determine which areas present
20 the highest threat to American citizens in the region
21 and which areas may be visited safely; and

22 (2) the Secretary of State should revise the
23 travel warning for Israel, the West Bank, and Gaza
24 as appropriate based on the above determinations.

1 **TITLE VIII—SECURITY**
2 **ASSISTANCE**

3 **SEC. 801. SHORT TITLE.**

4 This title may be cited as the “Security Assistance
5 Act of 2001”.

6 **Subtitle A—Military and Related**
7 **Assistance**

8 **CHAPTER 1—FOREIGN MILITARY SALES**
9 **AND RELATED AUTHORITIES**

10 **SEC. 811. QUARTERLY REPORT ON PRICE AND AVAIL-**
11 **ABILITY ESTIMATES.**

12 Chapter 2 of the Arms Export Control Act (22
13 U.S.C. 2761 et seq.), is amended by adding at the end
14 the following:

15 **“SEC. 28. QUARTERLY REPORT ON PRICE AND AVAIL-**
16 **ABILITY ESTIMATES.**

17 “(a) QUARTERLY REPORT.—Not later than 15 days
18 after the end of each calendar quarter, the President shall
19 transmit to the Committee on International Relations of
20 the House of Representatives and the Committee on For-
21 eign Relations of the Senate a report that contains the
22 information described in subsection (b).

23 “(b) INFORMATION.—The information described in
24 this subsection is the following:

1 “(1)(A) Each price and availability estimate
2 provided by the United States Government during
3 such calendar quarter to a foreign country with re-
4 spect to a possible sale under this Act of major de-
5 fense articles having a cost of \$7,000,000 or more,
6 or of any other defense articles or services having a
7 cost of \$25,000,000 or more.

8 “(B) The name of each foreign country to
9 which an estimate described in subparagraph (A)
10 was provided, the defense articles or services in-
11 volved, the quantity of the articles or services in-
12 volved, and the price estimate.

13 “(2)(A) Each request received by the United
14 States Government from a foreign country during
15 such calendar quarter for the issuance of a letter of
16 offer to sell defense articles or defense services if the
17 proposed sale does not include a price and avail-
18 ability estimate (as described in paragraph (1)(A)).

19 “(B) The name of each foreign country that
20 makes a request described in subparagraph (A), the
21 date of the request, the defense articles or services
22 involved, the quantity of the articles or services in-
23 volved, and the price and availability terms re-
24 quested.”.

1 **SEC. 812. OFFICIAL RECEPTION AND REPRESENTATION EX-**
2 **PENSES.**

3 Section 43(c) of the Arms Export Control Act (22
4 U.S.C. 2792(c)), is amended by striking “\$72,500” and
5 inserting “\$86,500”.

6 **SEC. 813. TREATMENT OF TAIWAN RELATING TO TRANS-**
7 **FERS OF DEFENSE ARTICLES AND SERVICES.**

8 Notwithstanding any other provision of law, for pur-
9 poses of the transfer or potential transfer of defense arti-
10 cles or defense services under the Arms Export Control
11 Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act
12 of 1961 (22 U.S.C. 2151 et seq.), or any other provision
13 of law, Taiwan shall be treated as the equivalent of a
14 major non-NATO ally.

15 **SEC. 814. UNITED STATES POLICY WITH REGARD TO TAI-**
16 **WAN.**

17 (a) CONSULTATION WITH CONGRESS.—Not later
18 than 30 days prior to consultations with Taiwan described
19 in subsection (b), the President shall consult, on a classi-
20 fied basis, with Congress regarding the following matters
21 with respect to the availability of defense articles and serv-
22 ices for Taiwan:

23 (1) The request by Taiwan to the United States
24 for the purchase of defense articles and defense serv-
25 ices.

1 (2) The President’s assessment of the legiti-
2 mate defense needs of Taiwan taking into account
3 Taiwan’s request described in paragraph (1).

4 (3) The decisionmaking process used by the
5 President to consider such request.

6 (b) CONSULTATION WITH TAIWAN.—At least once
7 every calendar year, the President, or the President’s des-
8 ignee, shall consult with representatives of the armed
9 forces of Taiwan, at not less than the level of Vice Chief
10 of the General Staff, concerning the nature and quantity
11 of defense articles and services to be made available to
12 Taiwan in accordance with section 3(b) of the Taiwan Re-
13 lations Act (22 U.S.C. 3302(b)). Such consultations shall
14 take place in Washington, D.C.

15 **CHAPTER 2—EXCESS DEFENSE ARTICLE**
16 **AND DRAWDOWN AUTHORITIES**

17 **SEC. 821. EXCESS DEFENSE ARTICLES FOR CERTAIN EURO-**
18 **PEAN AND OTHER COUNTRIES.**

19 (a) CENTRAL AND SOUTHERN EUROPEAN COUN-
20 TRIES.—Section 105 of Public Law 104–164 (110 Stat.
21 1427) is amended by striking “2000 and 2001” and in-
22 serting “2001, 2002, and 2003”.

23 (b) CERTAIN OTHER COUNTRIES.—Notwithstanding
24 section 516(e) of the Foreign Assistance Act of 1961 (22
25 U.S.C. 2321j(e)), during each of the fiscal years 2002 and

1 2003, funds available to the Department of Defense may
2 be expended for crating, packing, handling, and transpor-
3 tation of excess defense articles transferred under the au-
4 thority of section 516 of such Act to Albania, Bulgaria,
5 Croatia, Estonia, the Former Yugoslavia Republic of Mac-
6 edonia, Georgia, Kyrgyzstan, Latvia, Lithuania, Mongolia,
7 the Philippines, Slovakia, and Uzbekistan.

8 (c) CONTENT OF CONGRESSIONAL NOTIFICATION.—
9 Each notification required to be submitted under section
10 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C.
11 2321j(f)) with respect to a proposed transfer of a defense
12 article described in subsection (b) shall include an esti-
13 mate of the amount of funds to be expended under such
14 subsection with respect to that transfer.

15 **SEC. 822. LEASES OF DEFENSE ARTICLES FOR FOREIGN**
16 **COUNTRIES AND INTERNATIONAL ORGANIZA-**
17 **TIONS.**

18 Section 61(b) of the Arms Export Control Act (22
19 U.S.C. 2796(b)), is amended—

20 (1) by striking “(b) Each lease agreement” and
21 inserting “(b)(1) Each lease agreement”; and

22 (2) by striking “of not to exceed five years”
23 and inserting “which may not exceed (A) five years,
24 and (B) a specified period of time required to com-
25 plete major refurbishment work of the leased articles

1 to be performed prior to the delivery of the leased
2 articles,”; and

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

4 “(2) In this subsection, the term ‘major refurbish-
5 ment work’ means work for which the period of perform-
6 ance is 6 months or more.”.

7 **SEC. 823. PRIORITY WITH RESPECT TO TRANSFER OF EX-**
8 **CESS DEFENSE ARTICLES.**

9 Section 516(c)(2) of the Foreign Assistance Act of
10 1961 (22 U.S.C. 2321j(c)(2)), is amended by striking
11 “and to major non-NATO allies on such southern and
12 southeastern flank” and inserting “, to major non-NATO
13 allies on such southern and southeastern flank, and to the
14 Philippines”.

15 **CHAPTER 3—NONPROLIFERATION AND**
16 **EXPORT CONTROL ASSISTANCE**

17 **SEC. 831. INTERNATIONAL COUNTERPROLIFERATION EDU-**
18 **CATION AND TRAINING.**

19 Chapter 9 of part II of the Foreign Assistance Act
20 of 1961 (22 U.S.C. 2349bb et seq.), is amended—

21 (1) by redesignating sections 584 and 585 as
22 sections 585 and 586, respectively; and

23 (2) by inserting after section 583 the following:

1 **“SEC. 584. INTERNATIONAL COUNTER-PROLIFERATION**
2 **EDUCATION AND TRAINING.**

3 “(a) GENERAL AUTHORITY.—The President is au-
4 thorized to furnish, on such terms and conditions con-
5 sistent with this chapter (but whenever feasible on a reim-
6 bursable basis), education and training to foreign govern-
7 mental and military personnel for the purpose of enhanc-
8 ing the nonproliferation and export control capabilities of
9 such personnel through their attendance in special courses
10 of instruction in the United States.

11 “(b) ADMINISTRATION OF COURSES.—The Secretary
12 of State shall have overall responsibility for the develop-
13 ment and conduct of international nonproliferation edu-
14 cation and training programs, but may rely upon any of
15 the following agencies to recommend personnel for the
16 education and training, and to administer specific courses
17 of instruction:

18 “(1) The Department of Defense (including na-
19 tional weapons laboratories under contract with the
20 Department).

21 “(2) The Department of Energy (including na-
22 tional weapons laboratories under contract with the
23 Department).

24 “(3) The Department of Commerce.

1 “(4) The intelligence community (as defined in
2 section 3(4) of the National Security Act of 1947
3 (50 U.S.C. 401a(4))).

4 “(5) The United States Customs Service.

5 “(6) The Federal Bureau of Investigation.

6 “(c) PURPOSES.—Education and training activities
7 conducted under this section shall be—

8 “(1) of a technical nature, emphasizing tech-
9 niques for detecting, deterring, monitoring, inter-
10 dicting, and countering proliferation;

11 “(2) designed to encourage effective and mutu-
12 ally beneficial relations and increased understanding
13 between the United States and friendly countries;
14 and

15 “(3) designed to improve the ability of friendly
16 countries to utilize their resources, including defense
17 articles and defense services obtained by them from
18 the United States, with maximum effectiveness,
19 thereby contributing to greater self-reliance by such
20 countries.”.

21 **SEC. 832. ANNUAL REPORT ON THE PROLIFERATION OF**
22 **MISSILES AND ESSENTIAL COMPONENTS OF**
23 **NUCLEAR, BIOLOGICAL, AND CHEMICAL**
24 **WEAPONS.**

25 (a) REPORT.—

1 (1) IN GENERAL.—The President shall transmit
2 to the designated congressional committees an an-
3 nual report on the transfer by any country of weap-
4 ons, technology, components, or materials that can
5 be used to deliver, manufacture (including research
6 and experimentation), or weaponize nuclear, biologi-
7 cal, or chemical weapons (hereinafter in this section
8 referred to as “NBC weapons”) to any country other
9 than a country referred to in subsection (c) that is
10 seeking to possess or otherwise acquire such weap-
11 ons, technology, or materials, or other system that
12 the Secretary of State or Secretary of Defense has
13 reason to believe could be used to develop, acquire,
14 or deliver NBC weapons.

15 (2) DEADLINE FOR INITIAL REPORT.—The first
16 such report shall be submitted not later than 90
17 days after the date of the enactment of this Act and
18 on April 1 of each year thereafter.

19 (b) MATTERS TO BE INCLUDED.—Each such report
20 shall include, but not be limited to—

21 (1) the transfer of all aircraft, cruise missiles,
22 artillery weapons, unguided rockets and multiple
23 rocket systems, and related bombs, shells, warheads
24 and other weaponization technology and materials
25 that the Secretary of State or the Secretary of De-

1 fense has reason to believe may be intended for the
2 delivery of NBC weapons;

3 (2) international transfers of MTCR equipment
4 or technology to any country that is seeking to ac-
5 quire such equipment or any other system that the
6 Secretary of State or the Secretary of Defense has
7 reason to believe may be used to deliver NBC weap-
8 ons; and

9 (3) the transfer of technology, test equipment,
10 radioactive materials, feedstocks and cultures, and
11 all other specialized materials that the Secretary of
12 State or the Secretary of Defense has reason to be-
13 lieve could be used to manufacture NBC weapons.

14 (c) CONTENT OF REPORT.—Each such report shall
15 include the following with respect to preceding calendar
16 year:

17 (1) The status of missile, aircraft, and other
18 NBC weapons delivery and weaponization programs
19 in any such country, including efforts by such coun-
20 try or by any subnational group to acquire MTCR-
21 controlled equipment, NBC-capable aircraft, or any
22 other weapon or major weapon component which
23 may be utilized in the delivery of NBC weapons,
24 whose primary use is the delivery of NBC weapons,
25 or that the Secretary of State or the Secretary of

1 Defense has reason to believe could be used to de-
2 liver NBC weapons.

3 (2) The status of NBC weapons development,
4 acquisition, manufacture, stockpiling, and deploy-
5 ment programs in any such country, including ef-
6 forts by such country or by any subnational group
7 to acquire essential test equipment, manufacturing
8 equipment and technology, weaponization equipment
9 and technology, and radioactive material, feedstocks
10 or components of feedstocks, and biological cultures
11 and toxins.

12 (3) A description of assistance provided by any
13 person or government, after the date of the enact-
14 ment of this Act, to any such country or subnational
15 group in the acquisition or development of—

16 (A) NBC weapons;

17 (B) missile systems, as defined in the
18 MTCR or that the Secretary of State or the
19 Secretary of Defense has reason to believe may
20 be used to deliver NBC weapons; and

21 (C) aircraft and other delivery systems and
22 weapons that the Secretary of State or the Sec-
23 retary of Defense has reason to believe could be
24 used to deliver NBC weapons.

1 (4) A listing of those persons and countries
2 which continue to provide such equipment or tech-
3 nology described in paragraph (3) to any country or
4 subnational group as of the date of submission of
5 the report, including the extent to which foreign per-
6 sons and countries were found to have knowingly
7 and materially assisted such programs.

8 (5) A description of the use of, or substantial
9 preparations to use, the equipment of technology de-
10 scribed in paragraph (3) by any foreign country or
11 subnational group.

12 (6) A description of the diplomatic measures
13 that the United States, and that other adherents to
14 the MTCR and other arrangements affecting the ac-
15 quisition and delivery of NBC weapons, have made
16 with respect to activities and private persons and
17 governments suspected of violating the MTCR and
18 such other arrangements.

19 (7) An analysis of the effectiveness of the regu-
20 latory and enforcement regimes of the United States
21 and other countries that adhere to the MTCR and
22 other arrangements affecting the acquisition and de-
23 livery of NBC weapons in controlling the export of
24 MTCR and other NBC weapons and delivery system
25 equipment or technology.

1 (8) A summary of advisory opinions issued
2 under section 11B(b)(4) of the Export Administra-
3 tion Act of 1979 (50 U.S.C. App. 2401b(b)(4)) and
4 under section 73(d) of the Arms Export Control Act
5 (22 U.S.C. 2797b(d)).

6 (9) An explanation of United States policy re-
7 garding the transfer of MTCR equipment or tech-
8 nology to foreign missile programs, including pro-
9 grams involving launches of space vehicles.

10 (10) A description of each transfer by any per-
11 son or government during the preceding 12-month
12 period which is subject to sanctions under the Iran-
13 Iraq Arms Non-Proliferation Act of 1992 (title XVI
14 of Public Law 102-484).

15 (d) EXCLUSIONS.—The countries excluded under
16 subsection (a) are Australia, Belgium, Canada, the Czech
17 Republic, Denmark, France, Germany, Greece, Hungary,
18 Iceland, Italy, Japan, Luxembourg, the Netherlands, Nor-
19 way, Poland, Portugal, Spain, Turkey, the United King-
20 dom, and the United States.

21 (e) CLASSIFICATION OF REPORT.—The Secretary of
22 State shall make every effort to submit all of the informa-
23 tion required by this section in unclassified form. When-
24 ever the Secretary submits any such information in classi-
25 fied form, the Secretary shall submit such classified infor-

1 mation in an addendum and shall also submit concurrently
2 a detailed summary, in unclassified form, of that classified
3 information.

4 (f) DEFINITIONS.—In this section:

5 (1) DESIGNATED CONGRESSIONAL COMMIT-
6 TEES.—The term “designated congressional commit-
7 tees” means—

8 (A) the Committee on Appropriations, the
9 Committee on Armed Services, and the Com-
10 mittee on International Relations of the House
11 of Representatives; and

12 (B) the Committees on Appropriations, the
13 Committee on Armed Services, and the Com-
14 mittee on Foreign Relations of the Senate.

15 (2) MISSILE; MTCR; MTCR EQUIPMENT OR
16 TECHNOLOGY.—The terms “missile”, “MTCR”, and
17 “MTCR equipment or technology” have the mean-
18 ings given those terms in section 74 of the Arms Ex-
19 port Control Act (22 U.S.C. 2797c).

20 (3) PERSON.—The term “person” means any
21 United States or foreign individual, partnership, cor-
22 poration, or other form of association, or any of its
23 successor entities, parents, or subsidiaries.

24 (4) WEAPONIZE; WEAPONIZATION.—The term
25 “weaponize” or “weaponization” means to incor-

1 porate into, or the incorporation into, usable ord-
2 nance or other militarily useful means of delivery.

3 (g) REPEALS.—

4 (1) IN GENERAL.—The following provisions of
5 law are repealed:

6 (A) Section 1097 of the National Defense
7 Authorization Act for Fiscal Years 1992 and
8 1993 (22 U.S.C. 2751 note).

9 (B) Section 308 of the Chemical and Bio-
10 logical Weapons Control and Warfare Elimini-
11 nation Act of 1991 (22 U.S.C. 5606).

12 (C) Section 1607(a) of the Iran-Iraq Arms
13 Non-Proliferation Act of 1992 (Public Law
14 102–484).

15 (D) Paragraph (d) of section 585 of the
16 Foreign Operations, Export Financing, and Re-
17 lated Programs Appropriations Act, 1997 (as
18 contained in section 101(c) of title I of division
19 A of Public Law 104–208).

20 (2) CONFORMING AMENDMENTS.—Section 585
21 of the Foreign Operations, Export Financing, and
22 Related Programs Appropriations Act, 1997, is
23 amended—

24 (A) in paragraph (b), by adding “and” at
25 the end; and

1 (B) in paragraph (c), by striking “; and”
2 and inserting a period.

3 **SEC. 833. FIVE-YEAR INTERNATIONAL ARMS CONTROL AND**
4 **NONPROLIFERATION STRATEGY.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Secretary of State shall prepare and
7 submit to the appropriate congressional committees a 5-
8 year international arms control and nonproliferation strat-
9 egy. The strategy shall contain the following:

10 (1) A 5-year plan for the reduction of existing
11 nuclear, chemical, and biological weapons and bal-
12 listic missiles and for controlling the proliferation of
13 these weapons.

14 (2) Identification of the goals and objectives of
15 the United States with respect to arms control and
16 nonproliferation of weapons of mass destruction and
17 their delivery systems.

18 (3) A description of the programs, projects, and
19 activities of the Department of State intended to ac-
20 complish goals and objectives described in paragraph
21 (2).

1 **Subtitle B—Strengthening the**
2 **Munitions Licensing Process**

3 **SEC. 841. LICENSE OFFICER STAFFING.**

4 (a) **FUNDING.**—Of the amounts authorized to be ap-
5 propriated under the appropriations account entitled
6 “DIPLOMATIC AND CONSULAR PROGRAMS” for fiscal years
7 2002 and 2003, not less than \$10,000,000 shall be made
8 available each such fiscal year for the Office of Defense
9 Trade Controls of the Department of State for salaries
10 and expenses.

11 (b) **ASSIGNMENT OF LICENSE REVIEW OFFICERS.**—
12 Effective January 1, 2002, the Secretary of State shall
13 assign to the Office of Defense Trade Controls of the De-
14 partment of State a sufficient number of license review
15 officers to ensure that the average weekly caseload for
16 each officer does not exceed 40.

17 (c) **DETAILEES.**—Given the priority placed on expe-
18 dited license reviews in recent years by the Department
19 of Defense, the Secretary of Defense should ensure that
20 10 military officers are continuously detailed to the Office
21 of Defense Trade Controls of the Department of State on
22 a nonreimbursable basis.

23 **SEC. 842. FUNDING FOR DATABASE AUTOMATION.**

24 Of the amounts authorized to be appropriated under
25 the appropriations account entitled “CAPITAL INVEST-

1 MENT FUND” for fiscal years 2002 and 2003, not less
2 than \$4,000,000 shall be made available each such fiscal
3 year for the Office of Defense Trade Controls of the De-
4 partment of State for the modernization of information
5 management systems.

6 **SEC. 843. INFORMATION MANAGEMENT PRIORITIES.**

7 (a) OBJECTIVE.—The Secretary of State shall estab-
8 lish a secure, Internet-based system for the filing and re-
9 view of applications for export of Munitions List items.

10 (b) ESTABLISHMENT OF A MAINFRAME.—Of the
11 amounts made available pursuant to section 842, not less
12 than \$3,000,000 each such fiscal year shall be made avail-
13 able to fully automate the Defense Trade Application Sys-
14 tem, and to ensure that the system—

15 (1) is an electronic system for the filing and re-
16 view of Munitions List license applications;

17 (2) is secure, with modules available through
18 the Internet; and

19 (3) is capable of exchanging data with—

20 (A) the Foreign Disclosure and Technology
21 Information System and the USXPORTS sys-
22 tems of the Department of Defense;

23 (B) the Export Control System of the Cen-
24 tral Intelligence Agency; and

1 (C) the Proliferation Information Network
2 System of the Department of Energy.

3 (c) MUNITIONS LIST DEFINED.—In this section, the
4 term “Munitions List” means the United States Muni-
5 tions List of defense articles and defense services con-
6 trolled under section 38 of the Arms Export Control Act
7 (22 U.S.C. 2778).

8 **SEC. 844. IMPROVEMENTS TO THE AUTOMATED EXPORT**
9 **SYSTEM.**

10 (a) MANDATORY FILING.—The Secretary of Com-
11 merce, with the concurrence of the Secretary of State and
12 the Secretary of the Treasury, shall publish regulations
13 in the Federal Register to require, upon the effective date
14 of those regulations, the mandatory filing through the
15 Automated Export System for the remainder of exports
16 that were not covered by regulations issued pursuant to
17 section 1252(b) of the Security Assistance Act of 1999
18 (113 Stat. 1501A–506), as enacted into law by section
19 1000(a)(7) of Public Law 106–113.

20 (b) REQUIREMENT FOR INFORMATION SHARING.—
21 The Secretary of State shall conclude an information shar-
22 ing arrangement with the heads of United States Customs
23 Service and the Census Bureau to adjust the Automated
24 Export System to parallel information currently collected
25 by the Department of State.

1 (c) SECRETARY OF TREASURY FUNCTIONS.—Section
2 303 of title 13, United States Code, is amended by strik-
3 ing “, other than by mail,”.

4 (d) FILING EXPORT INFORMATION, DELAYED FIL-
5 INGS, PENALTIES FOR FAILURE TO FILE.—Section 304
6 of title 13, United States Code, is amended—

7 (1) in subsection (a)—

8 (A) in the first sentence, by striking “the
9 penal sum of \$1,000” and inserting “a penal
10 sum of \$10,000”; and

11 (B) in the third sentence, by striking “a
12 penalty not to exceed \$100 for each day’s delin-
13 quency beyond the prescribed period, but not
14 more than \$1,000, shall be exacted” and insert-
15 ing “the Secretary of Commerce (and officers
16 and employees of the Department of Commerce
17 designated by the Secretary) may impose a civil
18 penalty not to exceed \$1,000 for each day’s de-
19 linquency beyond the prescribed period, but not
20 more than \$10,000 per violation”;

21 (2) by redesignating subsection (b) as sub-
22 section (c); and

23 (3) by inserting after subsection (a) the fol-
24 lowing:

1 “(b) Any person, other than a person described in
2 subsection (a), required to submit export information,
3 shall file such information in accordance with any rule,
4 regulation, or order issued pursuant to this chapter. In
5 the event any such information or reports are not filed
6 within such prescribed period, the Secretary of Commerce
7 (and officers and employees of the Department of Com-
8 merce designated by the Secretary) may impose a civil
9 penalty not to exceed \$1,000 for each day’s delinquency
10 beyond the prescribed period, but not more than \$10,000
11 per violation.”.

12 (e) ADDITIONAL PENALTIES.—

13 (1) IN GENERAL.—Section 305 of title 13,
14 United States Code, is amended to read as follows:

15 **“§ 305. Penalties for unlawful export information ac-**
16 **tivities**

17 “(a) CRIMINAL PENALTIES.—(1) Any person who
18 knowingly fails to file or knowingly submits false or mis-
19 leading export information through the Shippers Export
20 Declaration (SED) (or any successor document) or the
21 Automated Export System (AES) shall be subject to a fine
22 not to exceed \$10,000 per violation or imprisonment for
23 not more than 5 years, or both.

24 “(2) Any person who knowingly reports any informa-
25 tion on or uses the SED or the AES to further any illegal

1 activity shall be subject to a fine not to exceed \$10,000
2 per violation or imprisonment for not more than 5 years,
3 or both.

4 “(3) Any person who is convicted under this sub-
5 section shall, in addition to any other penalty, forfeit to
6 the United States—

7 “(A) any of that person’s interest in, security
8 of, claim against, or property or contractual rights
9 of any kind in the goods or tangible items that were
10 the subject of the violation;

11 “(B) any of that person’s interest in, security
12 of, claim against, or property or contractual rights
13 of any kind in tangible property that was used in the
14 export or attempt to export that was the subject of
15 the violation; and

16 “(C) any of that person’s property constituting,
17 or derived from, any proceeds obtained directly or
18 indirectly as a result of the violation.

19 “(b) CIVIL PENALTIES.—The Secretary (and officers
20 and employees of the Department of Commerce specifi-
21 cally designated by the Secretary) may impose a civil pen-
22 alty not to exceed \$10,000 per violation on any person
23 violating the provisions of this chapter or any rule, regula-
24 tion, or order issued thereunder, except as provided in sec-

1 tion 304. Such penalty may be in addition to any other
2 penalty imposed by law.

3 “(c) CIVIL PENALTY PROCEDURE.—(1) When a civil
4 penalty is sought for a violation of this section or of sec-
5 tion 304, the charged party is entitled to receive a formal
6 complaint specifying the charges and, at his or her re-
7 quest, to contest the charges in a hearing before an admin-
8 istrative law judge. Any such hearing shall be conducted
9 in accordance with sections 556 and 557 of title 5, United
10 States Code.

11 “(2) If any person fails to pay a civil penalty imposed
12 under this chapter, the Secretary may ask the Attorney
13 General to commence a civil action in an appropriate dis-
14 trict court of the United States to recover the amount im-
15 posed (plus interest at currently prevailing rates from the
16 date of the final order). No such action may be com-
17 menced more than 5 years after the order imposing the
18 civil penalty becomes final. In such action, the validity,
19 amount, and appropriateness of such penalty shall not be
20 subject to review.

21 “(3) The Secretary may remit or mitigate any pen-
22 alties imposed under paragraph (1) if, in his or her
23 opinion—

24 “(A) the penalties were incurred without willful
25 negligence or fraud; or

1 “(B) other circumstances exist that justify a re-
2 mission or mitigation.

3 “(4) If, pursuant to section 306, the Secretary dele-
4 gates functions under this section to another agency, the
5 provisions of law of that agency relating to penalty assess-
6 ment, remission or mitigation of such penalties, collection
7 of such penalties, and limitations of actions and com-
8 promise of claims, shall apply.

9 “(5) Any amount paid in satisfaction of a civil pen-
10 alty imposed under this section or section 304 shall be
11 deposited into the general fund of the Treasury and cred-
12 ited as miscellaneous receipts.

13 “(d) ENFORCEMENT.—(1) The Secretary of Com-
14 merce may designate officers or employees of the Office
15 of Export Enforcement to conduct investigations pursuant
16 to this chapter. In conducting such investigations, those
17 officers or employees may, to the extent necessary or ap-
18 propriate to the enforcement of this chapter, exercise such
19 authorities as are conferred upon them by other laws of
20 the United States, subject to policies and procedures ap-
21 proved by the Attorney General.

22 “(2) The Commissioner of Customs may designate of-
23 ficers or employees of the Customs Service to enforce the
24 provisions of this chapter, or to conduct investigations
25 pursuant to this chapter.

1 “(e) REGULATIONS.—The Secretary of Commerce
2 shall promulgate regulations for the implementation and
3 enforcement of this section.

4 “(f) EXEMPTION.—The criminal fines provided for in
5 this section are exempt from the provisions of section 3571
6 of title 18, United States Code.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 9 of title 13,
9 United States Code, is amended by striking the item
10 relating to section 305 and inserting the following:

“305. Penalties for unlawful export information activities.”.

11 **SEC. 845. CONGRESSIONAL NOTIFICATION OF REMOVAL OF**
12 **ITEMS FROM THE MUNITIONS LIST.**

13 Section 38(f)(1) of the Arms Export Control Act (22
14 U.S.C. 2778(f)(1)), is amended by striking the third sen-
15 tence and inserting the following: “The President may not
16 remove any item from the Munitions List until 30 days
17 after the date on which the President has provided notice
18 of the proposed removal to the Committee on International
19 Relations of the House of Representatives and to the Com-
20 mittee on Foreign Relations of the Senate in accordance
21 with the procedures applicable to reprogramming notifica-
22 tions under section 634A(a) of the Foreign Assistance Act
23 of 1961. Such notice shall describe the nature of any con-
24 trols to be imposed on that item under any other provision
25 of law.”.

1 **SEC. 846. CONGRESSIONAL NOTIFICATION THRESHOLDS**
2 **FOR ALLIED COUNTRIES.**

3 The Arms Export Control Act (22 U.S.C. 2751 et
4 seq.), is amended—

5 (1) in paragraphs (1) and (3)(A) of section
6 3(d), by adding after “at \$50,000,000 or more”
7 each place it appears the following: “(or, in the case
8 of a transfer to a country which is a member coun-
9 try of the North Atlantic Treaty Organization
10 (NATO) or Australia, Japan, or New Zealand, any
11 major defense equipment valued (in terms of its
12 original acquisition cost) at \$25,000,000 or more, or
13 of defense articles or defense services valued (in
14 terms of its original acquisition cost) at
15 \$100,000,000 or more)”;

16 (2) in section 36(b)(1), by adding after “for
17 \$14,000,000 or more” the following: “(or, in the
18 case of a letter of offer to sell to a country which
19 is a member country of the North Atlantic Treaty
20 Organization (NATO) or Australia, Japan, or New
21 Zealand, any major defense equipment under this
22 Act for \$25,000,000 or more, any defense articles or
23 services for \$100,000,000 or more, or any design
24 and construction services for \$300,000,000 or
25 more)”;

1 (3) in section 36(b)(5)(C), by adding after “or
2 \$200,000,000 or more in the case of design or con-
3 struction services” the following: “(or, in the case of
4 a letter of offer to sell to a country which is a mem-
5 ber country of the North Atlantic Treaty Organiza-
6 tion (NATO) or Australia, Japan, or New Zealand,
7 any major defense equipment for \$25,000,000 or
8 more, any defense articles or services for
9 \$100,000,000 or more, or any design and construc-
10 tion services for \$300,000,000 or more)”;

11 (4) in section 36(c)(1), by adding after
12 “\$50,000,000 or more” the following: “(or, in the
13 case of an application by a person (other than with
14 regard to a sale under section 21 or section 22 of
15 this Act) for a license for the export to a country
16 which is a member country of the North Atlantic
17 Treaty Organization (NATO) or Australia, Japan,
18 or New Zealand, of any major defense equipment
19 sold under a contract in the amount of \$25,000,000
20 or more or of defense articles or defense services
21 sold under a contract in the amount of
22 \$100,000,000 or more)”;

23 (5) in section 63(a), by adding after
24 “\$50,000,000 or more” the following: “(or, in the
25 case of such an agreement with a country which is

1 a member country of the North Atlantic Treaty Or-
2 ganization (NATO) or Australia, Japan, or New
3 Zealand: (i) major defense equipment valued (in
4 terms of its replacement cost less any depreciation
5 in its value) at \$25,000,000 or more; or (ii) defense
6 articles valued (in terms of their replacement cost
7 less any depreciation in their value) at \$100,000,000
8 or more)”.
9

9 **Subtitle C—Authority to Transfer** 10 **Naval Vessels**

11 **SEC. 851. AUTHORITY TO TRANSFER NAVAL VESSELS TO** 12 **CERTAIN FOREIGN COUNTRIES.**

13 (a) **AUTHORITY TO TRANSFER.—**

14 (1) **BRAZIL.—**The President is authorized to
15 transfer to the Government of Brazil the “Newport”
16 class tank landing ship Peoria (LST 1183). Such
17 transfer shall be on a sale basis under section 21 of
18 the Arms Export Control Act (22 U.S.C. 2761).

19 (2) **POLAND.—**The President is authorized to
20 transfer to the Government of Poland the “Oliver
21 Hazard Perry” class guided missile frigate Wads-
22 worth (FFG 9). Such transfer shall be on a grant
23 basis under section 516 of the Foreign Assistance
24 Act of 1961 (22 U.S.C. 2321j).

1 (3) TAIWAN.—The President is authorized to
2 transfer to the Taipei Economic and Cultural Rep-
3 resentative Office in the United States (which is the
4 Taiwan instrumentality designated pursuant to sec-
5 tion 10(a) of the Taiwan Relations Act) the “Kidd”
6 class guided missile destroyers Kidd (DDG 993),
7 Callaghan (DDG 994), Scott (DDG 995), and Chan-
8 dler (DDG 996). Such transfers shall be on a sales
9 basis under section 21 of the Arms Export Control
10 Act (22 U.S.C. 2761).

11 (4) TURKEY.—The President is authorized to
12 transfer to the “Oliver Hazard Perry” class guided
13 missile frigates Estocin (FFG 15) and Samuel Eliot
14 Morrison (FFG 13). Each such transfer shall be on
15 a sale basis under section 21 of the Arms Export
16 Control Act (22 U.S.C. 2761). The President is fur-
17 ther authorized to transfer to the Government of
18 Turkey the “Knox” class frigates Capadanno (FF
19 1093), Thomas C. Hart (FF 1092), Donald B.
20 Beary (FF 1085), McCandless (FF 1084), Reasoner
21 (FF 1063), and Bowen (FF 1079). The transfer of
22 these 6 “Knox” class frigates shall be on a grant
23 basis under section 516 of the Foreign Assistance
24 Act of 1961 (22 U.S.C. 2321j).

1 (b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
2 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
3 of a vessel transferred to another country on a grant basis
4 under section 516 of the Foreign Assistance Act of 1961
5 (22 U.S.C. 2321j) pursuant to authority provided by sub-
6 section (a) shall not be counted for the purposes of sub-
7 section (g) of that section in the aggregate value of excess
8 defense articles transferred to countries under that section
9 in any fiscal year.

10 (c) COSTS OF TRANSFERS.—Notwithstanding section
11 516(e)(1) of the Foreign Assistance Act of 1961 (22
12 U.S.C. 2321j(e)(1)), any expense incurred by the United
13 States in connection with a transfer authorized to be made
14 on a grant basis under subsection (a) shall be charged to
15 the recipient.

16 (d) REPAIR AND REFURBISHMENT IN UNITED
17 STATES SHIPYARDS.—To the maximum extent prac-
18 ticable, the President shall require, as a condition of the
19 transfer of a vessel under this section, that the country
20 to which the vessel is transferred have such repair or re-
21 furbishment of the vessel as is needed, before the vessel
22 joins the naval forces of that country, performed at a
23 United States Navy shipyard or other shipyard located in
24 the United States.

1 (e) EXPIRATION OF AUTHORITY.—The authority pro-
2 vided under subsection (a) shall expire at the end of the
3 2-year period beginning on the date of the enactment of
4 this Act.

5 **Subtitle D—Miscellaneous** 6 **Provisions**

7 **SEC. 861. ANNUAL FOREIGN MILITARY TRAINING REPORTS.**

8 Section 656(a) of the Foreign Assistance Act of 1961
9 (22 U.S.C. 2416), is amended—

10 (1) by striking “Not later than January 31 of
11 each year,” and inserting “Upon written request by
12 the chairman or ranking member of the Committee
13 on International Relations of the House of Rep-
14 resentatives or the Committee on Foreign Relations
15 of the Senate,”; and

16 (2) by inserting “of a country specified in the
17 request” after “personnel”.

18 **SEC. 862. REPORT RELATING TO INTERNATIONAL ARMS** 19 **SALES CODE OF CONDUCT.**

20 Section 1262(c) of the Admiral James W. Nance and
21 Meg Donovan Foreign Relations Authorization Act, Fiscal
22 Years 2000 and 2001 (as enacted by section 1000(a)(7)
23 of Public Law 106–113; 113 Stat 1501A–508), is
24 amended—

25 (1) in paragraph (1)—

1 (A) by striking “commencement of the ne-
2 negotiations under subsection (a),” and inserting
3 “date of the enactment of the Foreign Relations
4 Authorization Act, Fiscal Years 2002 and
5 2003,”; and

6 (B) by striking “during these negotia-
7 tions.” and inserting “to begin negotiations and
8 any progress made to conclude an agreement
9 during negotiations.”; and

10 (2) in paragraph (2), by striking “subsection
11 (a)” and inserting “subsection (b)”.

12 **SEC. 863. ASSISTANCE TO LEBANON.**

13 (a) **MILITARY ASSISTANCE.**—Notwithstanding any
14 other provision of law, the President shall not provide as-
15 sistance under chapter 5 of part II of the Foreign Assist-
16 ance Act of 1961 (22 U.S.C. 2347 et seq.; relating to
17 international military education and training) to the
18 armed forces of the Government of Lebanon unless the
19 President certifies to the appropriate congressional com-
20 mittees that—

21 (1) the armed forces of Lebanon have been de-
22 ployed to the internationally recognized border be-
23 tween Lebanon and Israel; and

1 (2) the Government of Lebanon is effectively
2 asserting its authority in the area in which such
3 forces have been deployed.

4 (b) ECONOMIC ASSISTANCE.—If the President has
5 not made the certification described in subsection (a) with-
6 in 6 months after the date of the enactment of this Act,
7 the President shall provide to the appropriate congres-
8 sional committees a plan to terminate assistance to Leb-
9 anon provided under chapter 4 of part II of the Foreign
10 Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating
11 to the economic support fund).

12 **TITLE IX—IRAN NUCLEAR PRO-**
13 **LIFERATION PREVENTION**
14 **ACT OF 2001**

15 **SEC. 901. SHORT TITLE.**

16 This title may be cited as the “Iran Nuclear Pro-
17 liferation Prevention Act of 2001”.

18 **SEC. 902. WITHHOLDING OF VOLUNTARY CONTRIBUTIONS**
19 **TO THE INTERNATIONAL ATOMIC ENERGY**
20 **AGENCY FOR PROGRAMS AND PROJECTS IN**
21 **IRAN.**

22 Section 307 of the Foreign Assistance Act of 1961
23 (22 U.S.C. 2227), is amended by adding at the end the
24 following:

1 “(d) Notwithstanding subsection (c), the limitations
2 of subsection (a) shall apply to programs and projects of
3 the International Atomic Energy Agency in Iran, unless
4 the Secretary of State makes a determination in writing
5 to the Committee on International Relations of the House
6 of Representatives and the Committee on Foreign Rela-
7 tions of the Senate that such programs and projects are
8 consistent with United States nuclear nonproliferation and
9 safety goals, will not provide Iran with training or exper-
10 tise relevant to the development of nuclear weapons, and
11 are not being used as a cover for the acquisition of sen-
12 sitive nuclear technology. A determination made by the
13 Secretary of State under the preceding sentence shall be
14 effective for the 1-year period beginning on the date of
15 the determination.”.

16 **SEC. 903. ANNUAL REVIEW BY SECRETARY OF STATE OF**
17 **PROGRAMS AND PROJECTS OF THE INTER-**
18 **NATIONAL ATOMIC ENERGY AGENCY; UNITED**
19 **STATES OPPOSITION TO PROGRAMS AND**
20 **PROJECTS OF THE AGENCY IN IRAN.**

21 (a) ANNUAL REVIEW.—

22 (1) IN GENERAL.—The Secretary of State shall
23 undertake a comprehensive annual review of all pro-
24 grams and projects of the International Atomic En-
25 ergy Agency in the countries described in section

1 307(a) of the Foreign Assistance Act of 1961 (22
2 U.S.C. 2227(a)) and shall determine if such pro-
3 grams and projects are consistent with United
4 States nuclear nonproliferation and safety goals.

5 (2) REPORT.—Not later than 1 year after the
6 date of the enactment of this Act and on an annual
7 basis thereafter for 5 years, the Secretary shall pre-
8 pare and submit to the Congress a report containing
9 the results of the review under paragraph (1).

10 (b) OPPOSITION TO CERTAIN PROGRAMS AND
11 PROJECTS OF INTERNATIONAL ATOMIC ENERGY AGEN-
12 CY.—The Secretary of State shall direct the United States
13 representative to the International Atomic Energy Agency
14 to oppose programs of the Agency that are determined by
15 the Secretary under the review conducted under sub-
16 section (a)(1) to be inconsistent with nuclear nonprolifera-
17 tion and safety goals of the United States.

18 **SEC. 904. REPORTING REQUIREMENTS.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act and on an annual basis
21 thereafter for 5 years, the Secretary of State, in consulta-
22 tion with the United States representative to the Inter-
23 national Atomic Energy Agency, shall prepare and submit
24 to the Congress a report that—

1 (1) describes the total amount of annual assist-
2 ance to Iran from the International Atomic Energy
3 Agency, a list of Iranian officials in leadership posi-
4 tions at the Agency, the expected timeframe for the
5 completion of the nuclear power reactors at the
6 Bushehr nuclear power plant, and a summary of the
7 nuclear materials and technology transferred to Iran
8 from the Agency in the preceding year which could
9 assist in the development of Iran's nuclear weapons
10 program; and

11 (2) contains a description of all programs and
12 projects of the International Atomic Energy Agency
13 in each country described in section 307(a) of the
14 Foreign Assistance Act of 1961 (22 U.S.C. 2227(a))
15 and any inconsistencies between the technical co-
16 operation and assistance programs and projects of
17 the Agency and United States nuclear nonprolifera-
18 tion and safety goals in these countries.

19 (b) **ADDITIONAL REQUIREMENT.**—The report re-
20 quired to be submitted under subsection (a) shall be sub-
21 mitted in an unclassified form, to the extent appropriate,
22 but may include a classified annex.

23 **SEC. 905. SENSE OF CONGRESS.**

24 It is the sense of the Congress that the United States
25 Government should pursue internal reforms at the Inter-

1 national Atomic Energy Agency that will ensure that all
2 programs and projects funded under the Technical Co-
3 operation and Assistance Fund of the Agency are compat-
4 ible with United States nuclear nonproliferation policy and
5 international nuclear nonproliferation norms.

6 **TITLE X—EAST TIMOR TRANSI-**
7 **TION TO INDEPENDENCE ACT**
8 **OF 2001**

9 **SEC. 1001. SHORT TITLE.**

10 This title may be cited as the “East Timor Transition
11 to Independence Act of 2001”.

12 **SEC. 1002. FINDINGS.**

13 Congress makes the following findings:

14 (1) On August 30, 1999, the East Timorese
15 people voted overwhelmingly in favor of independ-
16 ence from Indonesia. Anti-independence militias,
17 with the support of the Indonesian military, at-
18 tempted to prevent then retaliated against this vote
19 by launching a campaign of terror and violence, dis-
20 placing 500,000 people and murdering at least
21 1,000 people.

22 (2) The violent campaign devastated East
23 Timor’s infrastructure, destroyed or severely dam-
24 aged 60 to 80 percent of public and private prop-
25 erty, and resulted in the collapse of virtually all

1 vestiges of government, public services and public se-
2 curity.

3 (3) The Australian-led International Force for
4 East Timor (INTERFET) entered East Timor in
5 September 1999 and successfully restored order. On
6 October 25, 1999, the United Nations Transitional
7 Administration for East Timor (UNTAET) began to
8 provide overall administration of East Timor, guide
9 the people of East Timor in the establishment of a
10 new democratic government, and maintain security
11 and order.

12 (4) UNTAET and the East Timorese leader-
13 ship currently anticipate that East Timor will be-
14 come an independent nation as early as late 2001.

15 (5) East Timor is one of the poorest places in
16 Asia. A large percentage of the population live below
17 the poverty line, only 20 percent of East Timor's
18 population is literate, most of East Timor's people
19 remain unemployed, the annual per capita Gross Na-
20 tional Product is \$340, and life expectancy is only
21 56 years.

22 (6) The World Bank and the United Nations
23 have estimated that it will require \$300,000,000 in
24 development assistance over the next 3 years to meet
25 East Timor's basic development needs.

1 **SEC. 1003. SENSE OF CONGRESS RELATING TO SUPPORT**
2 **FOR EAST TIMOR.**

3 It is the sense of Congress that the United States
4 should—

5 (1) facilitate East Timor's transition to inde-
6 pendence, support formation of broad-based democ-
7 racy in East Timor, help lay the groundwork for
8 East Timor's economic recovery, and strengthen
9 East Timor's security;

10 (2) help ensure that the nature and pace of the
11 economic transition in East Timor is consistent with
12 the needs and priorities of the East Timorese people,
13 that East Timor develops a strong and independent
14 economic infrastructure, and that the incomes of the
15 East Timorese people rise accordingly;

16 (3) begin to lay the groundwork, prior to East
17 Timor's independence, for an equitable bilateral
18 trade and investment relationship;

19 (4)(A) recognize East Timor, and establish dip-
20 lomatic relations with East Timor, upon its inde-
21 pendence;

22 (B) ensure that a fully functioning, fully
23 staffed, adequately resourced, and securely main-
24 tained United States diplomatic mission is accred-
25 ited to East Timor upon its independence; and

1 (C) in the period prior to East Timor's inde-
2 pendence, ensure that the United States maintains
3 an adequate diplomatic presence in East Timor, with
4 resources sufficient to promote United States polit-
5 ical, security, and economic interests with East
6 Timor;

7 (5) support efforts by the United Nations and
8 East Timor to ensure justice and accountability re-
9 lated to past atrocities in East Timor through—

10 (A) United Nations investigations;

11 (B) development of East Timor's judicial
12 system, including appropriate technical assist-
13 ance to East Timor from the Department of
14 Justice, the Federal Bureau of Investigation,
15 and the Drug Enforcement Administration;

16 (C) the possible establishment of an inter-
17 national tribunal for East Timor; and

18 (D) sharing with the United Nations Tran-
19 sitional Administration for East Timor
20 (UNTAET) and East Timorese investigators
21 any unclassified information relevant to past
22 atrocities in East Timor gathered by the United
23 States Government; and

24 (6)(A) as an interim step, support observer sta-
25 tus for an official delegation from East Timor to ob-

1 serve and participate, as appropriate, in all delibera-
2 tions of the Asia-Pacific Economic Cooperation
3 (APEC) group, the Association of Southeast Asian
4 Nations (ASEAN), and other international institu-
5 tions; and

6 (B) after East Timor achieves independence,
7 support full membership for East Timor in these
8 and other international institutions, as appropriate.

9 **SEC. 1004. BILATERAL ASSISTANCE.**

10 (a) **AUTHORITY.**—The President, acting through the
11 Administrator of the United States Agency for Inter-
12 national Development, is authorized to—

13 (1) support the development of civil society, in-
14 cluding nongovernmental organizations in East
15 Timor;

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

18 (3) support job creation, including support for
19 small business and microenterprise programs, envi-
20 ronmental protection, sustainable development, de-
21 velopment of East Timor’s health care infrastruc-
22 ture, educational programs, and programs strength-
23 ening the role of women in society;

24 (4) promote reconciliation, conflict resolution,
25 and prevention of further conflict with respect to

1 East Timor, including establishing accountability for
2 past gross human rights violations;

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

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

8 (b) AUTHORIZATION OF APPROPRIATIONS.—

9 (1) IN GENERAL.—There are authorized to be
10 appropriated to the President to carry out this sec-
11 tion \$25,000,000 for fiscal year 2002.

12 (2) AVAILABILITY.—Amounts appropriated pur-
13 suant to the authorization of appropriations under
14 paragraph (1) are authorized to remain available
15 until expended.

16 **SEC. 1005. MULTILATERAL ASSISTANCE.**

17 The Secretary of the Treasury should instruct the
18 United States executive director at the International
19 Board for Reconstruction and Development and the Asian
20 Development Bank to use the voice, vote, and influence
21 of the United States to support economic and democratic
22 development in East Timor.

23 **SEC. 1006. PEACE CORPS ASSISTANCE.**

24 The Director of the Peace Corps is authorized to—

1 (1) provide English language and other tech-
2 nical training for individuals in East Timor as well
3 as other activities which promote education, eco-
4 nomic development, and economic self-sufficiency;
5 and

6 (2) quickly address immediate assistance needs
7 in East Timor using the Peace Corps Crisis Corps,
8 to the extent practicable.

9 **SEC. 1007. TRADE AND INVESTMENT ASSISTANCE.**

10 (a) OPIC.—The President should initiate negotia-
11 tions with the Government of East Timor (after independ-
12 ence for East Timor)—

13 (1) to apply to East Timor the existing agree-
14 ment between the Overseas Private Investment Cor-
15 poration and Indonesia; or

16 (2) to enter into a new agreement authorizing
17 the Overseas Private Investment Corporation to
18 carry out programs with respect to East Timor,
19 in order to expand United States investment in East
20 Timor, emphasizing partnerships with local East Timorese
21 enterprises.

22 (b) TRADE AND DEVELOPMENT AGENCY.—

23 (1) IN GENERAL.—The Director of the Trade
24 and Development Agency is authorized to carry out

1 projects in East Timor under section 661 of the
2 Foreign Assistance Act of 1961 (22 U.S.C. 2421).

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 (A) IN GENERAL.—There are authorized to
5 be appropriated to the Trade and Development
6 Agency to carry out this subsection \$1,000,000
7 for fiscal year 2002.

8 (B) AVAILABILITY.—Amounts appro-
9 priated pursuant to the authorization of appro-
10 priations under subparagraph (A) are author-
11 ized to remain available until expended.

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

17 **SEC. 1008. GENERALIZED SYSTEM OF PREFERENCES.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the President should encourage the Government
20 of East Timor (after independence for East Timor) to
21 seek to become eligible for duty-free treatment under title
22 V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.; relat-
23 ing to generalized system of preferences).

24 (b) TECHNICAL ASSISTANCE.—The United States
25 Trade Representative and the Commissioner of the United

1 States Customs Service are authorized to provide technical
2 assistance to the Government of East Timor (after inde-
3 pendence for East Timor) in order to assist East Timor
4 to become eligible for duty-free treatment under title V
5 of the Trade Act of 1974.

6 **SEC. 1009. BILATERAL INVESTMENT TREATY.**

7 It is the sense of Congress that the President should
8 seek to enter into a bilateral investment treaty with the
9 Government of East Timor (after independence for East
10 Timor) in order to establish a more stable legal framework
11 for United States investment in East Timor.

12 **SEC. 1010. PLAN FOR ESTABLISHMENT OF DIPLOMATIC FA-**
13 **CILITIES IN EAST TIMOR.**

14 (a) DEVELOPMENT OF DETAILED PLAN.—The Sec-
15 retary of State shall develop a detailed plan for the official
16 establishment of a United States diplomatic mission to
17 East Timor, with a view to—

18 (1) recognize East Timor, and establish diplo-
19 matic relations with East Timor, upon its independ-
20 ence;

21 (2) ensure that a fully functioning, fully staffed,
22 adequately resourced, and securely maintained
23 United States diplomatic mission is accredited to
24 East Timor upon its independence; and

1 (3) in the period prior to East Timor's inde-
2 pendence, ensure that the United States maintains
3 an adequate diplomatic presence in East Timor, with
4 resources sufficient to promote United States polit-
5 ical, security, and economic interests with East
6 Timor.

7 (b) REPORT.—

8 (1) IN GENERAL.—Not later than 3 months
9 after the date of the enactment of this Act, the Sec-
10 retary of State shall submit to the Committee on
11 International Relations of the House of Representa-
12 tives and the Committee on Foreign Relations of the
13 Senate a report that contains the detailed plan de-
14 scribed in subsection (a), including a timetable for
15 the official opening of a facility in Dili, East Timor,
16 the personnel requirements for the mission, the esti-
17 mated costs for establishing the facility, and its se-
18 curity requirements.

19 (2) FORM OF REPORT.—The report submitted
20 under this subsection shall be in unclassified form,
21 with a classified annex as necessary.

22 (c) CONSULTATION.—Beginning 6 months after the
23 submission of the report under subsection (b), and every
24 6 months thereafter until January 1, 2004, the Secretary
25 of State shall consult with the chairmen and ranking mem-

1 bers of the committees specified in that paragraph on the
2 status of the implementation of the detailed plan described
3 in subsection (a), including any revisions to the plan (in-
4 cluding its timetable, costs, or requirements).

5 **SEC. 1011. SECURITY ASSISTANCE FOR EAST TIMOR.**

6 (a) STUDY AND REPORT.—

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

9 (A) the extent to which East Timor’s secu-
10 rity needs can be met by the transfer of excess
11 defense articles under section 516 of the For-
12 eign Assistance Act of 1961;

13 (B) the extent to which international mili-
14 tary education and training (IMET) assistance
15 will enhance professionalism of the armed
16 forces of East Timor, provide training in
17 human rights, and promote respect for human
18 rights and humanitarian law; and

19 (C) the terms and conditions under which
20 such defense articles or training, as appro-
21 priate, should be provided.

22 (2) REPORT.—Not later than 3 months after
23 the date of the enactment of this Act, the President
24 shall transmit to the Committee on Foreign Rela-
25 tions and the Committee on Appropriations of the

1 Senate and the Committee on International Rela-
2 tions and the Committee on Appropriations of the
3 House of Representatives a report that contains the
4 findings of the study conducted under paragraph
5 (1).

6 (b) AUTHORIZATION OF ASSISTANCE.—

7 (1) IN GENERAL.—Beginning on the date on
8 which Congress receives the report transmitted
9 under subsection (a), or the date on which Congress
10 receives the certification transmitted under para-
11 graph (2), whichever occurs later, the President is
12 authorized—

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

17 (B) to provide military education and
18 training under chapter 5 of part II of such Act
19 (22 U.S.C. 2347 et seq.) for the armed forces
20 of East Timor in accordance with such chapter.

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

23 (A) East Timor has established an inde-
24 pendent armed forces; and

1 (B) the assistance proposed to be provided
2 pursuant to paragraph (1)—

3 (i) is in the national security interests
4 of the United States; and

5 (ii) will promote both human rights in
6 East Timor and the professionalization of
7 the armed forces of East Timor.

8 **SEC. 1012. AUTHORITY FOR RADIO BROADCASTING.**

9 The Broadcasting Board of Governors is authorized
10 to further the communication of information and ideas
11 through the increased use of audio broadcasting to East
12 Timor to ensure that radio broadcasting to that country
13 serves as a consistently reliable and authoritative source
14 of accurate, objective, and comprehensive news.

15 **SEC. 1013. CONSULTATION REQUIREMENT.**

16 (a) IN GENERAL.—Not later than 6 months after the
17 date of the enactment of this Act, and every 6 months
18 thereafter until January 1, 2004, the Secretary of State,
19 in coordination with the Administrator of the United
20 States Agency for International Development, the Sec-
21 retary of the Treasury, the United States Trade Rep-
22 resentative, the Secretary of Commerce, the Overseas Pri-
23 vate Investment Corporation, the Director of the Trade
24 and Development Agency, the President of the Export-Im-
25 port Bank of the United States, the Secretary of Agri-

1 culture, and the Director of the Peace Corps, shall consult
2 with the Chairman and ranking member of the Committee
3 on International Relations of the House of Representa-
4 tives and the Committee on Foreign Relations of the Sen-
5 ate concerning the information described in subsection (b).

6 (b) INFORMATION.—The information described in
7 this subsection includes—

8 (1) developments in East Timor’s political and
9 economic situation in the period covered by the re-
10 port, including an evaluation of any elections occur-
11 ring in East Timor and the refugee reintegration
12 process in East Timor;

13 (2)(A) in the initial consultation, a 2-year plan
14 for United States foreign assistance to East Timor
15 in accordance with section 904, prepared by the Ad-
16 ministrator of the United States Agency for Inter-
17 national Development, which outlines the goals for
18 United States foreign assistance to East Timor dur-
19 ing the 2-year period; and

20 (B) in each subsequent consultation, a descrip-
21 tion in detail of the expenditure of United States bi-
22 lateral foreign assistance during the period covered
23 by each such consultation;

24 (3) a description of the activities undertaken in
25 East Timor by the International Bank for Recon-

1 construction and Development, the Asian Development
2 Bank, and other international financial institutions,
3 and an evaluation of the effectiveness of these activi-
4 ties;

5 (4) an assessment of—

6 (A) the status of United States trade and
7 investment relations with East Timor, including
8 a detailed analysis of any trade and investment-
9 related activity supported by the Overseas Pri-
10 vate Investment Corporation, the Export-Im-
11 port Bank of the United States, and the Trade
12 and Development Agency during the period of
13 time since the previous consultation; and

14 (B) the status of any negotiations with the
15 United Nations Transitional Administration for
16 East Timor (UNTAET) or East Timor to fa-
17 cilitate the operation of the United States trade
18 agencies in East Timor;

19 (5) the nature and extent of United States-East
20 Timor cultural, education, scientific, and academic
21 exchanges, both official and unofficial, and any
22 Peace Corps activities;

23 (6) a description of local agriculture in East
24 Timor, emerging opportunities for producing, proc-
25 essing, and exporting indigenous agricultural prod-

1 ucts, and recommendations for appropriate technical
2 assistance from the United States; and

3 (7) statistical data drawn from other sources on
4 economic growth, health, education, and distribution
5 of resources in East Timor.

6 **TITLE XI—FREEDOM**
7 **INVESTMENT ACT OF 2001**

8 **SEC. 1101. SHORT TITLE.**

9 This title may be cited as the “Freedom Investment
10 Act of 2001”.

11 **SEC. 1102. FINDINGS.**

12 Congress finds the following:

13 (1) Supporting human rights is in the national
14 interests of the United States and is consistent with
15 American values and beliefs.

16 (2) Defenders of human rights are changing
17 our world in many ways, including protecting free-
18 dom and dignity, religious liberty, the rights of
19 women and children, freedom of the press, the rights
20 of workers, the environment, and the human rights
21 of all persons.

22 (3) The United States must match its rhetoric
23 on human rights with action and with sufficient re-
24 sources to provide meaningful support for human
25 rights and for the defenders of human rights.

1 (4) Providing one percent of amounts available
2 annually for foreign affairs operations for human
3 rights activities, including human rights monitoring,
4 would be a minimal investment in protecting human
5 rights around the world.

6 (5) The Department of State should have indi-
7 viduals in positions in foreign countries that are des-
8 ignated for monitoring human rights activities and
9 developments in such countries, including the moni-
10 toring of arms exports.

11 **SEC. 1103. SALARIES AND EXPENSES OF THE BUREAU OF**
12 **DEMOCRACY, HUMAN RIGHTS, AND LABOR.**

13 For fiscal year 2004 and each fiscal year thereafter,
14 not less than 1 percent of the amounts made available to
15 the Department of State under the heading “Diplomatic
16 and Consular Programs”, other than amounts made avail-
17 able for worldwide security upgrades and information re-
18 source management, are authorized to be made available
19 only for salaries and expenses of the Bureau of Democ-
20 racy, Human Rights, and Labor, including funding of po-
21 sitions at United States missions abroad that are pri-
22 marily dedicated to following human rights developments
23 in foreign countries and that are assigned at the rec-
24 ommendation of such Bureau in conjunction with the rel-
25 evant regional bureau.

1 **SEC. 1104. HUMAN RIGHTS AND DEMOCRACY FUND.**

2 (a) ESTABLISHMENT OF FUND.—There is estab-
3 lished a Human Rights and Democracy Fund (hereinafter
4 in this section referred to as the “Fund”) to be adminis-
5 tered by the Assistant Secretary for Democracy, Human
6 Rights and Labor.

7 (b) PURPOSES OF FUND.—The purposes of the Fund
8 are—

9 (1) to support defenders of human rights;

10 (2) to assist the victims of human rights viola-
11 tions;

12 (3) to respond to human rights emergencies;

13 (4) to promote and encourage the growth of de-
14 mocracy, including the support for nongovernmental
15 organizations in other countries; and

16 (5) to carry out such other related activities as
17 are consistent with paragraphs (1) through (4).

18 (c) FUNDING.—Of the amounts made available to
19 carry out chapter 1 and chapter 10 of part I of the For-
20 eign Assistance Act of 1961 and chapter 4 of part II of
21 such Act for each of the fiscal years 2002, 2003, and
22 2004, \$27,000,000 for each such fiscal year is authorized
23 to be made available only to the Fund for carrying out
24 the purposes described in subsection (b).

1 **SEC. 1105. REPORTS ON ACTIONS TAKEN BY THE UNITED**
2 **STATES TO ENCOURAGE RESPECT FOR**
3 **HUMAN RIGHTS.**

4 (a) SECTION 116 REPORT.—Section 116(d) of the
5 Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)), is
6 amended—

7 (1) in paragraph (7), by striking “and” at the
8 end and inserting a semicolon;

9 (2) in paragraph (8), by striking the period at
10 the end and inserting “; and”; and

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

12 “(9) for each country with respect to which a
13 determination has been made that extrajudicial
14 killings, torture, or other serious violations of human
15 rights have occurred in the country, the extent to
16 which the United States has taken or will take ac-
17 tion to encourage an end to such practices in the
18 country.”.

19 (b) SECTION 502B REPORT.—Section 502B(b) of the
20 Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)), is
21 amended by inserting after the 4th sentence the following:

22 “Such report shall also include, for each country with re-
23 spect to which a determination has been made that
24 extrajudicial killings, torture, or other serious violations
25 of human rights have occurred in the country, the extent

- 1 to which the United States has taken or will take action
- 2 to encourage an end to such practices in the country.”.

Passed the House of Representatives May 16, 2001.

Attest:

Clerk.

107TH CONGRESS
1ST SESSION

H. R. 1646

AN ACT

To authorize appropriations for the Department of State for fiscal years 2002 and 2003, and for other purposes.