

Calendar No. 172

109TH CONGRESS
1ST SESSION**H. R. 2601**

IN THE SENATE OF THE UNITED STATES

JULY 22, 2005

Received; read twice and placed on the calendar

AN ACT

To authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foreign Relations Au-
5 thorization Act, Fiscal Years 2006 and 2007”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
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- Sec. 3. Definitions.

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- Sec. 102. Contributions to international organizations.
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- Sec. 104. Migration and Refugee Assistance.
- Sec. 105. Centers and foundations.
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- Sec. 202. International litigation fund.
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- Sec. 206. Designation of Colin L. Powell Residential Plaza.
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- Sec. 211. Availability of unclassified telecommunications facilities.
- Sec. 212. Reporting formats.
- Sec. 213. Extension of requirement for scholarships for Tibetans and Burmese.
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- Sec. 302. Official residence expenses.
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- Sec. 308. Promoting assignments to international organizations.
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- Sec. 1044. Assistance for demobilization and disarmament of former irregular combatants in Colombia.
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- Sec. 1108. Services for children with autism at overseas missions.
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- Sec. 1111. Department of State employment composition.
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- Sec. 1113. Child marriage.
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- Sec. 1115. Developments in and policy toward Indonesia.
- Sec. 1116. Murders of United States citizens John Branchizio, Mark Parson, and John Marin Linde.
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- Sec. 1118. Tax enforcement in Colombia.
- Sec. 1119. Provision of consular and visa services in Pristina, Kosova.
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- Sec. 1123. Analysis of employing weapons scientists from the former Soviet Union in Project Bioshield.
- Sec. 1124. Extradition of violent criminals from Mexico to the United States.
- Sec. 1125. Actions of the 661 Committee.
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- Sec. 1127. Alien smuggling and trafficking in persons from Ecuador.
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- Sec. 1222. Policy with respect to expansion of the Security Council.
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Subtitle B—Human Rights and the Economic and Social Council (ECOSOC)

- Sec. 1231. Human rights.
- Sec. 1232. Economic and Social Council (ECOSOC).
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Subtitle C—International Atomic Energy Agency

- Sec. 1241. International Atomic Energy Agency.
- Sec. 1242. Sense of Congress regarding the nuclear security action plan of the IAEA.

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- Sec. 1251. Sense of Congress regarding reform of United Nations peacekeeping operations.
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- Sec. 1261. Positions for United States citizens at international organizations.
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Subtitle F—Certifications and Withholding of Contributions

- Sec. 1271. Certifications and withholding of contributions.

TITLE XIII—OPENING DOORS FOR FOREIGN STUDENTS

- Sec. 1301. Short title.
- Sec. 1302. Findings.
- Sec. 1303. Development of a comprehensive strategy to attract foreign students to study in the United States.
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- Sec. 1401. Statement of policy relating to democracy in Iran.
- Sec. 1402. Iranian nuclear activities.
- Sec. 1403. Location of international institutions in Africa.
- Sec. 1404. Benjamin Gilman International Scholarship program.
- Sec. 1405. Prohibition on commemorations relating to leaders of Imperial Japan.
- Sec. 1406. United States policy regarding World Bank Group loans to Iran.
- Sec. 1407. Statement of policy regarding support for SECI Regional Center for Combating Trans-Border Crime.
- Sec. 1408. Statement of policy urging Turkey to respect the rights and religious freedoms of the Ecumenical Patriarch.
- Sec. 1409. Statement of policy regarding the murder of United States citizen John M. Alvis.
- Sec. 1410. Statement of Congress and policy with respect to the disenfranchisement of women.
- Sec. 1411. Acquisition of maritime refueling support vessel for United States drug interdiction efforts in the Eastern Pacific maritime transit zone.
- Sec. 1412. Statement of policy relating to international taxation.
- Sec. 1413. Declaration of Heads of State of the Shanghai Cooperation Organization.
- Sec. 1414. Prevention of smuggling of methamphetamine into the United States from Mexico.
- Sec. 1415. Statement of policy regarding the attacks on United States citizens by Palestinian terrorists.
- Sec. 1416. Statement of policy regarding transfer of Charles Taylor for trial for war crimes.
- Sec. 1417. United States commitment to Iraq.

Subtitle B—Sense of Congress Provisions

- Sec. 1421. Korean Fulbright programs.
- Sec. 1422. United States relations with Taiwan.
- Sec. 1423. Nuclear proliferation and A. Q. Khan.
- Sec. 1424. Palestinian textbooks.
- Sec. 1425. International convention affirming the human rights and dignity of persons with disabilities.
- Sec. 1426. Fulbright Scholarships for East Asia and the Pacific.
- Sec. 1427. Baku-Tbilisi-Ceyhan energy pipeline.
- Sec. 1428. Legislation requiring the fair, comprehensive, and nondiscriminatory restitution of private property confiscated in Poland.
- Sec. 1429. Child labor practices in the cocoa sectors of Cote d'Ivoire and Ghana.
- Sec. 1430. Contributions of Iraqi Kurds.
- Sec. 1431. Proliferation Security Initiative.
- Sec. 1432. Security of nuclear weapons and materials.
- Sec. 1433. International Criminal Court and genocide in Darfur, Sudan.
- Sec. 1434. Action against al-Manar television.
- Sec. 1435. Stability and security in Iraq.
- Sec. 1436. Property expropriated by the Government of Ethiopia.
- Sec. 1437. United States-China Relations.
- Sec. 1438. Capture, detention, and interrogation of terrorists at Guantanamo Bay, Cuba.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
4 **TEES.**—Except as otherwise provided, the term “ap-
5 appropriate congressional committees” means the
6 Committee on International Relations of the House
7 of Representatives and the Committee on Foreign
8 Relations of the Senate.

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

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

13 **TITLE I—AUTHORIZATIONS OF**
14 **APPROPRIATIONS**

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

16 The following amounts are authorized to be appro-
17 priated for the Department of State under “Administra-
18 tion of Foreign Affairs” to carry out the authorities, func-
19 tions, duties, and responsibilities in the conduct of foreign
20 affairs of the United States and for other purposes author-
21 ized by law:

22 (1) **DIPLOMATIC AND CONSULAR PROGRAMS.**—
23 (A) **AUTHORIZATION OF APPROPRIA-**
24 **TIONS.**—For “Diplomatic and Consular Pro-
25 grams”, \$3,769,118,000 for fiscal year 2006
26 and \$3,896,611,500 for fiscal year 2007.

1 (B) WORLDWIDE SECURITY UPGRADES.—

2 In addition to amounts authorized to be appro-
3 priated under subparagraph (A), \$689,523,000
4 for fiscal year 2006 and \$710,208,690 for fiscal
5 year 2007 are authorized to be appropriated for
6 worldwide security upgrades.

7 (C) PUBLIC DIPLOMACY.—Of the amounts
8 authorized to be appropriated under subpara-
9 graph (A), \$333,863,000 for fiscal year 2006
10 and \$343,699,000 for fiscal year 2007 are au-
11 thORIZED to be appropriated for public diplo-
12 macy.

13 (D) BUREAU OF DEMOCRACY, HUMAN
14 RIGHTS, AND LABOR.—Of the amounts author-
15 ized to be appropriated under subparagraph
16 (A), \$20,000,000 for fiscal year 2006 and
17 \$20,000,000 for fiscal year 2007 are authorized
18 to be appropriated for salaries and expenses of
19 the Bureau of Democracy, Human Rights, and
20 Labor.

21 (E) ORGANIZATION FOR SECURITY AND
22 COOPERATION AND EUROPE.—Of the amounts
23 authorized to be appropriated under subpara-
24 graph (A), the following amounts are author-
25 ized to be appropriated for the following activi-

1 ties of the Organization for Security and Co-
2 operation in Europe (OSCE):

3 (i) ANTI-SEMITISM.—For necessary
4 expenses to fund secondments, hiring of
5 staff, and support targeted projects of the
6 Office of Democratic Institutions and
7 Human Rights (ODIHR) regarding anti-
8 Semitism and intolerance and for the
9 OSCE/ODIHR Law Enforcement Officers
10 Hate Crimes Training Program, \$225,000
11 for fiscal year 2006 and \$225,000 for fis-
12 cal year 2007.

13 (ii) OSCE PROJECTS AND ACTIVITIES
14 REGARDING RELIGIOUS FREEDOM.—For
15 necessary expenses to fund secondments,
16 hiring of staff, and support targeted
17 projects of ODIHR regarding religious
18 freedom and for the OSCE/ODIHR Panel
19 of Experts on Freedom of Religion or Be-
20 lief, \$125,000 for fiscal year 2006 and
21 \$125,000 for fiscal year 2007.

22 (iii) OSCE MISSIONS RELATED TO RE-
23 LIGIOUS FREEDOM.—For OSCE Missions
24 in Armenia, Azerbaijan, Georgia,
25 Kazakhstan, Kyrgyzstan, Tajikistan,

1 Turkmenistan, and Uzbekistan for activi-
2 ties to address issues relating to religious
3 freedom and belief and to fund the hiring
4 of new staff who are dedicated to religious
5 freedom and belief, \$80,000 for fiscal year
6 2006 and \$80,000 for fiscal year 2007.

7 (F) CHARLES B. RANGEL INTERNATIONAL
8 AFFAIRS PROGRAM.—Of the amounts author-
9 ized to be appropriated under subparagraph
10 (A), \$1,500,000 for fiscal year 2006 and
11 \$1,500,000 for fiscal year 2007 are authorized
12 to be appropriated for the Charles B. Rangel
13 International Affairs Program at Howard Uni-
14 versity.

15 (G) MINORITY RECRUITMENT.—Of the
16 amounts authorized to be appropriated under
17 subparagraph (A), \$3,000,000 for fiscal year
18 2006 and \$3,000,000 for fiscal year 2007 are
19 authorized to be appropriated for the recruit-
20 ment of members of minority groups for careers
21 in the Foreign Service and international affairs.

22 (H) DISSEMINATION OF NAMES OF FUGI-
23 TIVES RESIDING IN CUBA.—Of the amounts au-
24 thorized to be appropriated under subparagraph
25 (A), an appropriate amount of such funds for

1 each of the fiscal years 2006 and 2007 are au-
2 thorized to be appropriated for the U.S. Inter-
3 ests Section, Havana, to disseminate the names
4 of fugitives, such as Joanne Chesimard and
5 William Morales, who are residing in Cuba, and
6 any rewards for their capture.

7 (2) CAPITAL INVESTMENT FUND.—For “Cap-
8 ital Investment Fund”, \$131,000,000 for fiscal year
9 2006 and \$131,000,000 for fiscal year 2007.

10 (3) EMBASSY SECURITY, CONSTRUCTION AND
11 MAINTENANCE.—For “Embassy Security, Construc-
12 tion and Maintenance”, \$1,526,000,000 for fiscal
13 year 2006 and \$1,550,000,000 for fiscal year 2007.

14 (4) EDUCATIONAL AND CULTURAL EXCHANGE
15 PROGRAMS.—

16 (A) AUTHORIZATION OF APPROPRIA-
17 TIONS.—For “Educational and Cultural Ex-
18 change Programs”, \$428,900,000 for fiscal
19 year 2006 and \$438,500,000 for fiscal year
20 2007.

21 (B) SUMMER INSTITUTES FOR KOREAN
22 STUDENT LEADERS.—Of the amounts author-
23 ized to be appropriated under subparagraph
24 (A), \$750,000 for fiscal year 2006 and
25 \$750,000 for fiscal year 2007 are authorized to

1 be appropriated for summer academic study
2 programs in the United States (focusing on
3 United States political systems, government in-
4 stitutions, society, and democratic culture) for
5 college and university students from the Repub-
6 lic of Korea, to be known as the “United States
7 Summer Institutes for Korean Student Lead-
8 ers”.

9 (C) SUDANESE SCHOLARSHIPS.—Of the
10 amounts authorized to be appropriated under
11 subparagraph (A), \$500,000 for fiscal year
12 2006 and \$500,000 for fiscal year 2007 are au-
13 thorized to be appropriated for scholarships for
14 students from southern Sudan for secondary or
15 postsecondary education in the United States,
16 to be known as “Sudanese Scholarships”.

17 (D) SCHOLARSHIPS FOR INDIGENOUS PEO-
18 PLES OF MEXICO AND CENTRAL AND SOUTH
19 AMERICA.—Of the amounts authorized to be ap-
20 propriated under subparagraph (A), \$250,000
21 for fiscal year 2006 and \$250,000 for fiscal
22 year 2007 are authorized to be appropriated for
23 scholarships for secondary and postsecondary
24 education in the United States for students
25 from Mexico and the countries of Central and

1 South America who are descended from the in-
2 digenous peoples of Mexico or such countries.

3 (E) SOUTH PACIFIC EXCHANGES.—Of the
4 amounts authorized to be appropriated under
5 subparagraph (A), \$650,000 for fiscal year
6 2006 and \$650,000 for fiscal year 2007 are au-
7 thorized to be appropriated for South Pacific
8 Exchanges.

9 (F) TIBETAN SCHOLARSHIP PROGRAM.—
10 Of the amounts authorized to be appropriated
11 under subparagraph (A), \$750,000 for fiscal
12 year 2006 and \$800,000 for fiscal year 2007
13 are authorized to be appropriated to carry out
14 the Tibetan scholarship program established
15 under section 103(b)(1) of the Human Rights,
16 Refugee, and Other Foreign Relations Provi-
17 sions Act of 1996 (Public Law 104–319; 22
18 U.S.C. 2151 note).

19 (G) NGAWANG CHOEPHEL EXCHANGE PRO-
20 GRAMS.—Of the amounts authorized to be ap-
21 propriated under subparagraph (A), \$500,000
22 for fiscal year 2006 and \$500,000 for fiscal
23 year 2007 are authorized to be appropriated for
24 the “Ngawang Choepel Exchange Programs”
25 (formerly known as “programs of educational

1 and cultural exchange between the United
2 States and the people of Tibet”) under section
3 103(a) of the Human Rights, Refugee, and
4 Other Foreign Relations Provisions Act of 1996
5 (Public Law 104–319; 22 U.S.C. 2151 note).

6 (H) HIV/AIDS INITIATIVE.—Of the
7 amounts authorized to be appropriated under
8 subparagraph (A), \$1,000,000 for fiscal year
9 2006 and \$1,000,000 for fiscal year 2007 are
10 authorized to be appropriated for HIV/AIDS
11 research and mitigation strategies.

12 (I) PROJECT CHILDREN AND COOPERATION
13 WITH IRELAND.—Of the amounts authorized to
14 be appropriated under subparagraph (A),
15 \$500,000 for fiscal year 2006 and \$500,000 for
16 fiscal year 2007 are authorized to be appro-
17 priated for people-to-people activities (with a
18 focus on young people) to support the Northern
19 Ireland peace process involving Catholic and
20 Protestant participants from the Republic of
21 Ireland, the United Kingdom, and the United
22 States, to be known as “Project Children”.

23 (5) REPRESENTATION ALLOWANCES.—For
24 “Representation Allowances”, \$8,281,000 for fiscal
25 year 2006 and \$8,281,000 for fiscal year 2007.

1 (6) PROTECTION OF FOREIGN MISSIONS AND
2 OFFICIALS.—

3 (A) For “Protection of Foreign Missions
4 and Officials”, \$15,000,000 for fiscal year 2006
5 and \$15,000,000 for fiscal year 2007.

6 (B) In addition to amounts authorized to
7 be appropriated under subparagraph (A), there
8 are authorized to be appropriated \$19,580,000
9 for “Protection of Foreign Missions and Offi-
10 cials” only to reimburse the City of New York
11 for necessary expenses incurred since 2002 for
12 the protection of foreign missions and officials.

13 (7) EMERGENCIES IN THE DIPLOMATIC AND
14 CONSULAR SERVICE.—For “Emergencies in the Dip-
15 lomatic and Consular Service”, \$12,143,000 for fis-
16 cal year 2006 and \$12,143,000 for fiscal year 2007.

17 (8) REPATRIATION LOANS.—For “Repatriation
18 Loans”, \$1,319,000 for fiscal year 2006 and
19 \$1,319,000 for fiscal year 2007.

20 (9) PAYMENT TO THE AMERICAN INSTITUTE IN
21 TAIWAN.—For “Payment to the American Institute
22 in Taiwan”, \$19,751,000 for fiscal year 2006 and
23 \$20,146,020 for fiscal year 2007.

24 (10) OFFICE OF THE INSPECTOR GENERAL.—
25 For “Office of the Inspector General”, \$29,983,000

1 for fiscal year 2006, and \$29,983,000 for fiscal year
2 2007.

3 **SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**
4 **TIONS.**

5 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
6 ORGANIZATIONS.—There are authorized to be appro-
7 priated for “Contributions to International Organiza-
8 tions”, \$1,296,500,000 for fiscal year 2006 and
9 \$1,322,430,000 for fiscal year 2007, for the Department
10 of State to carry out the authorities, functions, duties, and
11 responsibilities in the conduct of the foreign affairs of the
12 United States with respect to international organizations
13 and to carry out other authorities in law consistent with
14 such purposes.

15 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
16 KEEPING ACTIVITIES.—There are authorized to be appro-
17 priated for “Contributions for International Peacekeeping
18 Activities”, \$1,035,500,000 for fiscal year 2006 and such
19 sums as may be necessary for fiscal year 2007, for the
20 Department of State to carry out the authorities, func-
21 tions, duties, and responsibilities of the United States with
22 respect to international peacekeeping activities and to
23 carry out other authorities in law consistent with such
24 purposes. Amounts appropriated pursuant to this sub-
25 section are authorized to remain available until expended.

1 (c) FOREIGN CURRENCY EXCHANGE RATES.—

2 (1) AUTHORIZATION OF APPROPRIATIONS.—In
3 addition to amounts authorized to be appropriated
4 under subsection (a), there are authorized to be ap-
5 propriated such sums as may be necessary for each
6 of fiscal years 2006 and 2007 to offset adverse fluc-
7 tuations in foreign currency exchange rates.

8 (2) AVAILABILITY OF FUNDS.—Amounts appro-
9 priated under this subsection shall remain available
10 for obligation and expenditure only to the extent
11 that the Director of the Office of Management and
12 Budget determines and certifies to Congress that
13 such amounts are necessary due to such fluctua-
14 tions.

15 (d) WITHHOLDING OF CONTRIBUTIONS FOR CERTAIN
16 UNITED NATIONS COMMISSIONS, ORGANIZATIONS, OR
17 ANY AFFILIATED AGENCIES.—Notwithstanding any other
18 provision of law, funds available to the Department of
19 State or any other Federal department or agency may not
20 be used for United States contributions to any United Na-
21 tions commission, organization, or affiliated agency that
22 is chaired or presided over by a country, the government
23 of which the Secretary of State has determined, for pur-
24 poses of section 6(j)(1) of the Export Administration Act
25 of 1979 (50 U.S.C. App. 2405(j)(1)) has repeatedly pro-

1 vided support for acts of international terrorism, until
2 such time as the President determines that such commis-
3 sion, organization, or agency is no longer chaired or pre-
4 sided over by such country and the commission, organiza-
5 tion, or agency has established appropriate electoral re-
6 forms, including minimum standards for leadership posi-
7 tions and the elimination of automatic rotation of such
8 leadership positions.

9 **SEC. 103. INTERNATIONAL COMMISSIONS.**

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

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

20 (A) for “Salaries and Expenses”,
21 \$28,200,000 for fiscal year 2006 and
22 \$28,200,000 for fiscal year 2007; and

23 (B) for “Construction”, \$6,100,000 for fis-
24 cal year 2006 and \$6,100,000 for fiscal year
25 2007.

1 (2) INTERNATIONAL BOUNDARY COMMISSION,
2 UNITED STATES AND CANADA.—For “International
3 Boundary Commission, United States and Canada”,
4 \$1,429,000 for fiscal year 2006 and \$1,429,000 for
5 fiscal year 2007.

6 (3) INTERNATIONAL JOINT COMMISSION.—For
7 “International Joint Commission”, \$6,320,000 for
8 fiscal year 2006 and \$6,320,000 for fiscal year
9 2007.

10 (4) INTERNATIONAL FISHERIES COMMIS-
11 SIONS.—For “International Fisheries Commissions”,
12 \$25,123,000 for fiscal year 2006 and \$25,123,000
13 for fiscal year 2007.

14 **SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.**

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated for the Department of State for “Migration and
17 Refugee Assistance” for authorized activities,
18 \$955,000,000 for fiscal year 2006 and \$983,650,000 for
19 fiscal year 2007.

20 (b) REFUGEES RESETTLING IN ISRAEL.—Of the
21 amounts authorized to be appropriated under subsection
22 (a), there are authorized to be appropriated \$40,000,000
23 for fiscal year 2006 and \$40,000,000 for fiscal year 2007
24 for resettlement of refugees in Israel.

1 (c) PILOT PROGRAM FOR LONG-TERM REFUGEE
2 POPULATIONS.—

3 (1) PILOT PROGRAM.—Of the amounts author-
4 ized to be appropriated under subsection (a), there
5 are authorized to be appropriated \$2,500,000 for
6 fiscal year 2006 and \$2,500,000 for fiscal year 2007
7 for the establishment and implementation of a two-
8 year pilot program to improve conditions for long-
9 term refugee populations that are currently assisted
10 in camps or other segregated settlements.

11 (2) REQUIREMENTS.—In carrying out the pilot
12 program under paragraph (1), the Secretary of
13 State shall—

14 (A) seek to protect and ensure basic rights
15 granted to refugees under the 1951 Convention
16 Relating to the Status of Refugees and the
17 1967 Protocol Relating to the Status of Refu-
18 gees;

19 (B) seek innovative modules or methods to
20 assist long-term refugee populations both within
21 and outside traditional camp settings, as appro-
22 priate, that support refugees living or working
23 in local communities, such as integration of ref-
24 ugees into local schools and services, resource
25 conservation and livelihood projects designed to

1 diminish conflict between refugee hosting com-
2 munities and refugees, and engagement of civil
3 society components of refugee hosting commu-
4 nities in a policy dialogue with the United Na-
5 tions High Commissioner for Refugees
6 (UNHCR) and international and nongovern-
7 mental refugee assistance organizations to en-
8 hance options to assist refugees and promote
9 the rights to which refugees may be entitled
10 under the 1951 Convention and 1967 Protocol;

11 (C) provide a United States voluntary con-
12 tribution to UNHCR to conduct the pilot pro-
13 gram in cooperation with nongovernmental or-
14 ganizations with expertise in the protection of
15 refugee rights, one or more major operational
16 humanitarian assistance agencies, and in con-
17 sultation with host countries, the United States,
18 and other donor countries; and

19 (D) urge UNHCR to select not less than
20 three host countries in which to conduct the
21 pilot program.

22 (3) REPORT.—Not later than one year after the
23 date on which the first pilot program is established
24 pursuant to paragraph (2), the Secretary shall sub-
25 mit to the appropriate congressional committees a

1 report on the implementation of this subsection, the
2 development of innovative models to protect and as-
3 sist refugees, and recommendations for ensuring ref-
4 ugee rights are respected in countries of temporary
5 asylum.

6 (d) INTERNALLY DISPLACED PERSONS IN EASTERN
7 BURMA.—Of the amounts authorized to be appropriated
8 under subsection (a), there are authorized to be appro-
9 priated \$3,000,000 for fiscal year 2006 and \$3,000,000
10 for fiscal year 2007 for assistance to Thailand-based non-
11 governmental organizations operating along the border be-
12 tween Thailand and Burma to provide food, medical, and
13 other humanitarian assistance to internally displaced per-
14 sons in eastern Burma.

15 **SEC. 105. CENTERS AND FOUNDATIONS.**

16 (a) ASIA FOUNDATION.—There are authorized to be
17 appropriated for “The Asia Foundation” for authorized
18 activities, \$18,000,000 for fiscal year 2006 and
19 \$18,000,000 for fiscal year 2007.

20 (b) NATIONAL ENDOWMENT FOR DEMOCRACY.—
21 There are authorized to be appropriated for the “National
22 Endowment for Democracy” for authorized activities,
23 \$80,000,000 for fiscal year 2006 and \$80,000,000 for fis-
24 cal year 2007.

1 (c) CENTER FOR CULTURAL AND TECHNICAL INTER-
2 CHANGE BETWEEN EAST AND WEST.—There are author-
3 ized to be appropriated for the “Center for Cultural and
4 Technical Interchange Between East and West” for au-
5 thorized activities, \$13,024,000 for fiscal year 2006 and
6 \$13,024,000 for fiscal year 2007.

7 **SEC. 106. UNITED STATES INTERNATIONAL BROADCASTING**
8 **ACTIVITIES.**

9 The following amounts are authorized to be appro-
10 priated to carry out United States Government inter-
11 national broadcasting activities under the United States
12 Information and Educational Exchange Act of 1948, the
13 Radio Broadcasting to Cuba Act, the Television Broad-
14 casting to Cuba Act, the United States International
15 Broadcasting Act of 1994, and the Foreign Affairs Re-
16 form and Restructuring Act of 1998, and to carry out
17 other authorities in law consistent with such purposes:

18 (1) INTERNATIONAL BROADCASTING OPER-
19 ATIONS.—For “International Broadcasting Oper-
20 ations”, \$603,394,000 for fiscal year 2006 and
21 \$621,495,820 for fiscal year 2007. Of the amounts
22 authorized to be appropriated under this paragraph,
23 \$5,000,000 is authorized to be appropriated for fis-
24 cal year 2006 and \$5,000,000 is authorized to be

1 appropriated for fiscal year 2007 for increased
2 broadcasting to Belarus.

3 (2) BROADCASTING CAPITAL IMPROVEMENTS.—
4 For “Broadcasting Capital Improvements”,
5 \$10,893,000 for fiscal year 2006 and \$10,893,000
6 for fiscal year 2007.

7 (3) BROADCASTING TO CUBA.—For “Broad-
8 casting to Cuba”, \$37,656,000 for fiscal year 2006
9 and \$29,931,000 for fiscal year 2007, to remain
10 available until expended, for necessary expenses to
11 enable the Broadcasting Board of Governors to
12 carry out broadcasting to Cuba, including the pur-
13 chase, rent, construction, and improvement of facili-
14 ties for radio and television transmission and recep-
15 tion, and the purchase, lease, and installation of nec-
16 essary equipment, including aircraft, for radio and
17 television transmission and reception.

18 (4) RADIO FREE ASIA.—In addition to such
19 amounts as are otherwise authorized to be appro-
20 priated for the Broadcasting Board of Governors,
21 there are authorized to be appropriated \$9,100,000
22 for fiscal years 2006 and 2007 to overcome the jam-
23 ming of Radio Free Asia by Vietnam.

24 (5) BROADCASTING TO VENEZUELA.—For
25 broadcasting to Venezuela, such sums as may be

1 necessary for fiscal year 2006 and such sums as
2 may be necessary for fiscal year 2007, to remain
3 available until expended, to allow the Broadcasting
4 Board of Governors to carry out broadcasting to
5 Venezuela for at least 30 minutes per day of bal-
6 anced, objective, and comprehensive television news
7 programming, radio news programming, or both.

8 **SEC. 107. ENHANCING PROTECTION OF INTELLECTUAL**
9 **PROPERTY RIGHTS.**

10 In addition to such amounts as may otherwise be au-
11 thorized to be appropriated for such purpose, there are
12 authorized to be appropriated for the Department of
13 State, \$5,000,000 to carry out the following activities to
14 enhance intellectual property laws and enforcement in
15 countries that are not members of the Organization for
16 Economic Cooperation and Development (OECD):

17 (1) Provision of equipment and training for for-
18 eign law enforcement, including in the interpretation
19 of intellectual property laws.

20 (2) Training for judges and prosecutors, includ-
21 ing in the interpretation of intellectual property
22 laws.

23 (3) Assistance in complying with obligations
24 under appropriate international copyright and intel-
25 lectual property treaties and agreements.

1 **TITLE II—DEPARTMENT OF**
2 **STATE AUTHORITIES AND AC-**
3 **TIVITIES**

4 **SEC. 201. CONSOLIDATION OF LAW ENFORCEMENT POW-**
5 **ERS; NEW CRIMINAL OFFENSE.**

6 (a) IN GENERAL.—Chapter 203 of title 18, United
7 States Code, is amended by adding at the end the fol-
8 lowing new section:

9 **“§ 3064. Powers of special agents in the Department**
10 **of State and the Foreign Service**

11 “Whoever knowingly and willfully obstructs, resists,
12 or interferes with a Federal law enforcement agent en-
13 gaged in the performance of the protective functions au-
14 thorized by section 37 of the State Department Basic Au-
15 thorities Act of 1956 or by section 103 of the Omnibus
16 Diplomatic Security and Antiterrorism Act of 1986 shall
17 be fined under this title or imprisoned not more than one
18 year, or both.”.

19 (b) TABLE OF SECTIONS AMENDMENT.—The table of
20 sections at the beginning of chapter 203 of title 18, United
21 States Code, is amended by adding at the end the fol-
22 lowing new item:

“3064. Powers of special agents in the Department of State and the Foreign
Service.”.

1 **SEC. 202. INTERNATIONAL LITIGATION FUND.**

2 Section 38(d)(3) of the State Department Basic Au-
3 thorities Act of 1956 (22 U.S.C. 2710(d)(3)) is amend-
4 ed—

5 (1) by inserting “as a result of a decision of an
6 international tribunal,” after “received by the De-
7 partment of State”; and

8 (2) by inserting a comma after “United States
9 Government”.

10 **SEC. 203. RETENTION OF MEDICAL REIMBURSEMENTS.**

11 Section 904 of the Foreign Service Act of 1980 (22
12 U.S.C. 4084) is amended by adding at the end the fol-
13 lowing new subsection:

14 “(g) Reimbursements paid to the Department of
15 State for funding the costs of medical care abroad for em-
16 ployees and eligible family members shall be credited to
17 the currently available applicable appropriation account.
18 Notwithstanding any other provision of law, such reim-
19 bursements shall be available for obligation and expendi-
20 ture during the fiscal year in which they are received or
21 for such longer period of time as may be provided in law.”.

22 **SEC. 204. AUTHORITY TO ADMINISTRATIVELY AMEND SUR-**
23 **CHARGES.**

24 (a) IN GENERAL.—Beginning in fiscal year 2006 and
25 thereafter, the Secretary of State is authorized to amend
26 administratively the amounts of the surcharges related to

1 consular services in support of enhanced border security
2 (provided for in the last paragraph under the heading
3 “DIPLOMATIC AND CONSULAR PROGRAMS” under title IV
4 of division B of the Consolidated Appropriations Act, 2005
5 (Public Law 108–447)) that are in addition to the pass-
6 port and immigrant visa fees in effect on January 1, 2004.

7 (b) REQUIREMENTS.—In carrying out subsection (a)
8 and the provision of law described in such subsection, the
9 Secretary shall meet the following requirements:

10 (1) The amounts of the surcharges shall be rea-
11 sonably related to the costs of providing services in
12 connection with the activity or item for which the
13 surcharges are charged.

14 (2) The aggregate amount of surcharges col-
15 lected may not exceed the aggregate amount obli-
16 gated and expended for the costs related to consular
17 services in support of enhanced border security in-
18 curred in connection with the activity or item for
19 which the surcharges are charged.

20 (3) A surcharge may not be collected except to
21 the extent the surcharge will be obligated and ex-
22 pended to pay the costs related to consular services
23 in support of enhanced border security incurred in
24 connection with the activity or item for which the
25 surcharge is charged.

1 (4) A surcharge shall be available for obligation
2 and expenditure only to pay the costs related to con-
3 sular services in support of enhanced border security
4 incurred in providing services in connection with the
5 activity or item for which the surcharge is charged.

6 **SEC. 205. ACCOUNTABILITY REVIEW BOARDS.**

7 Section 301(a) of the Diplomatic Security Act (22
8 U.S.C. 4831(a)) is amended—

9 (1) in paragraph (1), by striking “paragraph
10 (2)” and inserting “paragraphs (2) and (3)”; and

11 (2) by adding at the end the following new
12 paragraph:

13 “(3) FACILITIES IN AFGHANISTAN AND IRAQ.—

14 “(A) LIMITED EXEMPTIONS FROM RE-
15 QUIREMENT TO CONVENE BOARD.—The Sec-
16 retary of State is not required to convene a
17 Board in the case of an incident that—

18 “(i) involves serious injury, loss of
19 life, or significant destruction of property
20 at, or related to, a United States Govern-
21 ment mission in Afghanistan or Iraq; and

22 “(ii) occurs during the period begin-
23 ning on July 1, 2004, and ending on Sep-
24 tember 30, 2009.

1 “(B) REPORTING REQUIREMENTS.—In the
2 case of an incident described in subparagraph
3 (A), the Secretary shall—

4 “(i) promptly notify the Committee on
5 International Relations of the House of
6 Representatives and the Committee on
7 Foreign Relations of the Senate of the in-
8 cident;

9 “(ii) conduct an inquiry of the inci-
10 dent; and

11 “(iii) upon completion of the inquiry
12 required by clause (ii), submit to each such
13 Committee a report on the findings and
14 recommendations related to such inquiry
15 and the actions taken with respect to such
16 recommendations.”.

17 **SEC. 206. DESIGNATION OF COLIN L. POWELL RESIDENTIAL**
18 **PLAZA.**

19 (a) DESIGNATION.—The Federal building in King-
20 ston, Jamaica, formerly known as the Crowne Plaza and
21 currently a staff housing facility for the Embassy of the
22 United States in Jamaica, shall be known and designated
23 as the “Colin L. Powell Residential Plaza”.

24 (b) REFERENCES.—Any reference in a law, map, reg-
25 ulation, document, paper, or other record of the United

1 States to the Federal building referred to in subsection
2 (a) shall be deemed to be a reference to the “Colin L.
3 Powell Residential Plaza”.

4 **SEC. 207. REMOVAL OF CONTRACTING PROHIBITION.**

5 Section 406(c) of the Omnibus Diplomatic Security
6 and Antiterrorism Act of 1986 (Public Law 99–399) (re-
7 lating to the ineligibility of persons doing business with
8 Libya to be awarded a contract) is repealed.

9 **SEC. 208. TRANSLATION OF REPORTS OF THE DEPART-**
10 **MENT OF STATE.**

11 (a) TRANSLATION.—Not later than 30 days after the
12 date of issuance of each of the reports listed in subsection
13 (c), the appropriate United States mission in a foreign
14 country shall translate into the official languages of such
15 country the respective country report from each of such
16 reports.

17 (b) POSTING ON WEBSITE.—Not later than five days
18 after each of the translations required under subsection
19 (a) are completed, the appropriate United States mission
20 shall post each of such translations on the website of the
21 United States Embassy (or other appropriate United
22 States mission) for such country.

23 (c) REPORTS.—The reports referred to in subsection
24 (a) are the following:

1 (1) The Country Reports on Human Rights
2 Practices, including the Trafficking in Persons Re-
3 port, required under sections 116 and 502B of the
4 Foreign Assistance Act of 1961 (22 U.S.C. 2151n
5 and 2304).

6 (2) The Annual Report on International Reli-
7 gious Freedom, required under section 102b of the
8 International Religious Freedom Act of 1998 (22
9 U.S.C. 6412).

10 (3) The Annual Report on Democracy required
11 under section 612 of this Act.

12 (4) The annual Trafficking in Persons Report
13 prepared by the Office to Monitor and Combat Traf-
14 ficking in Persons of the Department of State, re-
15 quired under section 110(b) of the Trafficking Vic-
16 tims Protection Act of 2000 (22 U.S.C. 7107(b)).

17 **SEC. 209. ENTRIES WITHIN PASSPORTS.**

18 (a) FINDINGS.—Congress finds the following:

19 (1) The power of the executive branch to issue
20 passports or other travel documents to United
21 States citizens is derived solely from law.

22 (2) The Secretary of State has caused entries
23 to be made in passports of United States citizens
24 who were born in Jerusalem, Israel, that are incon-

1 sistent with the usual practice of entering the name
2 of a country and not a city as a place of birth.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that United States citizens who have passports
5 should not be required to carry passports which inac-
6 curately or inconsistently represent their personal details.

7 (c) AUTHORITY.—This section is passed in exercise
8 of the power of Congress, pursuant to Article 1, Section
9 8 of the Constitution of the United States “To make all
10 Laws which shall be necessary and proper for carrying
11 into Execution the foregoing Powers, and all other Powers
12 vested by the Constitution in the Government of the
13 United States, or in any Department or Officer thereof.”.

14 (d) REQUIREMENT THAT ACCURATE ENTRIES BE
15 MADE ON REQUEST OF CITIZEN.—The first section of
16 “An Act to regulate the issue and validity of passports,
17 and for other purposes”, approved July 3, 1926, (22
18 U.S.C. 211a; 44 Stat. 887), is amended by inserting after
19 the first sentence the following new sentence: “For pur-
20 poses of the issuance of a passport to a United States cit-
21 izen born in the city of Jerusalem, the Secretary shall,
22 upon the request of the citizen or the citizen’s legal guard-
23 ian, record the place of birth as Israel.”.

1 **SEC. 210. UNITED STATES ACTIONS WITH RESPECT TO JE-**
2 **RUSALEM AS THE CAPITAL OF ISRAEL.**

3 (a) **LIMITATION ON USE OF FUNDS FOR CONSULATE**
4 **IN JERUSALEM.**—None of the funds authorized to be ap-
5 propriated by this Act may be expended for the operation
6 of a United States consulate or diplomatic facility in Jeru-
7 salem unless such consulate or diplomatic facility is under
8 the supervision of the United States Ambassador to Israel.

9 (b) **LIMITATION ON USE OF FUNDS FOR PUBLICA-**
10 **TIONS.**—None of the funds authorized to be appropriated
11 by this Act may be available for the publication of any
12 official United States Government document that lists
13 countries and their capital cities unless such publication
14 identifies Jerusalem as the capital of the State of Israel.

15 **SEC. 211. AVAILABILITY OF UNCLASSIFIED TELECOMMUNI-**
16 **CATIONS FACILITIES.**

17 The Secretary of State shall make available to the
18 appropriate congressional committees the use of unclassi-
19 fied telecommunications facilities of the Department of
20 State that are located in an embassy, consulate, or other
21 facility of the United States in a foreign country to allow
22 such committees to receive testimony or other communica-
23 tion from an individual in any such country.

24 **SEC. 212. REPORTING FORMATS.**

25 (a) **IN GENERAL.**—The Secretary of State shall, with
26 respect to a report that the Secretary is required to submit

1 to the appropriate congressional committees, submit each
2 such report on suitable media in machine-readable format,
3 including in plain text and in hypertext mark-up language
4 (commonly referred to as “HTML”), in addition to sub-
5 mission in written format.

6 (b) **EFFECTIVE DATE.**—The requirement specified
7 under subsection (a) shall apply beginning with the first
8 report that the Secretary is required to submit to the ap-
9 propriate congressional committees after the date that is
10 not later than 90 days after the date of the enactment
11 of this Act.

12 **SEC. 213. EXTENSION OF REQUIREMENT FOR SCHOLAR-**
13 **SHIPS FOR TIBETANS AND BURMESE.**

14 Section 103(b)(1) of the Human Rights, Refugee,
15 and Other Foreign Relations Provisions Act of 1996 (Pub-
16 lic Law 104–319; 22 U.S.C. 2151 note) is amended by
17 striking “for the fiscal year 2003” and inserting “for each
18 of fiscal years 2006 and 2007”.

19 **SEC. 214. AMERICAN INSTITUTE IN TAIWAN FACILITIES EN-**
20 **HANCEMENT.**

21 Section 3(a) of the American Institute in Taiwan Fa-
22 cilities Enhancement Act (Public Law 106–212) is amend-
23 ed by striking “the sum of \$75,000,000” and inserting
24 “such sums as may be necessary”.

1 **SEC. 215. ACTIVITIES RELATED TO CUBA.**

2 (a) **ACTIVITIES.**—Of the funds made available for fis-
3 cal year 2006 for the Bureau of Educational and Cultural
4 Affairs of the Department of State, \$5,000,000 shall be
5 used for activities related to Cuba under—

6 (1) the J. William Fulbright Educational Ex-
7 change Program;

8 (2) the Hubert Humphrey Fellowship Program;

9 (3) the International Visitors Program;

10 (4) the Benjamin A. Gilman International
11 Scholarship Program;

12 (5) the EducationUSA Program; and

13 (6) professional, cultural, and youth programs
14 operated by the Office of Citizen Exchanges of the
15 Bureau.

16 (b) **PRIORITY.**—The Secretary of State shall give pri-
17 ority to human rights dissidents, pro-democracy activists,
18 and independent civil society members for participation in
19 the activities described in subsection (a).

20 (c) **CONGRESSIONAL NOTIFICATION.**—Not later than
21 90 days after the date of the enactment of this Act, the
22 Secretary shall notify the appropriate congressional com-
23 mittees on efforts to identify eligible participants for ac-
24 tivities described in subsection (a). Not later than 15 days
25 prior to a final determination of eligible participants for
26 activities described in subsection (a), the Secretary shall

1 notify the appropriate congressional committees of such
2 determination and provide a list that contains the names
3 of such eligible participants.

4 **SEC. 216. ESTABLISHMENT OF THE ACTIVE RESPONSE**
5 **CORPS.**

6 (a) **ESTABLISHMENT.**—The Secretary of State, in
7 consultation with the Administrator of the United States
8 Agency for International Development, is authorized to es-
9 tablish an Active Response Corps (referred to in this sec-
10 tion as the “Corps”) to provide assistance in support of
11 stabilization and reconstruction activities in foreign coun-
12 tries or regions that are in, are in transition from, or are
13 likely to enter into, conflict or civil strife.

14 (b) **COMPOSITION.**—If the Corps is established in ac-
15 cordance with subsection (a), the Secretary and Adminis-
16 trator shall coordinate in the identification and training,
17 and if necessary, in the recruitment and hiring, of nec-
18 essary personnel. Such personnel shall be composed of em-
19 ployees of United States civilian agencies or non-Federal
20 employees.

21 (c) **USE OF ACTIVE RESPONSE CORPS.**—The mem-
22 bers of the Active Response Corps shall be available—

23 (1) if the President determines that it is in the
24 national security interests of the United States to
25 engage in stabilization and reconstruction activities

1 in a country or region that is in, is in transition
2 from, or is likely to enter into, conflict or civil strife;
3 and

4 (2) if not engaged in such stabilization and re-
5 construction activities, for assignment in the United
6 States, at diplomatic missions of the United States,
7 and at missions of the United States Agency for
8 International Development.

9 (d) TRAINING AND EDUCATION PROGRAMS.—

10 (1) IN GENERAL.—The Coordinator for Sta-
11 bilization and Reconstruction is authorized to con-
12 duct and arrange for training and education of the
13 Active Response Corps.

14 (2) EMPHASIS.—Training and education shall
15 emphasize acquisition of general skills needed to op-
16 erate in a post-conflict environment and training
17 specific to the job skill set for which the member has
18 been identified to participate in the Active Response
19 Corps.

20 (3) CONTENTS.—Training and education may
21 consist of—

22 (A) conducting inter-agency training, in-
23 cluding training related to inter-agency deci-
24 sionmaking, operational planning, and execution
25 simulations, for mid-level government officials

1 and managers to prepare such officials and
2 managers to address stabilization and recon-
3 struction operations;

4 (B) conducting advanced training related
5 to stabilization and reconstruction operations
6 for members of the Active Response Corps;

7 (C) conducting pre-deployment training re-
8 lated to stabilization and reconstruction oper-
9 ations for civilians and military-civil affairs per-
10 sonnel;

11 (D) conducting exercises related to sta-
12 bilization and reconstruction operations for
13 United States and international experts;

14 (E) developing a uniform set of operating
15 procedures for stabilization and reconstruction
16 operations; and

17 (F) conducting ongoing evaluations and
18 after-action reviews of stabilization and recon-
19 struction operations.

20 (e) FACILITIES.—Training and education programs
21 should be coordinated with and utilize to the extent pos-
22 sible existing programs and facilities such as the George
23 P. Shultz National Foreign Affairs Training Center (com-
24 monly referred to as the “Foreign Service Institute”), the
25 National Defense University, the Center for Stabilization

1 and Reconstruction Studies at the Naval Postgraduate
2 School, and the United States Institute for Peace.

3 (f) ADDITIONAL AUTHORITIES.—

4 (1) ESTABLISHMENT AND PURPOSE OF RE-
5 SERVE COMPONENT OF ACTIVE RESPONSE CORPS.—

6 The Secretary, in consultation with the heads of
7 other relevant Executive agencies, is authorized to
8 establish and maintain a roster of personnel who are
9 trained and available as needed to perform services
10 necessary to carry out the purpose of the Corps
11 under subsection (c). The personnel listed on the
12 roster shall constitute a reserve component of the
13 Active Response Corps.

14 (2) FEDERAL EMPLOYEES.—The reserve com-
15 ponent may include employees of the Department of
16 State, including Foreign Service Nationals, employ-
17 ees of the United States Agency for International
18 Development, employees of any other Executive
19 agency (as such term is defined in section 105 of
20 title 5, United States Code), and employees from the
21 legislative and judicial branches who—

22 (A) have the training and skills necessary
23 to enable them to contribute to stabilization
24 and reconstruction activities under this section;
25 and

1 (B) have volunteered for deployment to
2 carry out such stabilization and reconstruction
3 activities.

4 (g) USE OF RESERVE COMPONENT.—The Secretary
5 may deploy members of the reserve component in support
6 of stabilization and reconstruction activities in a foreign
7 country or region if the President makes a determination
8 regarding a stabilization and reconstruction crisis. The
9 Secretary is authorized to employ contractor personnel,
10 nongovernmental organization personnel, and State and
11 local government employees, who—

12 (1) have the training and skills necessary to en-
13 able them to contribute to stabilization and recon-
14 struction activities under this section; and

15 (2) have volunteered to carry out such stabiliza-
16 tion and reconstruction activities.

17 (h) REPORT.—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary shall submit
19 to the appropriate congressional committees a report on
20 the status of efforts to establish the Active Response
21 Corps. The report shall include recommendations—

22 (1) for any legislation necessary to implement
23 subsection (a); and

24 (2) concerning the regulation and structure of
25 the Active Response Corps, including recommenda-

1 tions related to pay and employment security for,
2 and benefit and retirement matters related to, mem-
3 bers of the Corps.

4 **SEC. 217. PASSPORT SECURITY ENHANCEMENT.**

5 (a) REPORT ON DOCUMENTS RELATED TO PASSPORT
6 ISSUANCE.—

7 (1) IN GENERAL.—Not later than one year
8 after the date of the enactment of this Act, the Sec-
9 retary of State shall submit to the appropriate con-
10 gressional committees a report that describes exist-
11 ing security weaknesses of identification documents,
12 including birth certificates, required for the issuance
13 of a passport, and that includes, in accordance with
14 paragraph (3), recommended criteria for birth cer-
15 tificates that will be acceptable to establish valid
16 proof of identity and national origin of individuals
17 for the issuance of passports to such individuals.

18 (2) CONSULTATION.—The Secretary shall con-
19 sult with appropriate officials of States and cities
20 identified as vital registration jurisdictions in the
21 preparation of such criteria.

22 (3) ACCEPTANCE CRITERIA.—The criteria re-
23 ferred to in paragraph (1) shall include the estab-
24 lishment of minimum acceptance criteria for identi-

1 fication documents issued by such jurisdictions, in-
2 cluding criteria related to—

3 (A) vital records security and procedures;

4 (B) security paper and printing for birth
5 certificates;

6 (C) customer identification requirements;

7 (D) issuance of birth certificates, including
8 duplicates;

9 (E) controlling access to birth certificate
10 records to prevent identity fraud;

11 (F) data element definitions to facilitate
12 electronic exchange of birth and death registra-
13 tion information with the Department of State
14 for purposes of issuing passports; and

15 (G) routine matching of all birth and death
16 records.

17 (b) BACKGROUND INVESTIGATION AND ESTABLISH-
18 MENT OF TRAINING PROGRAM FOR PASSPORT ACCEPT-
19 ANCE AGENTS.—

20 (1) BACKGROUND INVESTIGATION.—Not later
21 than 180 days after the date of the enactment of
22 this Act, the Secretary of State shall establish a
23 mandatory requirement for background investiga-
24 tions of passport acceptance agents.

1 (2) ESTABLISHMENT OF TRAINING PRO-
2 GRAM.—Not later than one year after the date of
3 the enactment of this Act, the Under Secretary for
4 Management of the Department of State, acting
5 through the Bureau of Consular Affairs of the De-
6 partment, shall—

7 (A) establish a comprehensive training pro-
8 gram for passport acceptance agents that in-
9 cludes instruction and training relating to iden-
10 tification document fraud detection, customer
11 identification authentication, and the penalties
12 for passport fraud by employees, agents, and
13 passport applicants;

14 (B) establish a database that records when
15 passport acceptance agents complete such train-
16 ing;

17 (C) require all newly appointed passport
18 acceptance agents to complete such training be-
19 fore initial processing of passport applications;
20 and

21 (D) establish a training schedule so that
22 all existing passport acceptance agents have
23 completed such training no later than three
24 years after the date of the establishment of the
25 training program under this paragraph.

1 (c) EXPANDED AUTHORITY OF SPECIAL AGENTS.—
2 Section 203 of the Omnibus Diplomatic and Antiterrorism
3 Act of 1986 (Public Law 99–399; 22 U.S.C. 4823) is
4 amended—

5 (1) in the first sentence, by striking “Special
6 agent positions” and inserting “(a) Special agent po-
7 sitions”; and

8 (2) by adding at the end the following new sub-
9 section:

10 “(b) In connection with investigations of corruption,
11 waste, fraud, and abuse by officers and employees of the
12 United States Government, including the illegal sale of
13 United States passports and visas and other United States
14 criminal offenses, the Federal District Court for the Dis-
15 trict of Columbia shall have authority to issue warrants
16 with respect to properties within the special maritime and
17 territorial jurisdiction of the United States, as defined
18 under section 7(9) of title 18, United States Code. Special
19 agents under the direction of the Director of the Diplo-
20 matic Security Service shall have authority to execute such
21 warrants.”.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated such sums as may be
24 necessary, or to reprogram funds otherwise obtained

1 through receipts from the issuance of passports and visas,
2 to carry out this section.

3 **TITLE III—ORGANIZATION AND**
4 **PERSONNEL OF THE DEPART-**
5 **MENT OF STATE**

6 **SEC. 301. EDUCATION ALLOWANCES.**

7 Section 5924(4) of title 5, United States Code, is
8 amended—

9 (1) in the first sentence of subparagraph (A),
10 by inserting “United States” after “nearest”;

11 (2) by striking subparagraph (B) and inserting
12 the following new subparagraph:

13 “(B) The travel expenses of dependents of
14 an employee to and from a secondary or post-
15 secondary educational institution, not to exceed
16 one annual trip each way for each dependent,
17 except that an allowance payment under sub-
18 paragraph (A) may not be made for a depend-
19 ent during the 12 months following the arrival
20 of the dependent at the selected educational in-
21 stitution under authority contained in this sub-
22 paragraph.”; and

23 (3) by adding at the end the following new sub-
24 paragraph:

1 “(D) Allowances provided pursuant to sub-
2 paragraphs (A) and (B) may include, at the
3 election of the employee, payment or reimburse-
4 ment of the costs incurred to store baggage for
5 the employee’s dependent at or in the vicinity of
6 the dependent’s school during the dependent’s
7 annual trip between the school and the employ-
8 ee’s duty station, except that such payment or
9 reimbursement may not exceed the cost that the
10 Government would incur to transport the bag-
11 gage with the dependent in connection with the
12 annual trip, and such payment or reimburse-
13 ment shall be in lieu of transportation of the
14 baggage.”.

15 **SEC. 302. OFFICIAL RESIDENCE EXPENSES.**

16 Section 5913 of title 5, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(c) Funds made available under subsection (b) may
20 be provided in advance to persons eligible to receive reim-
21 bursements.”.

1 **SEC. 303. INCREASED LIMITS APPLICABLE TO POST DIF-**
2 **FERENTIALS AND DANGER PAY ALLOW-**
3 **ANCES.**

4 (a) **REPEAL OF LIMITED-SCOPE EFFECTIVE DATE**
5 **FOR PREVIOUS INCREASE.**—Subsection (c) of section 591
6 of the Foreign Operations, Export Financing, and Related
7 Programs Appropriations Act, 2004 (division D of Public
8 Law 108–199) is repealed.

9 (b) **POST DIFFERENTIALS.**—Section 5925(a) of title
10 5, United States Code, is amended in the third sentence
11 by striking “25 percent of the rate of basic pay or, in the
12 case of an employee of the United States Agency for Inter-
13 national Development,”.

14 (c) **DANGER PAY ALLOWANCES.**—Section 5928 of
15 title 5, United States Code, is amended by striking “25
16 percent of the basic pay of the employee or 35 percent
17 of the basic pay of the employee in the case of an employee
18 of the United States Agency for International Develop-
19 ment” both places that it appears and inserting “35 per-
20 cent of the basic pay of the employee”.

21 (d) **CRITERIA.**—The Secretary of State shall inform
22 the appropriate congressional committees of the criteria
23 to be used in determinations of appropriate adjustments
24 in post differentials under section 5925(a) of title 5,
25 United States Code, as amended by subsection (b), and

1 danger pay allowances under section 5928 of title 5,
2 United States Code, as amended by subsection (c).

3 (e) **STUDY AND REPORT.**—Not later than two years
4 after the date of the enactment of this Act, the Secretary
5 of State shall conduct a study assessing the effect of the
6 increases in post differentials and danger pay allowances
7 made by the amendments in subsections (b) and (c), re-
8 spectively, in filling “hard-to-fill” positions and shall sub-
9 mit a report of such study to the appropriate congressional
10 committees.

11 **SEC. 304. HOME LEAVE.**

12 Chapter 9 of title I of the Foreign Service Act of
13 1980 (relating to travel, leave, and other benefits) is
14 amended—

15 (1) in section 901(6) (22 U.S.C. 4081(6)), by
16 striking “unbroken by home leave” both places that
17 it appears; and

18 (2) in section 903(a) (22 U.S.C. 4083), by
19 striking “18 months” and inserting “12 months”.

20 **SEC. 305. OVERSEAS EQUALIZATION AND COMPARABILITY**
21 **PAY ADJUSTMENT.**

22 (a) **OVERSEAS COMPARABILITY PAY ADJUSTMENT.**—

23 (1) **IN GENERAL.**—Chapter 4 of the Foreign
24 Service Act of 1980 (22 U.S.C. 3961 et seq.) (relat-

1 ing to compensation) is amended by adding at the
2 end the following new section:

3 **“SEC. 415. OVERSEAS COMPARABILITY PAY ADJUSTMENT.**

4 “(a) IN GENERAL.—In accordance with subsection
5 (c), a member of the Service who is designated class 1
6 or below and who does not have as an official duty station
7 a location in the continental United States or in a non-
8 foreign area shall receive locality-based comparability pay-
9 ments under section 5304 of title 5, United States Code,
10 that would be paid to such member if such member’s offi-
11 cial duty station would have been Washington, D.C.

12 “(b) TREATMENT AS BASIC PAY.—The locality-based
13 comparability payment described in subsection (a) shall—

14 “(1) be considered to be part of the basic pay
15 of a member in accordance with section 5304 of title
16 5, United States Code, for the same purposes for
17 which comparability payments are considered to be
18 part of basic pay under such section; and

19 “(2) be subject to any applicable pay limita-
20 tions.

21 “(c) PHASE-IN.—The comparability pay adjustment
22 described under this section shall be paid to a member
23 described in subsection (a) in three phases, as follows:

1 “(1) In fiscal year 2006, 33.33 percent of the
2 amount of such adjustment to which such member
3 is entitled.

4 “(2) In fiscal year 2007, 66.66 percent of the
5 amount of such adjustment to which such member
6 is entitled.

7 “(3) In fiscal year 2008 and subsequent fiscal
8 years, 100.00 percent of the amount of such adjust-
9 ment to which such member is entitled.”.

10 (2) CONFORMING AMENDMENT.—The table of
11 sections in section 2 of such Act is amended by in-
12 serting after the item relating to section 414 the fol-
13 lowing new item:

“Sec. 415. Overseas comparability pay adjustment.”.

14 (b) CONFORMING AMENDMENTS RELATING TO THE
15 RETIREMENT AND DISABILITY SYSTEM OF THE FOREIGN
16 SERVICE.—

17 (1) CONTRIBUTIONS TO THE FUND.—Section
18 805(a) of the Foreign Service Act of 1980 (22
19 U.S.C. 4045(a)) is amended—

20 (A) in paragraph (1)—

21 (i) in the first sentence, by striking
22 “7.25 percent” and inserting “7.00 per-
23 cent”; and

24 (ii) in the second sentence, by striking
25 “The contribution by the employing agen-

1 cy” through “and shall be made” and in-
2 serting “An equal amount shall be contrib-
3 uted by the employing agency”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (A), by striking “,
6 plus an amount equal to .25 percent of
7 basic pay”; and

8 (ii) in subparagraph (B), in the first
9 sentence, by striking “, plus an amount
10 equal to .25 percent of basic pay”; and

11 (C) in paragraph (3), by striking “, plus
12 .25 percent”.

13 (2) COMPUTATION OF ANNUITIES.—Section
14 806(a)(9) of such Act (22 U.S.C. 4046(a)(9)) is
15 amended—

16 (A) by striking “is outside” and inserting
17 “was outside”; and

18 (B) by inserting after “continental United
19 States” the following: “for any period of time
20 from December 29, 2002, to the first day of the
21 first full pay period beginning after the date of
22 applicability of the overseas comparability pay
23 adjustment under section 415”;

1 (3) ENTITLEMENT TO ANNUITY.—Section
2 855(a)(3) of such Act (22 U.S.C. 4071d(a)(3)) is
3 amended—

4 (A) by striking “is outside” and inserting
5 “was outside”; and

6 (B) by inserting after “continental United
7 States” the following: “for any period of time
8 from December 29, 2002, to the first day of the
9 first full pay period beginning after the date of
10 applicability of the overseas comparability pay
11 adjustment under section 415”.

12 (4) DEDUCTIONS AND WITHHOLDINGS FROM
13 PAY.—Section 856(a)(2) of such Act (22 U.S.C.
14 4071e(a)(2)) is amended to read as follows:

15 “(2) The applicable percentage under this subsection
16 shall be as follows:

Percentage	Time Period
7.5	Before January 1, 1999.
7.75	January 1, 1999, to Decem- ber 31, 1999.
7.9	January 1, 2000, to Decem- ber 31, 2000.
7.55	January 11, 2003, to Sep- tember 30, 2004.
7.5	After September 30, 2004.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on the date of the enactment
19 of this Act and apply beginning on the first day of the
20 first full pay period beginning after such date.

1 **SEC. 306. FELLOWSHIP OF HOPE PROGRAM.**

2 (a) FELLOWSHIP AUTHORIZED.—Chapter 5 of title
3 I of the Foreign Service Act of 1980 (22 U.S.C. 3981
4 et seq.) is amended by adding at the end the following
5 new section:

6 **“SEC. 506. FELLOWSHIP OF HOPE PROGRAM.**

7 “(a) ESTABLISHMENT.—The Secretary is authorized
8 to establish a program to be known as the ‘Fellowship of
9 Hope Program’. Under the Program, the Secretary may
10 assign a member of the Service, for not more than one
11 year, to a position with any designated country or des-
12 ignated entity that permits an employee of such country
13 or entity to be assigned to a position with the Department.

14 “(b) SALARY AND BENEFITS.—The salary and bene-
15 fits of a member of the Service shall be paid as described
16 in subsection (b) of section 503 during a period in which
17 such member is participating in the Fellowship of Hope
18 Program. The salary and benefits of an employee of a des-
19 ignated country or designated entity participating in the
20 Program shall be paid by such country or entity during
21 the period in which such employee is participating in the
22 Program.

23 “(c) DEFINITIONS.—In this section:

24 “(1) The term ‘designated country’ means a
25 member country of—

1 “(A) the North Atlantic Treaty Organiza-
2 tion; or

3 “(B) the European Union.

4 “(2) The term ‘designated entity’ means—

5 “(A) the North Atlantic Treaty Organiza-
6 tion; or

7 “(B) the European Union.

8 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed to—

10 “(1) authorize the appointment as an officer or
11 employee of the United States of—

12 “(A) an individual whose allegiance is to
13 any country, government, or foreign or inter-
14 national entity other than to the United States;
15 or

16 “(B) an individual who has not met the re-
17 quirements of sections 3331, 3332, 3333, and
18 7311 of title 5, United States Code, and any
19 other provision of law concerning eligibility for
20 appointment as, and continuation of employ-
21 ment as, an officer or employee of the United
22 States; or

23 “(2) authorize the Secretary to assign a mem-
24 ber of the Service to a position with any foreign
25 country whose law, or to any foreign or international

1 entity whose rules, require such member to give alle-
 2 giance or loyalty to such country or entity while as-
 3 signed to such position.”.

4 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

5 Such Act is amended—

6 (1) in section 503 (22 U.S.C. 3983)—

7 (A) in the section heading, by striking
 8 “AND” and inserting “FOREIGN GOVERN-
 9 MENTS, OR”; and

10 (B) in subsection (a)—

11 (i) in the matter preceding paragraph
 12 (1), by inserting “foreign government,”
 13 after “organization,”; and

14 (ii) in paragraph (1), by inserting “,
 15 or with a foreign government under section
 16 506” before the semicolon; and

17 (2) in section 2, in the table of contents—

18 (A) by striking the item relating to section
 19 503 and inserting the following new item:

“Sec. 503. Assignments to agencies, international organizations, foreign govern-
 ments, or other bodies.”;

20 and

21 (B) by inserting after the item relating to
 22 section 505 the following new item:

“Sec. 506. Fellowship of Hope Program.”.

1 **SEC. 307. REGULATIONS REGARDING RETIREMENT CREDIT**
2 **FOR GOVERNMENT SERVICE PERFORMED**
3 **ABROAD.**

4 Section 321(f) of the Foreign Relations Authorization
5 Act, Fiscal Year 2003 (5 U.S.C. 8411 note; Public Law
6 107–228) is amended by inserting “, not later than 60
7 days after the date of the enactment of the Foreign Rela-
8 tions Authorization Act, Fiscal Years 2006 and 2007,”
9 after “regulations”.

10 **SEC. 308. PROMOTING ASSIGNMENTS TO INTERNATIONAL**
11 **ORGANIZATIONS.**

12 (a) PROMOTIONS.—Section 603(b) of the Foreign
13 Service Act of 1980 (22 U.S.C. 4003) is amended by strik-
14 ing the period at the end and inserting the following: “,
15 and shall consider whether the member of the Service has
16 served in a position whose primary responsibility is to for-
17 mulate policy toward or represent the United States at
18 an international organization, a multilateral institution, or
19 a broad-based multilateral negotiation of an international
20 instrument.”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall take effect and apply beginning on
23 January 1, 2010.

1 **SEC. 309. SUSPENSION OF FOREIGN SERVICE MEMBERS**
2 **WITHOUT PAY.**

3 (a) SUSPENSION.—Section 610 of the Foreign Serv-
4 ice Act of 1980 (22 U.S.C. 4010) is amended by adding
5 at the end the following new subsection:

6 “(c)(1) The Secretary may suspend a member of the
7 Service without pay when there is reasonable cause to be-
8 lieve that the member has committed a crime for which
9 a sentence of imprisonment may be imposed and there is
10 a connection between the conduct and the efficiency of the
11 Foreign Service.

12 “(2) Any member of the Service for whom a suspen-
13 sion is proposed shall be entitled to—

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

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

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

20 “(D) a final written decision, including the spe-
21 cific reasons for such decision, as soon as prac-
22 ticable.

23 “(3) Any member suspended under this section may
24 file a grievance in accordance with the procedures applica-
25 ble to grievances under chapter 11 of this title.

1 “(4) In the case of a grievance filed under paragraph
2 (3), the Foreign Service Grievance Board may not exercise
3 the authority provided under section 1106(8).

4 “(5) In this subsection:

5 “(A) The term ‘reasonable time’ means 30 days
6 after receiving notice of the proposed suspension.

7 “(B) The terms ‘suspend’ and ‘suspension’
8 mean the placing of a member of the Service in a
9 temporary status without duties and pay.”.

10 (b) CONFORMING AND CLERICAL AMENDMENTS.—

11 (1) AMENDMENT OF SECTION HEADING.—Such
12 section, as amended by subsection (a), is further
13 amended in the section heading by inserting “; SUS-
14 PENSION” before the period at the end.

15 (2) CLERICAL AMENDMENT.—Section 2 of such
16 Act is amended, in the table of contents, by striking
17 the item relating to section 610 and inserting the
18 following new item:

“Sec. 610. Separation for cause; suspension.”.

19 **SEC. 310. DEATH GRATUITY.**

20 Section 413(a) of the Foreign Service Act of 1980
21 (22 U.S.C. 3973(a)) is amended in the first sentence by
22 inserting before the period at the end the following: “or
23 \$100,000, whichever is greater”.

1 **SEC. 311. CLARIFICATION OF FOREIGN SERVICE GRIEV-**
2 **ANCE BOARD PROCEDURES.**

3 Section 1106(8) of the Foreign Service Act of 1980
4 (22 U.S.C. 4136(8)) is amended in the first sentence—

5 (1) by inserting “the involuntary separation of
6 the grievant (other than an involuntary separation
7 for cause under section 610(a)),” after “consid-
8 ering”; and

9 (2) by striking “the grievant or” and inserting
10 “the grievant, or”.

11 **SEC. 312. REPEAL OF RECERTIFICATION REQUIREMENT**
12 **FOR MEMBERS OF THE SENIOR FOREIGN**
13 **SERVICE.**

14 Section 305(d) of the Foreign Service Act of 1980
15 (22 U.S.C. 3945(d)) is hereby repealed.

16 **SEC. 313. TECHNICAL AMENDMENTS TO TITLE 5, UNITED**
17 **STATES CODE, PROVISIONS ON RECRUIT-**
18 **MENT, RELOCATION, AND RETENTION BO-**
19 **NUSES.**

20 Title 5, United States Code, is amended—

21 (1) in section 5753(a)(2)(A), by inserting be-
22 fore the semicolon at the end the following: “, but
23 does not include members of the Foreign Service
24 other than chiefs of mission and ambassadors-at-
25 large”; and

1 (2) in section 5754(a)(2)(A), by inserting be-
 2 fore the semicolon at the end the following: “, but
 3 does not include members of the Foreign Service
 4 other than chiefs of mission and ambassadors-at-
 5 large”.

6 **SEC. 314. LIMITED APPOINTMENTS IN THE FOREIGN SERV-
 7 ICE.**

8 Section 309 of the Foreign Service Act of 1980 (22
 9 U.S.C. 3949) is amended—

10 (1) in subsection (a), by striking “subsection
 11 (b)” and inserting “subsections (b) or (c)”;

12 (2) in subsection (b)—

13 (A) by amending paragraph (3) to read as
 14 follows:

15 “(3) as a career candidate, if—

16 “(A) continued service is determined appro-
 17 priate to remedy a matter that would be cognizable
 18 as a grievance under chapter 11; or

19 “(B) the career candidate is called to military
 20 active duty pursuant to the Uniformed Services Em-
 21 ployment and Reemployment Rights Act of 1994
 22 (Public Law 103–353; codified in chapter 43 of title
 23 38, United States Code) and the limited appoint-
 24 ment expires in the course of such military active
 25 duty;”;

1 (B) in paragraph (4), by striking “and” at
2 the end;

3 (C) in paragraph (5), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (D) by adding at the end the following new
6 paragraph:

7 “(6) in exceptional circumstances where the Sec-
8 retary determines the needs of the Service require the ex-
9 tension of a limited appointment—

10 “(A) for a period of time not to exceed 12
11 months, provided such period of time does not per-
12 mit additional review by the boards under section
13 306; or

14 “(B) for the minimum time needed to settle a
15 grievance, claim, or complaint not otherwise pro-
16 vided for in this section.”; and

17 (3) by adding at the end the following new sub-
18 section:

19 “(c) Noncareer specialist employees who have served
20 five consecutive years under a limited appointment may
21 be reappointed to a subsequent limited appointment pro-
22 vided there is at least a one year break in service before
23 such new appointment. This requirement may be waived
24 by the Director General in cases of special need.”.

1 **SEC. 315. STATEMENT OF CONGRESS REGARDING CAREER**
2 **DEVELOPMENT PROGRAM FOR SENIOR FOR-**
3 **EIGN SERVICE.**

4 Congress declares that the recent changes proposed
5 by the Department of State to the career development pro-
6 gram for members of the Senior Foreign Service will help
7 promote well-rounded and effective members of the Senior
8 Foreign Service, and should be implemented as planned
9 in the coming years. Congress fully supports the proposed
10 changes that require that in order to be eligible for pro-
11 motion into the Senior Foreign Service, a member of the
12 Foreign Service must demonstrate over the course of the
13 career of such member the following:

- 14 (1) Operational effectiveness, including a
15 breadth of experience in several regions and over
16 several functions.
- 17 (2) Leadership and management effectiveness.
- 18 (3) Sustained professional language proficiency.
- 19 (4) Responsiveness to Service needs.

20 **SEC. 316. SENSE OF CONGRESS REGARDING ADDITIONAL**
21 **UNITED STATES CONSULAR POSTS.**

22 It is the sense of Congress that to help advance
23 United States economic, political, and public diplomacy in-
24 terests, the Secretary of State should make best efforts
25 to establish United States consulates or other appropriate
26 United States diplomatic presence in Pusan, South Korea,

1 Hat Yai, Thailand, and an additional location in India in
2 an under-served region.

3 **SEC. 317. OFFICE OF THE CULTURE OF LAWFULNESS.**

4 (a) ESTABLISHMENT.—There is established in the
5 Bureau for International Law Enforcement and Narcotics
6 of the Department of State an Office of the Culture of
7 Lawfulness.

8 (b) DIRECTOR AND STAFF.—The Office shall be
9 headed by a Director and staffed by not less than two pro-
10 fessional staff.

11 (c) DUTIES.—The Director of the Office shall coordi-
12 nate and increase the effectiveness of existing culture of
13 lawfulness programs in the Department that can directly
14 support foreign efforts to develop a culture of lawfulness,
15 including—

16 (1) seeking coordination between various pro-
17 grams and activities to support international nar-
18 cotics and other law enforcement, public diplomacy,
19 foreign assistance, and democracy efforts by the per-
20 sonnel of the Department in Washington, D.C., and
21 in United States embassies in foreign countries;

22 (2) developing new initiatives to foster a culture
23 of lawfulness through international organizations;
24 and

1 (3) ensuring that culture of lawfulness edu-
2 cation is included in the curricula of all law enforce-
3 ment and public security academies and training
4 programs that receive assistance from the United
5 States, and in democracy, civic education, and rule
6 of law assistance programs conducted with foreign
7 governments and nongovernmental organizations.

8 (d) REPORT.—Section 489(a) of the Foreign Assist-
9 ance Act of 1961 (22 U.S.C. 2291h(a)) is amended by
10 inserting after paragraph (7) the following new paragraph:

11 “(8) In addition, the efforts of the United
12 States to foster the culture of lawfulness in coun-
13 tries around the world.”.

14 **SEC. 318. REVIEW OF HUMAN RESOURCES POLICIES OF**
15 **THE DEPARTMENT OF STATE.**

16 (a) BOTTOM-UP REVIEW OF ELEMENTS OF THE DE-
17 PARTMENT OF STATE.—The Secretary of State shall con-
18 duct ongoing, thorough reviews of the organizational
19 structure and human resource policies of all elements of
20 the Department of State to determine those organizational
21 structures that are most effectively organized and whether
22 personnel with the appropriate skill sets are being hired,
23 trained, and utilized to meet national security challenges,
24 including those posed by international terrorist threats.

1 (b) **EMPHASIS ON DIVERSITY.**—The review con-
2 ducted under subsection (a) shall include an emphasis on
3 improving the ethnic, racial, cultural, and gender diversity
4 of personnel of the Department of State.

5 (c) **BIENNIAL REPORT.**—The Secretary shall submit
6 to the appropriate congressional committees a biennial re-
7 port on the reviews conducted under this section and ef-
8 forts to improve diversity of the personnel of the Depart-
9 ment of State.

10 **SEC. 319. WORLDWIDE AVAILABILITY.**

11 Section 301(b) of the Foreign Service Act of 1980
12 (22 U.S.C. 3491(b)) is amended by adding at the end the
13 following new sentence: “At the time of entry into the
14 Service, each member of the Service must be worldwide
15 available, as determined by the Secretary of State through
16 appropriate medical examinations, unless the Secretary
17 determines that a waiver of the worldwide availability re-
18 quirement is required to fulfill a compelling Service need.
19 The Secretary shall establish an internal administrative
20 review process for medical ineligibility determinations.”.

1 **SEC. 320. TREATMENT OF TERRITORIES AND POSSESSIONS**
2 **AS PART OF THE GEOGRAPHIC UNITED**
3 **STATES FOR PURPOSES OF TRANSFER AL-**
4 **LOWANCES.**

5 Notwithstanding any other provision of law, for pur-
6 poses of transfer allowances for employees of the Depart-
7 ment of State under section 5924(2)(B) of title 5, United
8 States Code, the territories and possessions of the United
9 States, the Commonwealth of Puerto Rico, and the Com-
10 monwealth of the Northern Mariana Islands, shall be con-
11 sidered part of the geographic United States.

12 **TITLE IV—INTERNATIONAL**
13 **ORGANIZATIONS**

14 **SEC. 401. REDI CENTER.**

15 The Secretary of State is authorized to provide for
16 the participation by the United States in the Regional
17 Emerging Disease Intervention (“REDI”) Center in
18 Singapore.

19 **SEC. 402. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
20 **TION FOR THE UNITED STATES COMMISSION**
21 **ON INTERNATIONAL RELIGIOUS FREEDOM.**

22 (a) IN GENERAL.—Subsection (a) of section 207 of
23 the International Religious Freedom Act of 1998 (22
24 U.S.C. 6435) is amended by striking “\$3,000,000 for the
25 fiscal year 2003” and inserting “\$3,300,000 for each of
26 fiscal years 2006 through 2011”.

1 (b) TECHNICAL AMENDMENT.—Subsection (b) of
2 such section is amended by striking “subparagraph” and
3 inserting “subsection”.

4 **SEC. 403. REFORM OF THE INTERNATIONAL ATOMIC EN-**
5 **ERGY AGENCY.**

6 (a) FINDINGS WITH RESPECT TO THE INTER-
7 NATIONAL ATOMIC ENERGY AGENCY.—Congress finds the
8 following:

9 (1) Efforts to prevent the further spread of nu-
10 clear weapons capabilities would be enhanced by uni-
11 versal membership in the International Atomic En-
12 ergy Agency (IAEA).

13 (2) The enhanced authorities provided by the
14 Additional Protocol to the Safeguards Agreements
15 between the IAEA and Member States of the IAEA
16 are indispensable to the ability of the IAEA to con-
17 duct inspections of nuclear facilities to a high degree
18 of confidence.

19 (3) The national security interests of the
20 United States would be enhanced by the universal
21 ratification and implementation of the Additional
22 Protocol.

23 (4) The national security interests of the
24 United States would be enhanced by the rapid imple-
25 mentation by all Member States of the United Na-

1 tions of United Nations Security Council Resolution
2 1540, which prohibits all Member States from pro-
3 viding any form of support to non-state actors that
4 attempt to manufacture, acquire, possess, develop,
5 transport, transfer, or use nuclear, chemical, or bio-
6 logical weapons and their means of delivery, and re-
7 quiring all Member States to adopt and enforce ap-
8 propriate and effective domestic laws criminalizing
9 such acts.

10 (5) The national security interests of the
11 United States require that the IAEA possess suffi-
12 cient authorities and resources to comprehensively
13 and efficiently carry out its responsibilities for in-
14 spections and safeguards of nuclear facilities.

15 (6) Regularly assessed contributions of Member
16 States to the regular budget of the IAEA are due
17 in the first quarter of each calendar year.

18 (7) Currently, the United States does not pay
19 its regularly assessed contribution to the regular
20 budget of the IAEA until the last quarter of each
21 calendar year.

22 (8) This delayed payment results in recurring
23 shortages of funds for the IAEA, thus compromising
24 its ability to conduct safeguards inspections and nu-
25 clear security activities.

1 (b) FINDINGS WITH RESPECT TO THE NUCLEAR
2 NONPROLIFERATION TREATY.—Congress finds the fol-
3 lowing:

4 (1) The Treaty on the Non-Proliferation of Nu-
5 clear Weapons (21 UST 483) (commonly referred to
6 as the “Nuclear Nonproliferation Treaty” or the
7 “NPT”) is the foundation for international coopera-
8 tion to prevent the further spread of nuclear weap-
9 ons capabilities.

10 (2) The NPT was conceived, written, and rati-
11 fied by State Parties as a treaty for the specific pur-
12 pose of preventing the proliferation of nuclear weap-
13 ons and nuclear explosive devices, as stated in the
14 Preamble and first three Articles of the NPT.

15 (3) The overriding priority of the NPT is pre-
16 venting the proliferation of nuclear weapons and nu-
17 clear explosive devices.

18 (4) Article IV of the NPT conditions the “in-
19 alienable right to develop research, production and
20 use of nuclear energy for peaceful purposes without
21 discrimination” on conformity with Articles I and II,
22 which obligate signatories “not to manufacture of
23 otherwise acquire nuclear weapons or other nuclear
24 explosive devices; and not to seek or receive any as-

1 sistance in the manufacture of nuclear weapons or
2 other nuclear explosive devices”.

3 (5) Because the processes used for the enrich-
4 ment of uranium and the reprocessing of plutonium
5 for peaceful purposes are virtually identical to those
6 needed for military purposes and thereby inherently
7 pose an enhanced risk of proliferation, even under
8 strict international inspections, Article IV of the
9 NPT cannot be interpreted to recognize the inalien-
10 able right by every country to enrich uranium or re-
11 process plutonium.

12 (6) Because the factors needed for the develop-
13 ment of nuclear energy for peaceful purposes are vir-
14 tually identical to those required for the development
15 of nuclear weapons and devices, Article X cannot be
16 interpreted to allow a signatory country to develop
17 a nuclear weapons program based on materials, fa-
18 cilities, and equipment it has acquired through its
19 Article IV cooperation.

20 (c) STATEMENT OF CONGRESS.—Congress declares
21 that—

22 (1) all provisions of the NPT must be inter-
23 preted within the context of preventing the prolifera-
24 tion of nuclear weapons and nuclear explosive de-
25 vices;

1 (2) Article IV of the NPT, interpreted in con-
2 formity with the NPT's purpose, spirit, and freely
3 undertaken obligations by State Parties, does not
4 guarantee every country that is a State Party an in-
5 alienable right to enrich uranium or reprocess pluto-
6 nium; and

7 (3) if a State Party chooses to exercise its Arti-
8 cle X right of withdrawal from the NPT, such State
9 Party must surrender all of the materials, facilities,
10 and equipment it has acquired through its Article IV
11 cooperation, and no State Party will be recognized
12 as having legally exercised its Article X right of
13 withdrawal from the NPT until it has surrendered
14 all such materials, facilities, and equipment.

15 (d) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) the Director General of the IAEA should
18 strengthen efforts to secure universal ratification
19 and implementation of the Additional Protocol; and

20 (2) the IAEA possesses statutory authority, in-
21 cluding under Articles II, III, VIII, IX, XI, and XII
22 of the IAEA Statute, to undertake nuclear security
23 activities.

1 (e) PROMOTION OF ADDITIONAL PROTOCOL AND
2 UNITED NATIONS SECURITY COUNCIL RESOLUTION
3 1540.—

4 (1) UNIVERSAL RATIFICATION AND IMPLEMEN-
5 TATION; FULL COMPLIANCE.—The President shall
6 take such steps as the President determines nec-
7 essary to encourage—

8 (A) rapid universal ratification and imple-
9 mentation by Member States of the IAEA of
10 the Additional Protocol to the Safeguards
11 Agreements between the IAEA and Member
12 States; and

13 (B) full compliance by all foreign countries
14 with United Nations Security Council Resolu-
15 tion 1540, which calls for the adoption and en-
16 forcement by all foreign countries of “appro-
17 priate effective laws which prohibit any non-
18 State actor to manufacture, acquire, possess,
19 develop, transport, transfer or use nuclear,
20 chemical or biological weapons and their means
21 of delivery, in particular for terrorist purposes,
22 as well as attempts to engage in any of the
23 foregoing activities, participate in them as an
24 accomplice, assist or finance them”.

1 (2) SUSPENSION OF UNITED STATES NON-HU-
2 MANITARIAN FOREIGN ASSISTANCE.—The President
3 is authorized to suspend United States non-humani-
4 tarian foreign assistance to any country that—

5 (A) has not signed and ratified the Addi-
6 tional Protocol; and

7 (B) has not fully complied with United Na-
8 tions Security Council Resolution 1540.

9 (3) REPORT.—

10 (A) IN GENERAL.—Not later than 90 days
11 after the date of the enactment of this Act and
12 annually thereafter until September 31, 2010,
13 the Secretary of State shall submit to the ap-
14 propriate congressional committees a report on
15 United States efforts to promote full compliance
16 by all countries with United Nations Security
17 Council Resolution 1540, with particular atten-
18 tion to the following:

19 (i) United States efforts in appro-
20 priate international organizations or fora
21 to elaborate and implement international
22 standards for such full compliance.

23 (ii) Steps taken by the United States
24 to assist other countries to meet their obli-

1 gations under United Nations Security
2 Council Resolution 1540.

3 (B) SUBMISSION.—The report required
4 under this paragraph may be submitted to-
5 gether with the report on “Patterns of Global
6 of Terrorism”.

7 (f) PAYMENT AT BEGINNING OF CALENDAR YEAR.—
8 The Secretary of State shall take expeditious action to en-
9 sure that the United States regularly assessed contribu-
10 tion to the IAEA is made at the beginning of each cal-
11 endar year.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—In addi-
13 tion to amounts otherwise authorized to be appropriated
14 to the Secretary of State under this Act, there are author-
15 ized to be appropriated to the Secretary such sums as may
16 be necessary to permit the Secretary to ensure that the
17 United States regularly assessed contribution of its annual
18 dues to the IAEA is provided to the IAEA at the begin-
19 ning of each calendar year to compensate for the current
20 delayed payment described under subsection (b).

21 **SEC. 404. PROPERTY DISPOSITION.**

22 Section 633(e) of the Departments of Commerce,
23 Justice, and State, the Judiciary, and Related Agencies
24 Appropriations Act, 2004 (division B of Public Law 108–
25 199; 22 U.S.C. 2078(e)) is amended—

1 (1) by striking “The United States, through the
2 Department of State, shall retain ownership of the
3 Palazzo Corpi building in Istanbul, Turkey, and the”
4 and inserting “The”; and

5 (2) by striking “at such location” and inserting
6 “at an appropriate location”.

7 **TITLE V—INTERNATIONAL**
8 **BROADCASTING**

9 **SEC. 501. SHORT TITLE.**

10 This title may be cited as the “International Broad-
11 casting Authorization Act, Fiscal Years 2006 and 2007”.

12 **SEC. 502. MIDDLE EAST BROADCASTING NETWORKS.**

13 (a) MIDDLE EAST BROADCASTING NETWORKS.—The
14 United States International Broadcasting Act of 1994 (22
15 U.S.C. 6201 et seq.) is amended by inserting after section
16 309 (22 U.S.C. 6208) the following new section:

17 **“SEC. 309A. MIDDLE EAST BROADCASTING NETWORKS.**

18 “(a) AUTHORITY.—Grants authorized under section
19 305 shall be available to make annual grants to the Middle
20 East Broadcasting Networks for the purpose of carrying
21 out radio and television broadcasting to the Middle East
22 region.

23 “(b) FUNCTION.—Middle East Broadcasting Net-
24 works shall provide radio and television programming con-

1 sistent with the broadcasting standards and broadcasting
2 principles set forth in section 303.

3 “(c) GRANT AGREEMENT.—Any grant agreement or
4 grants under this section shall be subject to the following
5 limitations and restrictions:

6 “(1) The Board may not make any grant to the
7 non-profit corporation, Middle East Broadcasting
8 Networks, unless its certificate of incorporation pro-
9 vides that—

10 “(A) The Board of Directors of Middle
11 East Broadcasting Networks shall consist of the
12 members of the Broadcasting Board of Gov-
13 ernors established under section 304 and of no
14 other members.

15 “(B) Such Board of Directors shall make
16 all major policy determinations governing the
17 operation of Middle East Broadcasting Net-
18 works, and shall appoint and fix the compensa-
19 tion of such managerial officers and employees
20 of Middle East Broadcasting Networks as it
21 considers necessary to carry out the purposes of
22 the grant provided under this title, except that
23 no officer or employee may be paid basic com-
24 pensation at a rate in excess of the rate for
25 level II of the Executive Schedule as provided

1 under section 5313 of title 5, United States
2 Code.

3 “(2) Any grant agreement under this section
4 shall require that any contract entered into by Mid-
5 dle East Broadcasting Networks shall specify that
6 all obligations are assumed by Middle East Broad-
7 casting Networks and not by the United States Gov-
8 ernment.

9 “(3) Any grant agreement shall require that
10 any lease agreement entered into by Middle East
11 Broadcasting Networks shall be, to the maximum
12 extent possible, assignable to the United States Gov-
13 ernment.

14 “(4) Grants awarded under this section shall be
15 made pursuant to a grant agreement which requires
16 that grant funds be used only for activities con-
17 sistent with this section, and that failure to comply
18 with such requirements shall permit the grant to be
19 terminated without fiscal obligation to the United
20 States.

21 “(5) Duplication of language services and tech-
22 nical operations between the Middle East Broad-
23 casting Networks (including Radio Sawa), RFE/RL,
24 and the International Broadcasting Bureau will be

1 reduced to the extent appropriate, as determined by
2 the Board.

3 “(d) NOT A FEDERAL AGENCY OR INSTRUMENTEN-
4 TALITY.—Nothing in this title may be construed to
5 make—

6 “(1) the Middle East Broadcasting Networks a
7 Federal agency or instrumentality; or

8 “(2) the officers or employees of the Middle
9 East Broadcasting Networks officers or employees of
10 the United States Government.”.

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
12 Such Act is further amended—

13 (1) in section 304(g) (22 U.S.C. 6203(g)), by
14 inserting “, the Middle East Broadcasting Net-
15 works,” after “Incorporated”;

16 (2) in section 305 (22 U.S.C. 6204)—

17 (A) in subsection (a)—

18 (i) in paragraph (5), by striking “308
19 and 309” and inserting “308, 309, and
20 309A”; and

21 (ii) in paragraph (6), by striking “308
22 and 309” and inserting “308, 309, and
23 309A”; and

24 (B) in subsection (c), by striking “308 and
25 309” and inserting “308, 309, and 309A”; and

1 (3) in section 307 (22 U.S.C. 6206)—

2 (A) in subsection (a), by striking “308 and
3 309” and inserting “308, 309, and 309A”; and

4 (B) in subsection (c), in the second sen-
5 tence, by inserting “the Middle East Broad-
6 casting Networks,” after “Asia,”.

7 (c) TECHNICAL AND CONFORMING AMENDMENT TO
8 TITLE 5.—Section 8332(b)(11) of title 5, United States
9 Code, is amended by inserting “the Middle East Broad-
10 casting Networks;” after “Radio Free Asia;”.

11 **SEC. 503. IMPROVING SIGNAL DELIVERY TO CUBA.**

12 Section 3 of the Radio Broadcasting to Cuba Act (22
13 U.S.C. 1465a; Public Law 98–111) is amended—

14 (1) by striking subsection (b);

15 (2) by striking subsection (c) and inserting the
16 following new subsection:

17 “(c) To effect radio broadcasting to Cuba, the Board
18 is authorized to utilize the United States International
19 Broadcasting facilities located in Marathon, Florida, and
20 the 1180 AM frequency used at those facilities. In addi-
21 tion to the above facilities, the Board may simultaneously
22 utilize other governmental and nongovernmental broad-
23 casting transmission facilities and other frequencies, in-
24 cluding the Amplitude Modulation (AM) band, the Fre-
25 quency Modulation (FM) band, and the Shortwave (SW)

1 band. The Board may lease time on commercial or non-
2 commercial educational AM band, FM band, and SW band
3 radio broadcasting stations to carry a portion of the serv-
4 ice programs or to rebroadcast service programs.”;

5 (3) by striking subsection (d);

6 (4) by striking subsection (e) and inserting the
7 following new subsection:

8 “(e) Any service program of United States Govern-
9 ment radio broadcasts to Cuba authorized by this section
10 shall be designated ‘Radio Marti program’.”;

11 (5) by striking subsection (f); and

12 (6) by redesignating subsections (c) and (e) (as
13 amended by this section) as subsections (b) and (c),
14 respectively.

15 **SEC. 504. ESTABLISHING PERMANENT AUTHORITY FOR**
16 **RADIO FREE ASIA.**

17 Section 309 of the United States International
18 Broadcasting Act of 1994 (22 U.S.C. 6208) is amended—

19 (1) in subsection (c)(2), by striking “, and shall
20 further specify that funds to carry out the activities
21 of Radio Free Asia may not be available after Sep-
22 tember 30, 2009”; and

23 (2) by striking subsection (f).

1 **SEC. 505. PERSONAL SERVICES CONTRACTING PROGRAM.**

2 Section 504 of the Foreign Relations Authorization
3 Act, Fiscal Year 2003 (Public Law 107–228) is amend-
4 ed—

5 (1) in the section heading, by striking
6 “**PILOT**”;

7 (2) in subsection (a)—

8 (A) by striking “pilot”;

9 (B) by striking “(in this section referred to
10 as the ‘program’)”; and

11 (C) by striking “producers, and writers”
12 and inserting “and other broadcasting special-
13 ists”;

14 (3) in subsection (b)(4), by striking “60” and
15 inserting “100”; and

16 (4) by striking subsection (c).

17 **SEC. 506. COMMONWEALTH OF THE NORTHERN MARIANA**
18 **ISLANDS EDUCATION BENEFITS.**

19 Section 305(a) of the United States International
20 Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amended
21 by inserting after paragraph (18) the following new para-
22 graph:

23 “(19)(A) To provide for the payment of pri-
24 mary and secondary school expenses for dependents
25 of personnel stationed in the Commonwealth of the
26 Northern Mariana Islands (CNMI) at a cost not to

1 exceed expenses authorized by the Department of
2 Defense for such schooling for dependents of mem-
3 bers of the Armed Forces stationed in the Common-
4 wealth, if the Board determines that schools avail-
5 able in the Commonwealth are unable to provide
6 adequately for the education of the dependents of
7 such personnel.

8 “(B) To provide transportation for dependents
9 of such personnel between their places of residence
10 and those schools for which expenses are provided
11 under subparagraph (A), if the Board determines
12 that such schools are not accessible by public means
13 of transportation.”.

14 **TITLE VI—ADVANCE**
15 **DEMOCRACY ACT OF 2005**

16 **SEC. 601. SHORT TITLE.**

17 This title may be cited as the “Advance Democratic
18 Values, Address Nondemocratic Countries, and Enhance
19 Democracy Act of 2005” or the “ADVANCE Democracy
20 Act of 2005”.

21 **SEC. 602. FINDINGS.**

22 Congress finds the following:

23 (1) All human beings are created equal and
24 possess certain rights and freedoms, including the
25 fundamental right to participate in the political life

1 and government of their respective countries. These
2 inalienable rights are recognized in the Declaration
3 of Independence of the United States and in the
4 Universal Declaration of Human Rights of the
5 United Nations.

6 (2) The continued lack of democracy, freedom,
7 and fundamental human rights in some countries is
8 inconsistent with the universal values on which the
9 United States is based and such continued lack of
10 democracy, freedom, and fundamental human rights
11 also poses a national security threat to the United
12 States, its interests, and its friends, as it is in such
13 countries that radicalism, extremism, and terrorism
14 can flourish.

15 (3) There is also a correlation between non-
16 democratic rule and other threats to international
17 peace and security, including threats from war,
18 genocide, famine, poverty, drug trafficking, corrup-
19 tion, refugee flows, human trafficking, religious per-
20 secution, environmental degradation, and discrimina-
21 tion against women.

22 (4) The transition to democracy must be led
23 from within nondemocratic countries, including by
24 nongovernmental organizations, movements, and in-
25 dividuals, and by nationals of such countries who

1 live abroad. Nevertheless, democratic countries have
2 a number of instruments available for supporting
3 democratic reformers who are committed to pro-
4 moting effective, nonviolent change in nondemocratic
5 countries.

6 (5) United States efforts to promote democracy
7 and protect human rights in countries where they
8 are lacking can be strengthened to improve assist-
9 ance for such reformers. United States ambassadors
10 and diplomats can play a critical role in such efforts
11 to promote democracy by publicly demonstrating
12 support for democratic principles and supporting
13 democratic reformers. Training and incentives are
14 needed to assist United States officials in strength-
15 ening the techniques and skills required to promote
16 democracy.

17 (6) A full evaluation of United States funds ex-
18 pended for the support of democracy is also nec-
19 essary to ensure an efficient and effective use of the
20 resources that are dedicated to these efforts.

21 (7) The promotion of democracy requires a
22 broad-based effort with collaboration between all
23 democratic countries, including through the Commu-
24 nity of Democracies.

1 (8) The promotion of such universal democracy
2 constitutes a long-term challenge that does not al-
3 ways lead to an immediate transition to full democ-
4 racy, but through a dedicated and integrated ap-
5 proach can achieve universal democracy.

6 **SEC. 603. STATEMENT OF POLICY.**

7 It shall be the policy of the United States—

8 (1) to promote freedom and democracy in for-
9 eign countries as a fundamental component of
10 United States foreign policy;

11 (2) to affirm fundamental freedoms and human
12 rights in foreign countries and to condemn offenses
13 against those freedoms and rights as a fundamental
14 component of United States foreign policy;

15 (3) to use all instruments of United States in-
16 fluence to support, promote, and strengthen demo-
17 cratic principles, practices, and values in foreign
18 countries, including the right to free, fair, and open
19 elections, secret balloting, and universal suffrage;

20 (4) to protect and promote fundamental free-
21 doms and rights, including the freedoms of associa-
22 tion, of expression, of the press, and of religion, and
23 the right to own private property;

24 (5) to protect and promote respect for and ad-
25 herence to the rule of law in foreign countries;

1 (6) to provide appropriate support to organiza-
2 tions, individuals, and movements located in non-
3 democratic countries that aspire to live in freedom
4 and establish full democracy in such countries;

5 (7) to provide, political, economic, and other
6 support to foreign countries that are willingly under-
7 taking a transition to democracy;

8 (8) to commit United States foreign policy to
9 the challenge of achieving universal democracy; and

10 (9) to strengthen alliances and relationships
11 with other democratic countries in order to better
12 promote and defend shared values and ideals.

13 **SEC. 604. DEFINITIONS.**

14 In this title:

15 (1) ANNUAL REPORT ON DEMOCRACY.—The
16 term “Annual Report on Democracy” means the An-
17 nual Report on Democracy required under section
18 612(a).

19 (2) COMMUNITY OF DEMOCRACIES AND COMMU-
20 NITY.—The terms “Community of Democracies”
21 and “Community” mean the association of demo-
22 cratic countries committed to the global promotion
23 of democratic principles, practices, and values, which
24 held its First Ministerial Conference in Warsaw, Po-
25 land, in June 2000.

1 (3) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means any nongovernmental organization, inter-
3 national organization, multilateral institution, pri-
4 vate foundation, corporation, partnership, associa-
5 tion, or other entity, organization, or group engaged
6 in (or with plans to engage in) the promotion of de-
7 mocracy and fundamental rights and freedoms in
8 foreign countries categorized as “democratic transi-
9 tion countries” or as “nondemocratic” in the most
10 recent Annual Report on Democracy.

11 (4) ELIGIBLE INDIVIDUAL.—The term “eligible
12 individual” means any individual engaged in, or who
13 intends to engage in, the promotion of democracy
14 and fundamental rights and freedoms in foreign
15 countries categorized as “democratic transition
16 countries” or as “nondemocratic” in the most recent
17 Annual Report on Democracy.

18 (5) REGIONAL DEMOCRACY HUB AND HUB.—
19 The terms “Regional Democracy Hub” and “Hub”
20 mean the Regional Democracy Hubs established
21 under section 611(c)(2).

22 (6) SECRETARY.—The term “Secretary” means
23 the Secretary of State.

24 (7) UNDER SECRETARY.—The term “Under
25 Secretary” means the Under Secretary of State for

1 Democracy and Global Affairs established under sec-
2 tion 1(b) of the State Department Basic Authorities
3 Act of 1956 (22 U.S.C. 2651a(b)), as amended by
4 section 611(a)(2) of this Act.

5 **Subtitle A—Department of State**
6 **Activities**

7 **SEC. 611. PROMOTION OF DEMOCRACY IN FOREIGN COUN-**
8 **TRIES.**

9 (a) CODIFICATION OF UNDER SECRETARY OF STATE
10 FOR DEMOCRACY AND GLOBAL AFFAIRS.—Section 1(b) of
11 the State Department Basic Authorities Act of 1956 (22
12 U.S.C. 2651a(b)) is amended—

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

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

17 “(4) UNDER SECRETARY OF STATE FOR DE-
18 MOCRACY AND GLOBAL AFFAIRS.—There shall be in
19 the Department of State, among the Under Secre-
20 taries authorized by paragraph (1), an Under Sec-
21 retary of State for Democracy and Global Affairs,
22 who shall have primary responsibility to assist the
23 Secretary and the Deputy Secretary in the formula-
24 tion and implementation of United States policies
25 and activities relating to the transition to and devel-

1 opment of democracy in nondemocratic countries
2 and to coordinate United States policy on global
3 issues, including issues related to human rights,
4 women’s rights, freedom of religion, labor standards
5 and relations, the preservation of the global environ-
6 ment, the status and protection of the oceans, sci-
7 entific cooperation, narcotics control, law enforce-
8 ment, population issues, refugees, migration, war
9 crimes, and trafficking in persons. The Secretary
10 may assign such other responsibilities to the Under
11 Secretary for Democracy and Global Affairs as the
12 Secretary determines appropriate or necessary. In
13 particular, the Under Secretary shall have the fol-
14 lowing responsibilities:

15 “(A) Coordinating with the Under Sec-
16 retary for Public Diplomacy and Public Affairs
17 and officers and employees from the regional
18 bureaus of the Department of State to promote
19 the transition to democracy in nondemocratic
20 countries and strengthen development of democ-
21 racy in countries that are in transition to de-
22 mocracy.

23 “(B) Advising the Secretary regarding any
24 recommendation requested by any official of
25 any other agency that relates to the human

1 rights situation in a foreign country or the ef-
2 fects on human rights or democracy in a for-
3 eign country of an agency program of such offi-
4 cial.”.

5 (b) ADDITIONAL DUTIES FOR ASSISTANT SEC-
6 RETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS,
7 AND LABOR.—Section 1(c)(2)(A) of the State Department
8 Basic Authorities Act of 1956 (22 U.S.C. 2651a(c)(2)) is
9 amended by inserting after the first sentence the following
10 new sentence: “The Assistant Secretary of State for De-
11 mocracy, Human Rights, and Labor shall also be respon-
12 sible for matters relating to the transition to and develop-
13 ment of democracy in nondemocratic countries, including
14 promoting and strengthening the development of democ-
15 racy in foreign countries that are in the early stages of
16 a transition to democracy and evaluating the effectiveness
17 of United States programs that promote democracy.”.

18 (c) DEPARTMENT OF STATE AND UNITED STATES
19 MISSIONS ABROAD.—

20 (1) OFFICE RELATED TO DEMOCRATIC MOVE-
21 MENTS AND TRANSITIONS.—

22 (A) ESTABLISHMENT.—There shall be
23 within the Bureau of Democracy, Human
24 Rights, and Labor of the Department of State
25 an office that shall be responsible for working

1 with democratic movements and facilitating the
2 transition of nondemocratic countries and
3 democratic transition countries to full democ-
4 racy.

5 (B) PURPOSE.—In addition to any other
6 responsibilities conferred on the office, the of-
7 fice shall promote transitions to full democracy
8 in countries that have been categorized as non-
9 democratic or as democratic transition countries
10 in the most recent Annual Report on Democ-
11 racy required under section 612(a).

12 (C) RESPONSIBILITIES.—The Deputy As-
13 sistant Secretary of State for Democracy,
14 Human Rights, and Labor described in para-
15 graph (4) and employees of the office shall—

16 (i) develop relations with, consult
17 with, and provide assistance to nongovern-
18 mental organizations, individuals, and
19 movements that are committed to the
20 peaceful promotion of democracy, demo-
21 cratic principles, practices, and values, and
22 fundamental rights and freedoms in coun-
23 tries described in subparagraph (B), in-
24 cluding fostering relationships with the

1 United States Government and the govern-
2 ments of other democratic countries;

3 (ii) assist officers and employees of
4 regional bureaus to develop strategies and
5 programs to promote peaceful change in
6 such countries;

7 (iii) foster dialogue, to the extent
8 practicable, between the leaders of such
9 nongovernmental organizations, individ-
10 uals, and movements and the officials of
11 such countries;

12 (iv) create narratives and histories re-
13 quired under section 616 for the Internet
14 site for global democracy and human
15 rights and assist in the preparation of the
16 report required under section 612; and

17 (v) facilitate, in coordination with
18 public affairs officers and offices of the
19 Department of State responsible for public
20 diplomacy programs in such countries, de-
21 bates and discussions, including among
22 young people in other countries, regarding
23 the values and benefits of democracy and
24 human rights at academic institutions in
25 such countries.

1 (2) REGIONAL DEMOCRACY HUBS AT UNITED
2 STATES MISSIONS ABROAD.—

3 (A) PILOT PROGRAM.—

4 (i) IN GENERAL.—The Secretary shall
5 establish a Regional Democracy Hub at a
6 United States mission in two of the fol-
7 lowing geographic regions:

8 (I) The Western Hemisphere.

9 (II) Europe.

10 (III) South Asia.

11 (IV) The Near East.

12 (V) East Asia and the Pacific.

13 (VI) Africa.

14 (ii) DIRECTOR.—Each Regional De-
15 mocracy Hub shall be headed by a Direc-
16 tor. The Director and the associated staff
17 shall be selected by the Secretary of State
18 in consultation with the Assistant Sec-
19 retary of State for Democracy, Human
20 Rights, and Labor.

21 (B) RESPONSIBILITIES.—Each Regional
22 Democracy Hub shall support the appropriate
23 United States ambassador and United States
24 employees assigned to United States missions in
25 each such geographic region to carry out the re-

1 responsibilities described in this Act, including as-
2 sisting Ambassadors and other United States
3 officials in each nondemocratic country or
4 democratic transition country in the geographic
5 region to design and implement strategies for a
6 transition to democracy in such county, includ-
7 ing regional strategies as appropriate.

8 (C) ACCREDITATION.—As appropriate, the
9 Department should seek accreditation for the
10 Director to all nondemocratic countries in each
11 geographic region for which each Hub is re-
12 sponsible.

13 (D) TERMINATION.—The Secretary may
14 terminate each Hub established under this
15 paragraph five years after each is established.

16 (E) CONTINUING RESPONSIBILITIES.—
17 Nothing in this paragraph shall be construed as
18 removing any responsibility under this or any
19 other Act of any chief of mission or other em-
20 ployees of United States diplomatic missions,
21 including the development and implementation
22 of strategies to promote democracy.

23 (F) AUTHORIZATION OF APPROPRIA-
24 TIONS.—There are authorized to be appro-
25 priated to the Secretary such sums as may be

1 necessary to carry out the responsibilities de-
2 scribed in subparagraph (B), including hiring
3 additional staff to carry out such responsibil-
4 ities.

5 (3) RESPONSIBILITIES OF THE BUREAU OF IN-
6 TELLIGENCE AND RESEARCH.—The Assistant Sec-
7 retary of State for Intelligence and Research should
8 coordinate with the Department of the Treasury, the
9 Department of Justice, the Central Intelligence
10 Agency, other appropriate intelligence agencies, and,
11 as appropriate, with foreign governments to—

12 (A) monitor and document financial assets
13 inside and outside the United States held by
14 leaders of countries determined to be nondemo-
15 cratic countries or democratic transition coun-
16 tries in the Annual Report on Democracy under
17 section 612(a);

18 (B) identify close associates of such lead-
19 ers; and

20 (C) monitor and document financial assets
21 inside and outside the United States held by
22 such close associates.

23 (4) COORDINATION.—

24 (A) DEPUTY ASSISTANT SECRETARY OF
25 STATE FOR DEMOCRACY, HUMAN RIGHTS, AND

1 LABOR.—There should be in the Department of
2 State a Deputy Assistant Secretary of State for
3 Democracy, Human Rights, and Labor. Any
4 such Deputy Assistant Secretary shall be in ad-
5 dition to the current number of Deputy Assist-
6 ant Secretaries. In addition to considering
7 qualified noncareer candidates, the Secretary of
8 State should seek to recruit senior members of
9 the Senior Foreign Service to serve in such po-
10 sition.

11 (B) RESPONSIBILITIES.—In addition to
12 the responsibilities described in paragraph
13 (1)(C) and such other responsibilities as the
14 Secretary or Assistant Secretary of State for
15 Democracy, Human Rights, and Labor may
16 from time to time designate, the Deputy Assist-
17 ant Secretary of State for Democracy, Human
18 Rights, and Labor should—

19 (i) coordinate the work of the office
20 described in paragraph (1) with the work
21 of other offices and bureaus at the Depart-
22 ment of State and other United States
23 Government agencies that provide grants
24 and other assistance to nongovernmental
25 organizations, individuals, and movements;

1 (ii) forge connections between the
2 United States and nongovernmental orga-
3 nizations, individuals, and movements com-
4 mitted to the promotion of democracy and
5 democratic principles, practices, and values
6 and seek to embrace the work of such or-
7 ganizations, individuals, and movements;
8 and

9 (iii) evaluate the effectiveness of
10 United States programs that promote de-
11 mocracy.

12 (5) RECRUITMENT.—The Secretary shall seek
13 to ensure that, not later than December 31, 2012,
14 not less than 50 percent of the nonadministrative
15 employees serving in the Bureau of Democracy,
16 Human Rights, and Labor are members of the For-
17 eign Service.

18 **SEC. 612. REPORTS.**

19 (a) ANNUAL REPORT ON DEMOCRACY.—

20 (1) PREPARATION AND DEADLINE FOR SUBMIS-
21 SION.—The Secretary of State shall prepare an An-
22 nual Report on Democracy. The Under Secretary of
23 State for Democracy and Global Affairs, with the as-
24 sistance of the Assistant Secretary of State for De-
25 mocracy, Human Rights, and Labor, shall have the

1 principal responsibility of assisting the Secretary in
2 the preparation of the Annual Report. The Under
3 Secretary and Assistant Secretary shall consult with
4 the regional bureaus of the Department of State in
5 the preparation of the Annual Report. Not later
6 than July 1 of each year, the Secretary shall submit
7 to the appropriate congressional committees the An-
8 nual Report on Democracy.

9 (2) CONTENTS.—The Annual Report on De-
10 mocracy shall contain the following:

11 (A) EXECUTIVE SUMMARY.—An Executive
12 Summary with a table listing every foreign
13 country that the Secretary determines to be
14 “nondemocratic”, and a list of countries the
15 Secretary determines to be “democratic transi-
16 tion countries” because they are at the early
17 stages of their transition to democracy. The Ex-
18 ecutive Summary shall contain a short narrative
19 highlighting the status of democracy in each
20 such country.

21 (i) DETERMINATION OF CATEGORIZA-
22 TION.—With respect to a country listed in
23 the Executive Summary, the Secretary
24 shall determine which of the categoriza-
25 tions specified under subparagraph (A) is

1 appropriate by reference to the principles
2 enshrined in the United Nations Charter,
3 the Universal Declaration of Human
4 Rights, the International Covenant on Civil
5 and Political Rights, the United Nations
6 Commission on Human Rights Resolution
7 1499/57 (entitled “Promotion of the Right
8 to Democracy”), the assessments used to
9 determine eligibility for financial assistance
10 disbursed from the Millennium Challenge
11 Account, the assessments of nongovern-
12 mental organizations of eligibility to par-
13 ticipate in the meetings of the Community
14 of Democracies, and the standards estab-
15 lished and adopted by the Community of
16 Democracies. In addition, the categoriza-
17 tion of a country should be informed by
18 the general consensus regarding the status
19 of civil and political rights in such country
20 by major nongovernmental organizations
21 that conduct assessments of such condi-
22 tions in such countries.

23 (ii) DETERMINATION OF NONDEMO-
24 CRATIC CATEGORIZATION.—

1 (I) IN GENERAL.—The Secretary
2 shall categorize a country as non-
3 democratic if such country fails to
4 satisfy any of the following require-
5 ments:

6 (aa) All citizens of such
7 county have the right to, and are
8 not restricted in practice from,
9 fully and freely participating in
10 the political life of such country
11 regardless of gender, race, lan-
12 guage, religion, or beliefs.

13 (bb) The national legislative
14 body of such country and, if di-
15 rectly elected, the head of govern-
16 ment of such country, are chosen
17 by free, fair, open, and periodic
18 elections, by universal and equal
19 suffrage, and by secret ballot.

20 (cc) More than one political
21 party in such country has can-
22 didates who seek elected office at
23 the national level and such par-
24 ties are not restricted in their po-
25 litical activities or their process

1 for selecting such candidates, ex-
2 cept for reasonable administra-
3 tive requirements commonly ap-
4 plied in countries categorized as
5 fully democratic.

6 (dd) All citizens in such
7 country have a right to, and are
8 not restricted in practice from,
9 fully exercising the freedoms of
10 thought, conscience, belief, peace-
11 ful assembly and association,
12 speech, opinion, and expression,
13 and such country has a free,
14 independent, and pluralistic
15 media.

16 (ee) The current government
17 of such country did not come to
18 power in a manner contrary to
19 the rule of law.

20 (ff) Such country possesses
21 an independent judiciary and the
22 government of such country gen-
23 erally respects the rule of law.

24 (II) ADDITIONAL CONSIDER-
25 ATIONS.—Notwithstanding the satis-

1 faction by a country of the require-
2 ments specified under subclause (I),
3 the Secretary may categorize a coun-
4 try as nondemocratic if the Secretary
5 determines that such is appropriate
6 after consideration of the principles
7 specified under clause (i) with respect
8 to such country.

9 (B) STATUS OF DEMOCRACY.—A descrip-
10 tion of each country on the list described in
11 subparagraph (A), including—

12 (i) an evaluation of trends over the
13 preceding 12 months towards improvement
14 or deterioration in the commitment to and
15 protection of democratic principles, prac-
16 tices, values, institutions, and processes in
17 each such country;

18 (ii) an evaluation of the political
19 rights and freedoms enjoyed by individuals
20 in each such country and an evaluation of
21 the factors that prevent each such country
22 from being categorized as fully democratic;
23 and

24 (iii) for each country previously cat-
25 egorized as nondemocratic in the Executive

1 Summary from the preceding 12 months,
2 an evaluation of any progress made over
3 the previous calendar year towards achiev-
4 ing a categorization of democratic transi-
5 tion country.

6 (C) STRATEGY FOR NONDEMOCRATIC
7 COUNTRIES.—An in-depth examination of each
8 country categorized as nondemocratic in the
9 Executive Summary, including—

10 (i) a strategy developed following con-
11 sultations with nongovernmental organiza-
12 tions, individuals, and movements that pro-
13 mote democratic principles, practices, and
14 values in each such country to promote
15 and achieve transition to full democracy in
16 each such country;

17 (ii) a summary of any actions taken
18 by the President with respect to any such
19 country, the effects of any such actions,
20 and if no such actions have been taken, a
21 statement explaining why not;

22 (iii) a summary of any actions taken
23 by the chief of mission and officials of the
24 United States in each such country with
25 which the United States maintains diplo-

1 matic and consular posts with respect to
2 promoting such a transition within such
3 country and any activities of the embassy
4 or consulate in such country to support in-
5 dividuals and organizations in such coun-
6 try that actively advocate for such a transi-
7 tion;

8 (iv) a summary of efforts taken by of-
9 ficials of the United States to speak di-
10 rectly to the people in each such country,
11 and in particular, a description of any vis-
12 its taken by the chief of mission and other
13 officials of the United States in each such
14 country to the colleges and universities and
15 other institutions in each such country
16 where young people congregate and learn;

17 (v) a summary of any communications
18 between United States Government offi-
19 cials, including the chief of mission in each
20 such country, and the leader and other
21 high government officials of each such
22 country concerning respect for liberty, de-
23 mocracy, and political, social, and eco-
24 nomic freedoms; and

1 (vi) a description and evaluation of
2 the efforts undertaken by other democratic
3 countries belonging to the Community of
4 Democracies to advance democracy in each
5 such county, including through relevant
6 bodies of the United Nations, regional or-
7 ganizations and bilateral policies and for-
8 eign assistance and the extent to which the
9 United States coordinated United States
10 actions and policies with such efforts.

11 (3) CLASSIFIED ADDENDUM.—If the Secretary
12 determines that it is in the national security inter-
13 ests of the United States, is necessary for the safety
14 of individuals identified in the Annual Report on De-
15 mocracy, or is necessary to further the purposes of
16 this Act, any information required by paragraph (2),
17 including policies adopted or actions taken by the
18 United States, may be summarized in the Annual
19 Report on Democracy or in the Executive Summary
20 and submitted to the appropriate congressional com-
21 mittees in more detail in a classified addendum.

22 (b) ONE-TIME REPORT ON TRAINING AND GUIDE-
23 LINES FOR FOREIGN SERVICE OFFICERS AND CHIEFS OF
24 MISSION.—The Secretary of State, in consultation with
25 the Under Secretary of State for Democracy and Global

1 Affairs, shall submit to the appropriate congressional com-
2 mittees a one-time report containing a description of the
3 training provided under section 619 for Foreign Service
4 officers, including chiefs of mission serving or preparing
5 to serve in countries categorized as democratic transition
6 countries or nondemocratic in the Annual Report on De-
7 mocracy required under subsection (a), or chiefs of mis-
8 sion in fully democratic countries whose job performance
9 could benefit from such training, with respect to methods
10 to promote and achieve transition to full democracy in
11 each such country, including nonviolent action. The Sec-
12 retary shall submit the report together with the first An-
13 nual Report on Democracy required under such sub-
14 section.

15 **SEC. 613. STRATEGIES TO ENHANCE THE PROMOTION OF**
16 **DEMOCRACY IN FOREIGN COUNTRIES.**

17 (a) WORKING GROUP ON NONDEMOCRATIC COUN-
18 TRIES.—Beginning in the year after the second Annual
19 Report on Democracy required under section 612(a) is
20 submitted and not less than once each year thereafter, the
21 Under Secretary of State for Democracy and Global Af-
22 fairs should convene a working group under subsection (c)
23 focused on each country categorized as nondemocratic in
24 the most recent such report in order to—

1 (1) review progress on the action plan with re-
2 spect to each such country to promote and achieve
3 the transition to full democracy in such country; and

4 (2) receive recommendations regarding further
5 action that should be taken with respect to such
6 plan.

7 (b) WORKING GROUP ON DEMOCRATIC TRANSITION
8 COUNTRIES.—Beginning in the year after the second An-
9 nual Report on Democracy required under section 612(a)
10 is submitted and not less than once each year thereafter,
11 the Under Secretary of State for Democracy and Global
12 Affairs should also convene a working group under sub-
13 section (c) focused on the progress towards a fully demo-
14 cratic form of governance in each country categorized as
15 a democratic transition country in the most recent Annual
16 Report that was categorized as nondemocratic in any pre-
17 vious Annual Report.

18 (c) MEMBERS OF WORKING GROUPS.—The working
19 groups referred to in subsections (a) and (b) should in-
20 clude officers and employees of the Department of State
21 and appropriate representatives from other relevant gov-
22 ernment agencies, including the United States Agency for
23 International Development, the Department of the Treas-
24 ury, and the Department of Defense.

1 (d) CONSULTATIONS WITH CHIEFS OF MISSIONS.—
2 The chief of mission for each country categorized as non-
3 democratic or a democratic transition country in the most
4 recent Annual Report on Democracy shall meet with the
5 Under Secretary of State for Democracy and Global Af-
6 fairs at least once each year to discuss the transition to
7 full democracy in such country, including any actions the
8 chief of mission has taken to implement the action plan
9 for such country included in such report.

10 **SEC. 614. ACTIVITIES BY THE UNITED STATES TO PROMOTE**
11 **DEMOCRACY AND HUMAN RIGHTS IN FOR-**
12 **EIGN COUNTRIES.**

13 (a) FREEDOM INVESTMENT ACT OF 2002.—The
14 Freedom Investment Act of 2002 (subtitle E of title VI
15 of Public Law 107–228) is amended—

16 (1) in section 663(a), (relating to human rights
17 activities at the Department of State)—

18 (A) in paragraph (1), by striking “and” at
19 the end;

20 (B) by redesignating paragraph (2) as
21 paragraph (4);

22 (C) by inserting after paragraph (1) the
23 following new paragraphs:

24 “(2) a United States mission abroad in a coun-
25 try that has been categorized as nondemocratic in

1 the most recent Annual Report on Democracy (as
2 required under section 612(a) of the Advance Demo-
3 cratic Values, Address Nondemocratic Countries,
4 and Enhance Democracy Act of 2005) should have
5 at least one political officer who shall have primary
6 responsibility for monitoring and promoting democ-
7 racy and human rights in such country;

8 “(3) the level of seniority of any such political
9 officer should be in direct relationship to the severity
10 of the problems associated with the establishment of
11 full democracy and respect for human rights in such
12 country; and”;

13 (D) in paragraph (4), as so redesignated,
14 by striking “monitoring human rights develop-
15 ments” and all that follows through “rec-
16 ommendation” and inserting the following:
17 “monitoring and promoting democracy and
18 human rights, including a political officer de-
19 scribed in paragraphs (2) and (3), in a foreign
20 country should be made after consultation with
21 and upon the recommendation”;

22 (2) in section 665(c) (relating to reports on ac-
23 tions taken by the United States to encourage re-
24 spect for human rights), by striking the second sen-
25 tence and adding at the end the following new sen-

1 tences: “If the Secretary elects to submit such infor-
2 mation as a separate report, such report may be
3 submitted as part of the Annual Report on Democ-
4 racy required under section 612(a) of the Advance
5 Democratic Values, Address Nondemocratic Coun-
6 tries, and Enhance Democracy Act of 2005. If the
7 Secretary makes such an election, such report shall
8 be organized so as to contain a separate section for
9 each country to which such information applies, to-
10 gether with a short narrative describing the
11 extrajudicial killing, torture, or other serious viola-
12 tions of human rights that are indicated to have oc-
13 curred in each such country.”.

14 (b) FOREIGN ASSISTANCE ACT OF 1961.—The For-
15 eign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is
16 amended—

17 (1) in section 116(d) (22 U.S.C. 2151n(d)), by
18 striking paragraph (10) and inserting the following
19 new paragraph:

20 “(10) for each country with respect to which
21 the report indicates that extrajudicial killings, tor-
22 ture, or other serious violations of human rights
23 have occurred in the country, a strategy, including
24 a specific list of priorities and an action plan, to end
25 such practices in the country, and any actions taken

1 in the previous year to end such practices in the
2 country; and”;

3 (2) in section 502B(b) (22 U.S.C. 2304(b)), by
4 striking the sixth sentence and inserting the fol-
5 lowing new sentence: “Such report shall also include,
6 for each country with respect to which the report in-
7 dicates that extrajudicial killings, torture, or other
8 serious violations of human rights have occurred in
9 the country, a strategy, including a specific list of
10 priorities and an action plan, to end such practices
11 in the country, and any actions taken in the previous
12 year to end such practices in the country.”.

13 **SEC. 615. DEMOCRACY PROMOTION AND HUMAN RIGHTS**
14 **ADVISORY BOARD.**

15 (a) **ESTABLISHMENT.**—There is established a De-
16 mocracy Promotion and Human Rights Advisory Board.

17 (b) **PURPOSE AND DUTIES.**—The Board shall advise
18 and provide recommendations to the Secretary of State,
19 the Under Secretary of State for Democracy and Global
20 Affairs, the Assistant Secretary of State for Democracy,
21 Human Rights, and Labor, the Director of the Office for
22 Reconstruction and Stabilization of the Department of
23 State, and the Assistant Administrator for the Bureau of
24 Democracy, Conflict and Humanitarian Assistance of the
25 United States Agency for International Development con-

1 cerning United States policies regarding the promotion of
2 democracy, the means of coordinating United States poli-
3 cies and programs related to the promotion of democracy,
4 and United States policies regarding the establishment of
5 universal democracy, including the following:

6 (1) Reviewing and making recommendations re-
7 garding the overall United States strategy for pro-
8 moting democracy and human rights in partly demo-
9 cratic and nondemocratic countries, including meth-
10 ods for incorporating the promotion of democracy
11 and human rights into United States diplomacy, the
12 use of international organizations to further United
13 States democracy promotion goals, and ways in
14 which the United States can work with other coun-
15 tries and the Community of Democracies to further
16 such purposes.

17 (2) Recommendations regarding specific strate-
18 gies to promote democracy in countries categorized
19 as nondemocratic or as democratic transition coun-
20 tries in the most recent Annual Report on Democ-
21 racy under section 612(a) and methods for con-
22 sulting and coordinating with individuals (including
23 expatriates) and nongovernmental organizations that
24 promote democratic principles, practices, and values.

25 (3) Recommendations regarding the use of—

1 (A) programs related to the promotion of
2 democracy and human rights administered by
3 the United States Agency for International De-
4 velopment; and

5 (B) the Human Rights and Democracy
6 Fund, established under section 664 of the
7 Freedom Investment Act of 2002 (subtitle E of
8 title VI of Public Law 107–228).

9 (4) Recommendations regarding regulations to
10 be promulgated concerning—

11 (A) the standards of performance to be
12 met by members of the Foreign Service, includ-
13 ing chiefs of mission, under section 405(d) of
14 the Foreign Service Act of 1980 (22 U.S.C.
15 3965(d)); and

16 (B) the development of programs to pro-
17 mote democracy in foreign countries under sec-
18 tion 614, relating to programs undertaken by
19 United States missions in foreign countries and
20 the activities of chiefs of mission.

21 (c) STUDY ON DEMOCRACY ASSISTANCE.—

22 (1) IN GENERAL.—Not later than 18 months
23 after the appointment of five members of the Board,
24 the Board shall submit to the President, appropriate

1 congressional committees, and the Secretary a study
2 on United States democracy assistance.

3 (2) CONTENTS.—The study shall include—

4 (A) a comprehensive review and an overall
5 evaluation of the efficiency and effectiveness of
6 United States appropriations for the promotion
7 of democracy, including—

8 (i) information regarding the amount
9 of money dedicated to such purpose each
10 fiscal year;

11 (ii) an identification of the inter-
12 national organizations, nongovernmental
13 organizations, multilateral institutions, in-
14 dividuals, private groups (including cor-
15 porations and other businesses), and gov-
16 ernment agencies and departments receiv-
17 ing such funds for such purpose;

18 (iii) information regarding the effi-
19 ciency and effectiveness of the use of such
20 funds to promote a transition to democracy
21 in nondemocratic countries with a special
22 emphasis on activities related to the pro-
23 motion of democracy under subsection
24 (b)(3)(B), relating to the Human Rights
25 and Democracy Fund; and

1 (iv) information regarding the effi-
2 ciency and effectiveness of the use of such
3 funds to promote and sustain democracy in
4 countries that are already fully democratic
5 or democratic transition countries;

6 (B) a review of—

7 (i) whether United States inter-
8 national broadcasts influence citizens of
9 countries categorized as nondemocratic in
10 the most recent Annual Report on Democ-
11 racy and the impact of increasing such
12 broadcasts to such countries relative to the
13 cost of such increases, including informa-
14 tion relating to an assessment of program-
15 ming on the means of nonviolent protest
16 and democratic change; and

17 (ii) the advantages and disadvantages
18 of supporting private media sources that
19 are not controlled or owned by the United
20 States to reach citizens of such countries
21 and the mechanisms that should be used to
22 provide such support;

23 (C) policy recommendations to the Presi-
24 dent and appropriate congressional committees
25 regarding ways to improve United States pro-

1 grams for the promotion of democracy, includ-
2 ing coordination of such programs; and

3 (D) recommendations for reform of United
4 States Government agencies involved in the pro-
5 motion of democracy.

6 (d) MEMBERSHIP.—

7 (1) APPOINTMENT.—The Board shall be com-
8 posed of nine members, who shall be citizens of the
9 United States and who shall not be officers or em-
10 ployees of the United States. The Secretary shall ap-
11 point all such members. Not more than five mem-
12 bers may be affiliated with the same political party.

13 (2) SELECTION.—Members of the Board shall
14 be selected from among distinguished individuals
15 noted for their knowledge and experience in fields
16 relevant to the issues to be considered by the Board,
17 including issues related to the promotion of democ-
18 racy, international relations, management and orga-
19 nization of foreign assistance or comparable pro-
20 grams, methods and means of nonviolent protest,
21 academic study and debate of democracy, human
22 rights, and international law.

23 (3) TIME FOR APPOINTMENT.—The appoint-
24 ment of members to the Board under paragraph (1)

1 shall be made not later than 120 days after the date
2 of the enactment of this Act.

3 (4) TERM OF SERVICE AND SUNSET.—Each
4 member shall be appointed to the Board for a term
5 that shall expire on the date that is one year after
6 the date of the submission of the study under sub-
7 section (c) or for any additional period determined
8 by the Secretary pursuant to paragraph (5).

9 (5) SUNSET.—The Board shall terminate on
10 the date that is one year after the date of the sub-
11 mission of the study under such subsection unless
12 the Secretary determines that it is in the interest of
13 the Department to extend the Board for a period of
14 an additional five years.

15 (6) SECURITY CLEARANCES.—The Secretary
16 shall ensure that all members of the Board, and ap-
17 propriate experts and consultants under paragraph
18 (7)(E), obtain relevant security clearances in an ex-
19 pedient manner.

20 (7) OPERATION.—

21 (A) CHAIR.—The Secretary shall appoint
22 one member of the Board to chair the Board.
23 The Board shall meet at the call of the Chair.

24 (B) TRAVEL EXPENSES.—Members of the
25 Board shall be allowed travel expenses, includ-

1 ing per diem in lieu of subsistence, at rates au-
2 thorized for employees of agencies under sub-
3 chapter I of chapter 57 of title 5, United States
4 Code, while away from their homes or regular
5 places of business in the performance of service
6 for the Board.

7 (C) OFFICE SPACE AND ADMINISTRATIVE
8 ASSISTANCE.—Upon the request of the chair-
9 person of the Board, the Secretary shall provide
10 reasonable and appropriate office space, sup-
11 plies, and administrative assistance.

12 (D) APPLICABILITY OF CERTAIN OTHER
13 LAWS.—Nothing in this section shall be con-
14 strued to cause the Board to be considered an
15 agency or establishment of the United States,
16 or to cause members of the Board to be consid-
17 ered officers or employees of the United States.
18 Executive branch agencies may conduct pro-
19 grams and activities and provide services in
20 support of the activities duties of the Board,
21 notwithstanding any other provision of law. The
22 Federal Advisory Committee Act (5 U.S.C.
23 App.) shall not apply to the Board.

24 (E) EXPERTS AND CONSULTANTS.—The
25 Board may procure temporary and intermittent

1 services under section 3109(b) of title 5, United
2 States Code.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Board such sums as
5 may be necessary for each of fiscal years 2006, 2007, and
6 2008.

7 **SEC. 616. ESTABLISHMENT AND MAINTENANCE OF INTER-**
8 **NET SITE FOR GLOBAL DEMOCRACY AND**
9 **HUMAN RIGHTS.**

10 (a) ESTABLISHMENT.—In order to facilitate access
11 by individuals and nongovernmental organizations in for-
12 eign countries to documents, streaming video and audio,
13 and other media regarding democratic principles, prac-
14 tices, and values, and the promotion and strengthening of
15 democracy, the Secretary of State, in cooperation with the
16 Under Secretary of State for Democracy and Global Af-
17 fairs, the Under Secretary for Public Diplomacy and Pub-
18 lic Affairs, and the Assistant Secretary of State for De-
19 mocracy, Human Rights, and Labor, shall establish and
20 maintain an Internet site for global democracy and human
21 rights.

22 (b) CONTENTS.—The Internet site for global democ-
23 racy established under subsection (a) shall include the fol-
24 lowing information:

1 (1) The Executive Summary prepared under
2 section 612(a)(2)(A), but only to the extent that in-
3 formation contained therein is not classified.

4 (2) Narratives and histories of significant
5 democratic movements in foreign countries, particu-
6 larly regarding successful nonviolent campaigns to
7 oust dictatorships.

8 (3) Narratives relating to the importance of the
9 establishment of and respect for fundamental free-
10 doms.

11 (4) Major human rights reports by the United
12 States Government or any other documents, ref-
13 erences, or links to external Internet sites the Sec-
14 retary or Under Secretary determines appropriate,
15 including reference to or links to training materials
16 regarding successful movements in the past, includ-
17 ing translations of such materials, as appropriate.

18 **SEC. 617. PROGRAMS BY UNITED STATES MISSIONS IN FOR-**
19 **EIGN COUNTRIES AND ACTIVITIES OF CHIEFS**
20 **OF MISSION.**

21 (a) DEVELOPMENT OF PROGRAMS TO PROMOTE DE-
22 MOCRACY IN FOREIGN COUNTRIES.—Each chief of mis-
23 sion in each foreign country categorized as nondemocratic
24 in the most recent Annual Report on Democracy, with the

1 assistance of the director of the relevant Regional Hub,
2 shall—

3 (1) develop, as part of annual program plan-
4 ning, a strategy to promote democracy in each such
5 foreign country and to provide visible and material
6 support to individuals and nongovernmental organi-
7 zations in each such country that are committed to
8 democratic principles, practices, and values, such
9 as—

10 (A) consulting and coordinating with such
11 individuals and organizations regarding the pro-
12 motion of democracy;

13 (B) visiting local landmarks and other
14 local sites associated with nonviolent protest in
15 support of democracy and freedom from oppres-
16 sion;

17 (C) holding periodic public meetings with
18 such individuals and organizations to discuss
19 democracy and political, social, and economic
20 freedoms;

21 (D) issuing public condemnation of severe
22 violations of internationally recognized human
23 rights (as such term is described in section
24 116(a) of the Foreign Assistance Act of 1961
25 (22 U.S.C. 2151n(a)), violations of religious

1 freedom, including particularly severe violations
2 of religious freedom (as such terms are defined
3 in paragraphs (11) and (13) of section 3 of the
4 International Religious Freedom Act of 1998
5 (22 U.S.C. 6402)), political repression, and
6 government-tolerated or -condoned trafficking
7 in persons; and

8 (E) providing technical, financial, and such
9 other support to such individuals and organiza-
10 tions;

11 (2) hold ongoing discussions with the leaders of
12 each such nondemocratic country regarding a transi-
13 tion to full democracy and the development of polit-
14 ical, social, and economic freedoms and respect for
15 human rights, including freedom of religion or belief,
16 in such country; and

17 (3) conduct meetings with civil society, inter-
18 views with media that can directly reach citizens of
19 each such country, and discussions with students
20 and young people of each such country regarding a
21 transition to democracy and the development of po-
22 litical, social, and economic freedoms in each such
23 country.

24 (b) PUBLIC OUTREACH IN FOREIGN COUNTRIES.—

25 Each chief of mission or principal officer should spend

1 time at universities and other institutions of higher learn-
2 ing to—

3 (1) debate and discuss values and policies that
4 promote democracy; and

5 (2) communicate, promote, and defend such
6 United States values and policies.

7 (c) ACCESS TO UNITED STATES MISSIONS.—The
8 Secretary is encouraged to allow access to a United States
9 diplomatic or consular mission in each foreign country cat-
10 egorized as a democratic transition country or as non-
11 democratic in the most recent Annual Report on Democ-
12 racy by individuals and representatives of nongovern-
13 mental organizations in each such country who are com-
14 mitted to democratic principles, practices, and values in
15 each such country.

16 **SEC. 618. TRAINING FOR FOREIGN SERVICE OFFICERS.**

17 (a) TRAINING IN DEMOCRACY AND THE PROMOTION
18 OF DEMOCRACY AND HUMAN RIGHTS.—Section 708 of
19 the Foreign Service Act of 1980 (22 U.S.C. 4028) is
20 amended by adding at the end the following new sub-
21 section:

22 “(c) TRAINING ON GLOBAL DEMOCRACY PRO-
23 MOTION.—

24 “(1) IN GENERAL.—In addition to the training
25 required under subsections (a) and (b), the Sec-

1 retary of State, in cooperation with other relevant
2 officials, including the Under Secretary of State for
3 Democracy and Global Affairs, and the Director of
4 the National Foreign Affairs Training Center of the
5 Foreign Service Institute of the Department of
6 State, shall establish as part of the training provided
7 after December 31, 2006, for members of the Service,
8 including all chiefs of mission and deputy chiefs
9 of mission, instruction in how to strengthen and promote
10 democracy through peaceful means in consultation
11 with individuals and nongovernmental organizations
12 that support democratic principles, practices,
13 and values. In particular, such instruction shall be
14 mandatory for members of the Service having reporting
15 or other responsibilities relating to internal political
16 developments and human rights, including religious
17 freedom, in nondemocratic countries or democratic
18 transition countries as categorized in the most recent
19 Annual Report on Democracy as required under section
20 612(a) of the Advance Democratic Values, Address
21 Nondemocratic Countries, and Enhance Democracy Act
22 of 2005, including for chiefs of mission and deputy
23 chiefs of mission, and shall be completed before the
24 time that such member or chief of mission assumes
25 a post (or, if such is not

1 practical, within the first year of assuming such
2 post).

3 “(2) CONTENTS OF TRAINING.—The training
4 required under paragraph (1) shall include instruc-
5 tion, a training manual, and other materials regard-
6 ing the following:

7 “(A) International documents and United
8 States policy regarding electoral democracy and
9 respect for human rights.

10 “(B) United States policy regarding the
11 promotion and strengthening of democracy
12 around the world, with particular emphasis on
13 the transition to democracy in nondemocratic
14 countries.

15 “(C) For any member, chief of mission, or
16 deputy chief of mission who is to be assigned to
17 a foreign country that is categorized as non-
18 democratic in the Annual Report on Democ-
19 racy, instruction regarding ways to promote de-
20 mocracy in such country and providing tech-
21 nical, financial, and other support to individuals
22 (including expatriated citizens) and nongovern-
23 mental organizations in such country that sup-
24 port democratic principles, practices, and val-
25 ues.

1 “(D) The protection of internationally rec-
2 cognized human rights (including the protection
3 of religious freedom) and standards related to
4 such rights, provisions of United States law re-
5 lated to such rights, diplomatic tools to promote
6 respect for such rights, the protection of indi-
7 viduals who have fled their countries due to vio-
8 lations of such rights (including the role of
9 United States embassies in providing access to
10 the United States Refugee Admissions Pro-
11 gram) and the relationship between respect for
12 such rights and democratic development and
13 national security. The Director of the National
14 Foreign Affairs Training Center of the Foreign
15 Service Institute of the Department of State
16 shall consult with nongovernmental organiza-
17 tions involved in the protection and promotion
18 of such rights and the United States Commis-
19 sion on International Religious Freedom (estab-
20 lished under section 201(a) of the International
21 Religious Freedom Act of 1998 (22 U.S.C.
22 6431(a)) in developing the training required by
23 this subparagraph.”.

24 (b) OTHER TRAINING.—The Secretary of State shall
25 ensure that the training described in subsection (a) is pro-

1 vided to members of the civil service who are assigned in
2 the United States or abroad who have reporting or other
3 responsibilities relating to internal political developments
4 and human rights in countries that are categorized as
5 democratic transition countries or nondemocratic in the
6 Annual Report on Democracy required under section
7 612(a).

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated such sums as may be
10 necessary to develop appropriate programs and materials
11 to accomplish the training required under subsection (c)
12 of section 708 of the Foreign Service Act of 1980 (22
13 U.S.C. 4028), as added by subsection (a).

14 (d) CLERICAL AMENDMENTS.—Section 708 of the
15 Foreign Service Act of 1980, as amended by subsection
16 (a), is further amended—

17 (1) in subsection (a) by striking “(a) The” and
18 inserting “(a) TRAINING ON HUMAN RIGHTS.—
19 The”; and

20 (2) in subsection (b) by striking “(b) The” and
21 inserting “(b) TRAINING ON REFUGEE LAW AND
22 RELIGIOUS PERSECUTION.—The”.

1 **SEC. 619. PERFORMANCE PAY; PROMOTIONS; FOREIGN**
2 **SERVICE AWARDS.**

3 (a) **PERFORMANCE PAY.**—Section 405(d) of the For-
4 eign Service Act of 1980 (22 U.S.C. 3965(d)) is amended
5 by inserting after the second sentence the following new
6 sentence: “Meritorious or distinguished service in the pro-
7 motion of democracy in foreign countries, including con-
8 tact with and support of individuals and nongovernmental
9 organizations that promote democracy in a foreign country
10 categorized as nondemocratic in the most recent Annual
11 Report on Democracy (as required under section 612(a)
12 of the Advance Democratic Values, Address Nondemo-
13 cratic Countries, and Enhance Democracy Act of 2005),
14 shall also serve as a basis for granting awards under this
15 section.”.

16 (b) **PROMOTIONS.**—Section 603(b) of the Foreign
17 Service Act of 1980 (22 U.S.C. 4003(b)) is amended by
18 adding at the end the following new sentence: “Precepts
19 for selection boards shall also, where applicable, include
20 an evaluation of whether members of the Service and
21 members of the Senior Foreign Service have met the
22 standards of performance established by the Secretary
23 pursuant to section 619(c) of the Advance Democratic
24 Values, Address Nondemocratic Countries, and Enhance
25 Democracy Act of 2005, or have served in a position in

1 which the primary responsibility is to monitor or promote
2 democracy or human rights.”.

3 (c) REGULATIONS AND EVALUATIONS CONCERNING
4 STANDARDS OF PERFORMANCE AND PROGRAMS TO PRO-
5 MOTE DEMOCRACY.—With respect to members of the For-
6 eign Service, including all chiefs of mission, who are as-
7 signed to foreign countries categorized as nondemocratic
8 in the most recent Annual Report on Democracy, the Sec-
9 retary shall prescribe regulations concerning the standards
10 of performance to be met under sections 405(d) and
11 603(b) of the Foreign Service Act of 1980 (22 U.S.C.
12 3965(d) and 4003(b)), as amended by subsections (a) and
13 (b), respectively, and the development of programs to pro-
14 mote democracy in foreign countries under section 617.
15 The requirements of sections 617 and 618(a) shall serve
16 as one of the bases for performance criteria in evaluating
17 chiefs of mission and those officers serving in a position
18 in which the primary responsibility is to monitor or pro-
19 mote democracy or human rights.

20 (d) FOREIGN SERVICE AWARDS.—Section 614 of the
21 Foreign Service Act of 1980 (22 U.S.C. 4013) is amended
22 by adding at the end the following new sentence: “Distin-
23 guished or meritorious service in the promotion of democ-
24 racy in foreign countries, including contact with and sup-
25 port of individuals and nongovernmental organizations

1 that promote democracy in a foreign country categorized
2 as nondemocratic in the most recent Annual Report on
3 Democracy (as required under section 612(a) of the Ad-
4 vance Democratic Values, Address Nondemocratic Coun-
5 tries, and Enhance Democracy Act of 2005), shall also
6 serve as a basis for granting awards under this section.”.

7 **SEC. 620. APPOINTMENTS.**

8 (a) CHIEFS OF MISSION.—Section 304(a)(1) of the
9 Foreign Service Act of 1980 (22 U.S.C. 3944(a)(1)) is
10 amended by adding at the end the following new sentence:
11 “If the country in which the individual is to serve is cat-
12 egorized as nondemocratic in the most recent Annual Re-
13 port on Democracy (as required under section 612(a) of
14 the Advance Democratic Values, Address Nondemocratic
15 Countries, and Enhance Democracy Act of 2005), the in-
16 dividual should possess clearly demonstrated competence
17 in and commitment to the promotion of democracy in such
18 country, including competence in promoting democratic
19 principles, practices, and values through regular inter-
20 action with individuals, including students and young peo-
21 ple within such country, who support and advocate such
22 principles, practices, and values.”.

23 (b) REPORT TO CONGRESS.—Section 304(b) of such
24 Act (22 U.S.C. 3944(b)) is amended by adding at the end
25 the following new paragraph:

1 “(3) If an individual (with respect to section
2 302(a)) or a member of the Service (with respect to
3 section 302(b)) is nominated by the President to be
4 a chief of mission in a country categorized as non-
5 democratic in an Annual Report on Democracy (re-
6 quired under section 612(a) of the Advance Demo-
7 cratic Values, Address Nondemocratic Countries,
8 and Enhance Democracy Act of 2005), and if such
9 individual or such member has previously served as
10 chief of mission in a country that was so cat-
11 egorized, the President shall, at the time of nomina-
12 tion, submit to the Committee on Foreign Relations
13 of the Senate a written report summarizing the ac-
14 tions that such individual or member took during
15 the period of such prior service to promote democ-
16 racy and human rights in such country, including
17 actions in furtherance of the strategy contained in
18 such report.”.

19 **Subtitle B—Alliances With Other** 20 **Democratic Countries**

21 **SEC. 631. ALLIANCES WITH OTHER DEMOCRATIC COUN-** 22 **TRIES.**

23 (a) FINDING.—Congress finds that it is in the na-
24 tional interest of the United States, including for humani-
25 tarian, economic, social, political, and security reasons, to

1 forge alliances with democratic countries to work together
2 to promote and protect—

3 (1) shared democratic principles, practices, and
4 values; and

5 (2) political, social, and economic freedoms
6 around the world.

7 (b) PURPOSES.—The purposes of this subtitle are to
8 encourage new ways of forging alliances with democratic
9 countries in order to—

10 (1) promote and protect democratic principles,
11 practices, and values, including the right to free,
12 fair, and open elections, secret balloting, and uni-
13 versal suffrage;

14 (2) promote and protect fundamental shared
15 political, social, and economic freedoms, including
16 the freedoms of association, of expression, of the
17 press, of religion, and to own private property;

18 (3) promote and protect respect for the rule of
19 law;

20 (4) develop, adopt, and pursue strategies to ad-
21 vance common interests in international organiza-
22 tions and multilateral institutions to which members
23 of the alliance of democratic countries belong; and

1 (5) provide political, economic, and other nec-
2 essary support to countries that are undergoing a
3 transition to democracy.

4 (c) SENSE OF CONGRESS REGARDING PARTICIPA-
5 TION.—It is the sense of Congress that any foreign coun-
6 try that is categorized as nondemocratic in the most recent
7 Annual Report on Democracy under section 612(a) should
8 not participate in any alliance of democratic countries
9 aimed at working together to promote democracy.

10 **SEC. 632. SENSE OF CONGRESS REGARDING THE ESTAB-**
11 **LISHMENT OF A DEMOCRACY CAUCUS.**

12 (a) FINDINGS.—Congress finds that with the passage
13 of the Intelligence Reform and Terrorism Prevention Act
14 of 2004 (Public Law 108–458), Congress—

15 (1) encouraged the establishment of a Democ-
16 racy Caucus within the United Nations, the United
17 Nations Human Rights Commission, the United Na-
18 tions Conference on Disarmament, and at other
19 broad-based international organizations; and

20 (2) required increased training in multilateral
21 diplomacy for members of the Foreign Service and
22 appropriate members of the Civil Service to support
23 such an establishment.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that the creation of a Democracy Caucus in each

1 international organization and multilateral institution of
2 which the United States is a member will not only improve
3 the internal governance of such organizations but will also
4 strengthen the implementation of commitments by such
5 organizations and institutions regarding democracy and
6 human rights.

7 **SEC. 633. ANNUAL DIPLOMATIC MISSIONS ON MULTILAT-**
8 **ERAL ISSUES.**

9 The Secretary of State, acting through the principal
10 officers responsible for advising the Secretary on inter-
11 national organizations, should ensure that a high level del-
12 egation from the United States is sent on an annual basis
13 to consult with key foreign governments in every region
14 to promote United States policies, including issues related
15 to democracy and human rights, at key international fora,
16 including the United Nations General Assembly, the
17 United Nations Human Rights Commission or other mul-
18 tilateral human rights body, the Organization for Security
19 and Cooperation in Europe, and the United Nations Edu-
20 cation, Science, and Cultural Organization.

21 **SEC. 634. STRENGTHENING THE COMMUNITY OF DEMOC-**
22 **RACIES.**

23 (a) FORMAL MECHANISMS FOR THE COMMUNITY OF
24 DEMOCRACIES.—It is the sense of Congress that the Com-
25 munity of Democracies should develop a more formal

1 mechanism for carrying out work between ministerial
2 meetings, including hiring appropriate staff to carry out
3 such work, and should, as appropriate, establish a head-
4 quarters.

5 (b) DETAIL OF PERSONNEL.—The Secretary is au-
6 thorized to detail on a nonreimbursable basis any em-
7 ployee of the Department of State to any country that is
8 a member of the Convening Group of the Community of
9 Democracies.

10 (c) REGIONAL GROUP IN THE COMMUNITY OF DE-
11 MOCRACIES.—It is the sense of Congress that regional
12 groups within the Community of Democracies should be
13 established and strengthened in order to facilitate coordi-
14 nation of common positions and action on multilateral
15 strategies to promote and consolidate democracy.

16 (d) INTERNATIONAL CENTER FOR DEMOCRATIC
17 TRANSITION.—

18 (1) SENSE OF CONGRESS.—It is the sense of
19 Congress that the United States should, along with
20 contributions from private individuals, support the
21 initiative of the Government of Hungary and the
22 governments of other European countries to estab-
23 lish a International Center for Democratic Transi-
24 tion to support transitions to full democracy.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated for a grant
3 to the International Center for Democratic Transi-
4 tion \$1,000,000 for each of fiscal years 2006, 2007,
5 and 2008. Amounts appropriated under this para-
6 graph shall remain available until expended.

7 (3) USE OF FUNDS.—Any grant made in fiscal
8 year 2006 by the Secretary to the International Cen-
9 ter for Democratic Transition under paragraph (2)
10 may be used for the establishment and operation of
11 the Center and for programs and activities of the
12 Center. Any grant or voluntary contribution made in
13 any subsequent fiscal year by the Secretary to the
14 Center under such paragraph may be used for pro-
15 grams and activities of the Center.

16 **Subtitle C—Funding for Promotion**
17 **of Democracy**

18 **SEC. 641. POLICY.**

19 It shall be the policy of the United States to provide
20 financial assistance to eligible entities and eligible individ-
21 uals in order to assist such entities and individuals in the
22 promotion of democracy in countries categorized as non-
23 democratic in the most recent Annual Report on Democ-
24 racy under section 612(a).

1 **SEC. 642. HUMAN RIGHTS AND DEMOCRACY FUND.**

2 (a) PURPOSES OF THE HUMAN RIGHTS AND DEMOC-
3 RACY FUND.—In addition to uses currently approved for
4 the Human Rights and Democracy Fund, the Secretary
5 of State, acting through the Assistant Secretary of State
6 for Democracy, Human Rights, and Labor shall use
7 amounts appropriated to the Human Rights and Democ-
8 racy Fund under subsection (e) to provide assistance to
9 eligible entities and eligible individuals to promote democ-
10 racy in foreign countries categorized as nondemocratic in
11 the most recent Annual Report on Democracy under sec-
12 tion 612(a). The promotion of democracy in such coun-
13 tries for which such assistance may be provided may in-
14 clude the following activities:

15 (1) The publication and distribution of books
16 and the creation and distribution of other media re-
17 lating to information about current events in such
18 country and educational programming designed to
19 provide information regarding democracy, the rule of
20 law, free, fair and open elections, free market eco-
21 nomics, fundamental human rights (including the
22 rights of freedom of speech and of religion and the
23 rights to be free from slavery and bondage), and
24 successful democratic movements in history, includ-
25 ing educational programs for leaders and members
26 of democratic movements to convey information to

1 such individuals regarding the means of nonviolent
2 force and the methods of nonviolent action.

3 (2) The translation into languages spoken in
4 such countries of relevant programming and existing
5 books, videos, and other publications relating to the
6 subjects specified in paragraph (1).

7 (3) The promotion of political pluralism and the
8 rule of law within such countries, including the pro-
9 motion of nongovernmental organizations and move-
10 ments that promote democratic principles, practices,
11 and values.

12 (4) The creation of programs for student
13 groups to work with citizens of such countries who
14 are committed to democratic reforms and to the pro-
15 motion of a transition to democracy.

16 (5) The creation of training programs for citi-
17 zens of such countries concerning international legal
18 obligations to support democracy and human rights,
19 including religious freedom.

20 (6) Support for nongovernmental organizations
21 which have experience with the Community of De-
22 mocracies to assist the Community of Democracies
23 and its Convening Group.

24 (b) FREEDOM INVESTMENT ACT OF 2002.—Section
25 664(b) of the Freedom Investment Act of 2002 (subtitle

1 E of title VI of Public Law 107–228; relating to the pur-
2 poses of the Human Rights and Democracy Fund) is
3 amended—

4 (1) in paragraph (4), by striking “and” at the
5 end;

6 (2) by redesignating paragraph (5) as para-
7 graph (6);

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

10 “(5) to support the study of democracy abroad,
11 including support for debates and discussions at aca-
12 demic institutions, regarding the values and benefits
13 of democracy; and”;

14 (4) in paragraph (6), as redesignated by para-
15 graph (2) of this subsection, by striking “(4)” and
16 inserting “(5)”.

17 (c) ADMINISTRATIVE AUTHORITIES.—Assistance pro-
18 vided through the Human Rights and Democracy Fund
19 may be provided to eligible entities and eligible individuals
20 in foreign countries notwithstanding any provision of law
21 that prohibits assistance to a foreign country or to a gov-
22 ernment of a foreign country.

23 (d) ANNUAL REPORT ON THE STATUS OF THE
24 HUMAN RIGHTS AND DEMOCRACY FUND.—Not later than
25 60 days after the conclusion of each fiscal year, the Assist-

1 ant Secretary of State for Democracy, Human Rights, and
2 Labor shall submit to the appropriate congressional com-
3 mittees an annual report on the status of the Human
4 Rights and Democracy Fund. Each such annual report
5 shall contain the following information:

6 (1) An identification of each eligible entity and
7 eligible individual who received assistance during the
8 previous fiscal year under subsection (b) and a sum-
9 mary of the activities of each such recipient.

10 (2) An account of projects funded and outside
11 contributions received during the previous fiscal
12 year.

13 (3) A balance sheet of income and outlays cur-
14 rent as of the conclusion of the fiscal year to which
15 such report is relevant.

16 (e) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—Of the funds available to
18 carry out chapter 4 of Part II of the Foreign Assist-
19 ance Act of 1961 for each of fiscal years 2006 and
20 2007, there are authorized to be appropriated to the
21 Human Rights and Democracy Fund to carry out
22 the purposes of this section \$50,000,000 for fiscal
23 year 2006 and \$60,000,000 for fiscal year 2007.
24 Amounts appropriated under this section shall re-
25 main available until expended.

1 (2) ADMINISTRATIVE EXPENSES.—Not more
2 than five percent of amounts appropriated to the
3 Human Rights and Democracy Fund for each fiscal
4 year may be applied toward administrative expenses
5 associated with carrying out this section.

6 (3) CONTRIBUTIONS.—The Secretary may ac-
7 cept contributions to the Human Rights and Democ-
8 racy Fund from the governments of other demo-
9 cratic countries, private foundations, private citizens,
10 and other nongovernmental sources.

11 **Subtitle D—Presidential Actions**

12 **SEC. 651. INVESTIGATION OF VIOLATIONS OF INTER-** 13 **NATIONAL HUMANITARIAN LAW.**

14 (a) IN GENERAL.—The President, with the assist-
15 ance of the Secretary of State, the Under Secretary of
16 State for Democracy and Global Affairs, and the Amba-
17 sador-at-Large for War Crimes Issues, shall collect infor-
18 mation regarding incidents that may constitute crimes
19 against humanity, genocide, slavery, or other violations of
20 international humanitarian law by leaders or other govern-
21 ment officials of foreign countries categorized as nondemo-
22 cratic or as democratic transition countries in the most
23 recent Annual Report on Democracy under section 612(a).

24 (b) ACCOUNTABILITY.—The President shall consider
25 what actions can be taken to ensure that such leaders or

1 other government officials of foreign countries who are
2 identified in accordance with subsection (a) as responsible
3 for crimes against humanity, genocide, slavery, or other
4 violations of international humanitarian law are brought
5 to account for such crimes in an appropriately constituted
6 tribunal.

7 **SEC. 652. PRESIDENTIAL COMMUNICATIONS.**

8 (a) **FINDING.**—Congress finds that direct commu-
9 nications from the President to citizens of countries that
10 are categorized as nondemocratic in the most recent An-
11 nual Report on Democracy would be extremely beneficial
12 to demonstrate that the United States supports such citi-
13 zens and the efforts and actions of such citizens to pro-
14 mote and achieve transition to democracy in such coun-
15 tries.

16 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
17 gress that—

18 (1) from time to time as the President shall de-
19 termine appropriate, the President should broadcast
20 a message to the citizens of countries categorized as
21 nondemocratic in the most recent Annual Report on
22 Democracy under section 612(a) expressing the sup-
23 port of the United States for such citizens, dis-
24 cussing democratic principles, practices, and values,
25 and political, social, and economic freedoms, and

1 condemning violations of internationally recognized
2 human rights (as such term is described in section
3 116(a) of the Foreign Assistance Act of 1961 (22
4 U.S.C. 2151n(a))), violations of religious freedom,
5 including particularly severe violations of religious
6 freedom (as such terms are defined in paragraphs
7 (11) and (13) of section 3 of the International Reli-
8 gious Freedom Act of 1998 (22 U.S.C. 6402)), polit-
9 ical repression, and government-tolerated or con-
10 doned trafficking in persons that occur in such coun-
11 try; and

12 (2) the President should encourage leaders of
13 other democratic countries to make similar broad-
14 casts.

15 **TITLE VII—STRATEGIC EXPORT**
16 **CONTROL AND SECURITY AS-**
17 **SISTANCE ACT OF 2005**

18 **Subtitle A—General Provisions**

19 **SEC. 701. SHORT TITLE.**

20 This title may be cited as the “Strategic Export Con-
21 trol and Security Assistance Act of 2005”.

22 **SEC. 702. DEFINITIONS.**

23 In this title:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on International Rela-
5 tions and the Committee on Armed Services of
6 the House of Representatives; and

7 (B) the Committee on Foreign Relations
8 and the Committee on Armed Services of the
9 Senate.

10 (2) DEFENSE ARTICLES AND DEFENSE SERV-
11 ICES.—The term “defense articles and defense serv-
12 ices” has the meaning given the term in section
13 47(7) of the Arms Export Control Act (22 U.S.C.
14 2794 note).

15 (3) DUAL USE.—The term “dual use” means,
16 with respect to goods or technology, those goods or
17 technology that are specifically designed or devel-
18 oped for civil purposes but which also may be used
19 or deployed in a military or proliferation mode. Such
20 term does not include purely commercial items.

21 (4) EXPORT.—The term “export” has the
22 meaning given that term in section 120.17 of the
23 International Traffic in Arms Regulations, and in-
24 cludes re-exports, transfers, and re-transfers by any
25 means.

1 (5) EXPORT ADMINISTRATION REGULATIONS.—
2 The term “Export Administration Regulations”
3 means those regulations contained in sections 730
4 through 774 of title 15, Code of Federal Regulations
5 (or successor regulations).

6 (6) FOREIGN GOVERNMENT.—The term “for-
7 eign government” has the meaning given the term in
8 section 38(g)(9)(B) of the Arms Export Control Act
9 (22 U.S.C. 2778(g)(9)(B)).

10 (7) FOREIGN PERSON.—The term “foreign per-
11 son” has the meaning given the term in section
12 38(g)(9)(C) of the Arms Export Control Act (22
13 U.S.C. 2778(g)(9)(C)).

14 (8) GOOD.—The term “good” has the meaning
15 given the term in section 16(3) of the Export Ad-
16 ministration Act of 1979 (50 U.S.C. App. 2415(3)).

17 (9) INTERNATIONAL TRAFFIC IN ARMS REGULA-
18 TIONS.—The term “International Traffic in Arms
19 Regulations” means those regulations contained in
20 sections 120 through 130 of title 22, Code of Fed-
21 eral Regulations (or successor regulations).

22 (10) ITEM.—The term “item” means any good
23 or technology, defense article or defense service sub-
24 ject to the export jurisdiction of the United States
25 under law or regulation.

1 (11) LICENSE.—The term “license” means an
2 official written document of the United States Gov-
3 ernment issued pursuant to the Export Administra-
4 tion Regulations or the International Traffic in
5 Arms Regulations, as the case may be, authorizing
6 a specific export.

7 (12) MISSILE TECHNOLOGY CONTROL REGIME;
8 MTCR.—The term “Missile Technology Control Re-
9 gime” or “MTCR” has the meaning given the term
10 in section 11B(c)(2) of the Export Administration
11 Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

12 (13) MISSILE TECHNOLOGY CONTROL REGIME
13 ANNEX; MTCR ANNEX.—The term “Missile Tech-
14 nology Control Regime Annex” or “MTCR Annex”
15 has the meaning given the term in section 11B(c)(4)
16 of the Export Administration Act of 1979 (50
17 U.S.C. App. 2401b(c)(4)).

18 (14) PERSON.—The term “person” has the
19 meaning given the term in section 38(g)(9)(E) of
20 the Arms Export Control Act (22 U.S.C.
21 2778(g)(9)(E)).

22 (15) STRATEGIC EXPORT CONTROL.—The term
23 “strategic export control” means the control of items
24 subject to the export jurisdiction of the United
25 States pursuant to the International Traffic in Arms

1 Regulations or the Export Administration Regula-
2 tions.

3 (16) TECHNOLOGY.—The term “technology”
4 has the meaning given the term in section 16(4) of
5 the Export Administration Act of 1979 (50 U.S.C.
6 App. 2415(4)).

7 (17) UNITED STATES MUNITIONS LIST.—The
8 term “United States Munitions List” means the list
9 referred to in section 38(a)(1) of the Arms Export
10 Control Act (22 U.S.C. 2778(a)(1)).

11 **SEC. 703. DECLARATION OF POLICY.**

12 Congress declares that, at a time of evolving threats
13 and changing relationships with other countries, United
14 States strategic export controls are in urgent need of a
15 comprehensive review in order to assure such controls are
16 achieving their intended purposes of protecting the na-
17 tional security interests of the United States in the Global
18 War on Terrorism and of promoting the foreign policy
19 purposes of the United States, in particular by assuring
20 that—

21 (1) export license procedures are properly de-
22 signed to prioritize readily which exports may be ap-
23 proved quickly for United States friends and allies
24 and which require greater scrutiny in order to safe-
25 guard national interests;

1 (2) technology related to the military superi-
2 ority of the United States Armed Forces is safe-
3 guarded during and after export to a high level of
4 confidence; and

5 (3) overlapping and duplicative functions
6 among the responsible departments and agencies of
7 the Government of the United States are consoli-
8 dated and integrated wherever appropriate in order
9 to enhance efficiency, information sharing, and the
10 consistent execution of United States policy.

11 **Subtitle B—Revising and Strength-**
12 **ening Strategic Export Control**
13 **Policies**

14 **SEC. 711. AMENDMENTS TO THE STATE DEPARTMENT**
15 **BASIC AUTHORITIES ACT OF 1956.**

16 (a) UNDER SECRETARY FOR ARMS CONTROL AND
17 INTERNATIONAL SECURITY.—Section 1(b)(2) of the State
18 Department Basic Authorities Act of 1956 (22 U.S.C.
19 2651a(b)(2)) is amended—

20 (1) in the first sentence, by striking “There”
21 and inserting the following:

22 “(A) IN GENERAL.—There”; and

23 (2) by adding at the end the following new sub-
24 paragraph:

1 “(B) DUTIES.—The Under Secretary for
2 Arms Control and International Security shall
3 be responsible for—

4 “(i) coordinating and executing a
5 United States strategy for strengthening
6 multilateral export controls;

7 “(ii) coordinating the activities of all
8 bureaus and offices of the Department of
9 State that have responsibility for export
10 control policy, licensing, or assistance; and

11 “(iii) serving as the chairperson of the
12 Strategic Export Control Board established
13 under section 712 of the Strategic Export
14 Control and Security Assistance Act of
15 2005.”.

16 (b) DEPUTY UNDER SECRETARY FOR STRATEGIC
17 EXPORT CONTROL.—Section 1(b)(2) of the State Depart-
18 ment Basic Authorities Act of 1956 (22 U.S.C.
19 2651a(b)(2)), as amended by subsection (a), is further
20 amended by adding at the end the following new subpara-
21 graph:

22 “(C) DEPUTY UNDER SECRETARY FOR
23 STRATEGIC EXPORT CONTROL.—There shall be
24 in the Department of State a Deputy Under
25 Secretary for Strategic Export Control who

1 shall have primary responsibility to assist the
2 Under Secretary for Arms Control and Inter-
3 national Security in carrying out the responsi-
4 bility of the Under Secretary described in sub-
5 paragraph (B)(iii).”.

6 (c) DEFENSE TRADE CONTROLS REGISTRATION
7 FEES.—Section 45 of the State Department Basic Au-
8 thorities Act of 1956 (22 U.S.C. 2717) is amended—

9 (1) in paragraph (2), by striking “and” at the
10 end;

11 (2) in paragraph (3), by striking the period at
12 the end and inserting “; and”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(4) functions of the Strategic Export Control
16 Board established under section 712 of the Strategic
17 Export Control and Security Assistance Act of
18 2005.”.

19 **SEC. 712. STRATEGIC EXPORT CONTROL BOARD.**

20 (a) ESTABLISHMENT.—There is established a Stra-
21 tegic Export Control Board (in this section referred to as
22 the “Board”). The Board shall consist of representatives
23 from the Department of Commerce, the Department of
24 Defense, the Department of Homeland Security, the De-
25 partment of Justice, the National Security Council, the

1 intelligence community (as defined in section 3(4) of the
2 National Security Act of 1947 (50 U.S.C. 401a(4)), and
3 other appropriate departments and agencies of the Gov-
4 ernment of the United States, and the Under Secretary
5 for Arms Control and International Security of the De-
6 partment of State. The Under Secretary for Arms Control
7 and International Security shall serve as the chairperson
8 of the Board.

9 (b) FUNCTIONS.—The Board shall—

10 (1) conduct a comprehensive review of United
11 States strategic export controls in the context of the
12 Global War on Terrorism in order to strengthen con-
13 trols by regulation, where appropriate, and to formu-
14 late legislative proposals for any new authorities that
15 are needed for counter-terrorism purposes;

16 (2) develop a strategy for ensuring a high level
17 of confidence in the export control of any items im-
18 portant to the current and future military superi-
19 ority of the United States Armed Forces, including
20 in particular the security of sensitive software
21 through the use of tamper-resistant security soft-
22 ware and other emerging technologies;

23 (3) design standards and best practices for in-
24 formation assurance and protection for the robust
25 information technology systems, such as virtual pri-

1 vate networks, already utilized by United States de-
2 fense firms in the conduct of their export control
3 regulated activities with foreign partners, which can
4 also gain the support of United States friends and
5 allies;

6 (4) formulate, with the assistance of the United
7 States defense industry and the support of United
8 States friends and allies, an automated international
9 delivery confirmation system for commercial ship-
10 ments of lethal and other high risk items in order
11 to afford improved protection against attempts to
12 disrupt international supply chains or to divert sen-
13 sitive items to gray arms markets;

14 (5) prepare recommendations for the President
15 and Congress, as appropriate, with respect to—

16 (A) the consolidation of overlapping or du-
17 plicative functions among the responsible de-
18 partments and agencies of the Government of
19 the United States in such areas as enforcement,
20 end use monitoring, export licensing, watch
21 lists, and related areas;

22 (B) the cost-savings associated with inte-
23 gration of export licensing staffs and the pro-
24 mulgation of integrated export control regula-
25 tions; and

1 (C) the resultant rationalization of budg-
2 etary resources to be authorized among the re-
3 sponsible departments and agencies of the
4 United States Government;

5 (6) establish the necessary departmental and
6 inter-agency controls that will ensure legitimate ex-
7 ports by United States business organizations can be
8 readily identified and generally approved within 10
9 days, but no later than 30 days in more complex
10 cases, except in unusual circumstances, such as
11 those requiring congressional notification or foreign
12 government assurances;

13 (7) review and revise, where appropriate, plans
14 for modernizing information technology systems of
15 the relevant departments and agencies of the Gov-
16 ernment of the United States involved in export li-
17 censing, export enforcement, and screening of in-
18 volved private parties to ensure efficient, reliable,
19 and secure intra-governmental networks, at the ear-
20 liest practicable date among the relevant depart-
21 ments and agencies and United States exporters;
22 and

23 (8) develop a strategy for strengthening the
24 multilateral control regimes or developing new re-

1 gimes, as appropriate, to augment or supplement ex-
2 isting international arrangements.

3 (c) REPORT BY COMPTROLLER GENERAL.—Not later
4 than one year, two years, and three years after the date
5 of the enactment of this Act, the Comptroller General of
6 the United States shall submit to the appropriate congres-
7 sional committees a report that contains—

8 (1) an independent assessment of progress
9 made by the Board in carrying out its functions
10 under paragraphs (1) through (8) of subsection (b);

11 (2) the budgetary impact of each of the rec-
12 ommendations prepared under subsection (b)(5) and
13 any additional recommendations prepared by the
14 Comptroller General and the budgetary impact of
15 such recommendations; and

16 (3) a certification as to whether the Comp-
17 troller General had access to sufficient information
18 to enable the Comptroller General to make informed
19 judgments on the matters covered by the report.

20 **SEC. 713. AUTHORIZATION FOR ADDITIONAL LICENSE AND**
21 **COMPLIANCE OFFICERS.**

22 (a) FUNDING.—Of the amounts authorized to be ap-
23 propriated under section 101 of this Act, up to
24 \$13,000,000 shall be available for each of the fiscal years
25 2006 and 2007 for salaries and expenses related to the

1 assignment of additional full time license and compliance
2 officers in the Directorate of Defense Trade Controls of
3 the Department of State.

4 (b) NOTIFICATION.—None of the funds authorized
5 under subsection (a) may be made available until 15 days
6 after the date on which the Secretary of State submits
7 a written report to the congressional committees specified
8 in section 634A(a) of the Foreign Assistance Act of 1961
9 (22 U.S.C. 2394–1(a)) in accordance with the procedures
10 applicable to reprogramming notifications under such sec-
11 tion, which sets forth the plans and timetable of the De-
12 partment of State for measurable improvements in the
13 quality and timeliness of the service it provides in support
14 of United States Armed Forces abroad and routine ex-
15 ports by United States business organizations, as well as
16 for the elaboration of enhanced compliance measures ap-
17 propriate to the heightened security environment for arms
18 exports during the Global War on Terrorism.

19 **Subtitle C—Procedures Relating to**
20 **Export Licenses**

21 **SEC. 721. TRANSPARENCY OF JURISDICTIONAL DETER-**
22 **MINATIONS.**

23 (a) DECLARATION OF POLICY.—Congress declares
24 that the complete confidentiality surrounding several thou-
25 sand commodity classification determinations made each

1 year by the Department of Commerce pursuant to the Ex-
2 port Administration Regulations and several hundred
3 commodity jurisdiction determinations made each year by
4 the Department of State pursuant to the International
5 Traffic in Arms Regulations is not necessary to protect
6 legitimate proprietary interests of persons or their prices
7 and customers, is not in the best interests of the security
8 and foreign policy interests of the United States, is incon-
9 sistent with the need to ensure a level playing field for
10 United States exporters, and detracts from United States
11 efforts to promote greater transparency and responsibility
12 by other countries in their export control systems.

13 (b) PUBLICATION REQUIREMENT.—The Secretary of
14 Commerce and the Secretary of State shall—

15 (1) upon making a commodity classification de-
16 termination or a commodity jurisdiction classifica-
17 tion, as the case may be, referred to in subsection
18 (a) in response to a request by a private person,
19 publish in the Federal Register, not later than 30
20 days after the date of the determination—

21 (A) a description of the item, including
22 performance levels or other technical character-
23 istics where appropriate;

24 (B) an explanation of whether the item is
25 controlled under the International Traffic in

1 Arms Regulations or the Export Administration
2 Regulations; and

3 (C) the United States Munitions List des-
4 ignation or export control classification number
5 under which the item has been designated or
6 classified, as the case may be,

7 except that the name of the name of the person, the
8 person's business organization, customers, or prices
9 are not required to be published; and

10 (2) maintain on their respective Internet
11 websites an archive, that is accessible to the general
12 public and other departments and agencies of the
13 United States, of the determinations published in
14 the Federal Register under paragraph (1).

15 (c) REPORT.—Not later than 120 days after the date
16 of the enactment of this Act, the Secretary of State and
17 the Secretary of Commerce shall submit to the appropriate
18 congressional committees a joint report that contains a de-
19 scription of the plans to implement the requirements of
20 this section.

21 (d) REQUIREMENT.—Notwithstanding any other pro-
22 vision of law, beginning 180 days after the date of the
23 enactment of this Act, the Secretary of Commerce may
24 make a commodity classification determination referred to
25 in subsection (a), and the Secretary of State may make

1 a commodity jurisdiction determination referred to in sub-
2 section (a), in response to a request by a private person
3 only in accordance with the requirements of subsection
4 (b).

5 **SEC. 722. CERTIFICATIONS RELATING TO EXPORT OF CER-**
6 **TAIN DEFENSE ARTICLES AND DEFENSE**
7 **SERVICES.**

8 (a) REPORTS ON COMMERCIAL AND GOVERNMENTAL
9 MILITARY EXPORTS; CONGRESSIONAL ACTION.—Section
10 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c))
11 is amended—

12 (1) in the first sentence of paragraph (1), by
13 inserting after “\$1,000,000 or more” the following:
14 “, or, notwithstanding section 27(g) of this Act, for
15 any special comprehensive authorization under sec-
16 tions 120–130 of title 22, Code of Federal Regula-
17 tions (commonly known as the ‘International Traffic
18 in Arms Regulations’) for the export of defense arti-
19 cles or defense services in an aggregate amount of
20 \$100,000,000 or more”;

21 (2) in paragraph (2)—

22 (A) in subparagraph (A), by adding “and”
23 at the end;

24 (B) by striking subparagraph (B); and

1 (C) by redesignating subparagraph (C) as
2 subparagraph (B); and

3 (3) in the matter preceding subparagraph (A)
4 of paragraph (5), by inserting “or paragraph (2)”
5 after “paragraph (1)”.

6 (b) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Department of State should revise its proce-
8 dures in order to improve the timeliness and quality of
9 service it is providing to United States exporters con-
10 cerning matters requiring notification to Congress under
11 sections 3 and 36 of the Arms Export Control Act (22
12 U.S.C. 2753 and 2776) by—

13 (1) expediting its internal and interagency proc-
14 esses such that consultations with the Committee on
15 International Relations of the House of Representa-
16 tives and the Committee on Foreign Relations of the
17 Senate commence not later than 30 days following
18 receipt of a proposal requiring notification;

19 (2) providing informal notice to such Commit-
20 tees within 10 days of receipt of such a proposal,
21 such that questions by the Committees may be ad-
22 dressed wherever feasible in conjunction with the
23 Department’s processing; and

1 (3) making each interval in the processing of
2 the proposal transparent to United States exporters
3 through the Internet website of the Department.

4 **SEC. 723. PRIORITY FOR UNITED STATES MILITARY OPER-**
5 **ATIONS.**

6 The Secretary of State may not accord higher priority
7 in the adjudication of munitions export licenses to any
8 measure included within the “Defense Trade Security Ini-
9 tiative” announced by the Department of State in May
10 2000 over the processing of licenses in support of Oper-
11 ation Enduring Freedom, Operation Iraqi Freedom, or
12 any other military operation involving the United States
13 Armed Forces.

14 **SEC. 724. LICENSE OFFICER STAFFING AND WORKLOAD.**

15 Section 36(a) Arms Export Control Act (22 U.S.C.
16 2776(a)) is amended—

17 (1) in paragraph (11), by striking “and” at the
18 end;

19 (2) in paragraph (12), by striking the period at
20 the end and inserting “; and”; and

21 (3) by adding at the end the following new
22 paragraph:

23 “(13) a report on the number of civilian and
24 military officers assigned to munitions export licens-

1 ing at the Department of State and their average
2 weekly workload for both open and closed cases.”.

3 **SEC. 725. DATABASE OF UNITED STATES MILITARY ASSIST-**
4 **ANCE.**

5 Section 655 of the Foreign Assistance Act of 1961
6 (22 U.S.C. 2415) is amended by striking subsection (c)
7 and inserting the following new subsection:

8 “(c) AVAILABILITY OF REPORT INFORMATION ON
9 THE INTERNET.—

10 “(1) REQUIREMENT FOR DATABASE.—The Sec-
11 retary of State, in consultation with the Secretary of
12 Defense, shall make available to the public the un-
13 classified portion of each such report in the form of
14 a database that is available via the Internet and that
15 may be searched by various criteria.

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

21 **SEC. 726. TRAINING AND LIAISON FOR SMALL BUSINESSES.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that it is increasingly important that the Secretary
24 of State, in administering the licensing, registration, com-
25 pliance, and other authorities contained in section 38 of

1 the Arms Export Control Act (22 U.S.C. 2778), should
2 provide up-to-date training and other educational assist-
3 ance to small businesses in the United States aerospace
4 and defense industrial sector.

5 (b) SMALL BUSINESS LIAISON.—Not later than 180
6 days after the date of the enactment of this Act, the Sec-
7 retary shall designate, within the Office of Defense Trade
8 Controls of the Department of State, a coordinator for
9 small business affairs. The coordinator shall serve as a
10 liaison for small businesses in the United States aerospace
11 and defense industrial sector with respect to licensing and
12 registration requirements in order to facilitate the compli-
13 ance and other forms of participation by such small busi-
14 nesses in the United States munitions control system, in-
15 cluding by providing training, technical assistance, and
16 through other efforts as may be appropriate.

17 **SEC. 727. COMMERCIAL COMMUNICATIONS SATELLITE**
18 **TECHNICAL DATA.**

19 Not later than 180 days after the date of the enact-
20 ment of this Act, the Secretary of State, in consultation
21 with the Secretary of Defense, shall amend the Inter-
22 national Traffic in Arms Regulations to provide for the
23 export without a license of communications satellite tech-
24 nical data, at a level established by the Secretary of De-
25 fense, in instances in which—

1 (1) the exporter is a person registered under
2 section 38(b) of the Arms Export Control Act (22
3 U.S.C. 2778(b));

4 (2) the purpose of the export is to market a
5 sale of a United States manufactured communica-
6 tions satellite solely for commercial or civil end use;

7 (3) no party to the transaction is proscribed
8 under section 126.1 of the Regulations or otherwise
9 restricted from receiving United States defense arti-
10 cles; and

11 (4) each end user or recipient has agreed in
12 writing not to reexport or retransfer the United
13 States furnished technical data to any other person
14 without the prior written consent of the United
15 States Government.

16 **SEC. 728. REPORTING REQUIREMENT FOR UNLICENSED EX-**
17 **PORTS.**

18 Section 655(b) of the Foreign Assistance Act of 1961
19 (22 U.S.C. 2415(b)) is amended—

20 (1) in paragraph (2), by striking “or” at the
21 end;

22 (2) in paragraph (3), by striking the period at
23 the end and inserting “; or”; and

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

1 “(4) were exported without a license under sec-
2 tion 38 of the Arms Export Control Act (22 U.S.C.
3 2778) pursuant to an exemption established under
4 the International Traffic in Arms Regulations, other
5 than defense articles exported in furtherance of a
6 letter of offer and acceptance under the Foreign
7 Military Sales program or a technical assistance or
8 manufacturing license agreement, including the spe-
9 cific exemption provision in the regulation under
10 which the export was made.”.

11 **Subtitle D—Terrorist-Related Pro-**
12 **visions and Enforcement Mat-**
13 **ters**

14 **SEC. 731. SENSITIVE TECHNOLOGY TRANSFERS TO FOR-**
15 **EIGN PERSONS LOCATED WITHIN THE**
16 **UNITED STATES.**

17 (a) WEAPONS TRANSFERS.—Pursuant to regulations
18 issued under section 38(g)(6) of the Arms Export Control
19 (22 U.S.C. 2778(g)(6)), the President shall require a li-
20 cense for the transfer of any defense articles and defense
21 services, other than a firearm for personal use, specified
22 in a report required under subsection (c) to a foreign per-
23 son located within the United States (other than to a for-
24 eign government, unless such government is proscribed
25 under section 126.1 of the International Traffic in Arms

1 Regulations or otherwise restricted from receiving defense
2 articles and defense services).

3 (b) DUAL USE TRANSFERS.—Notwithstanding any
4 other provision of law, the President may require a license
5 under the Export Administration Regulations for the
6 transfer of any dual use goods and technology, other than
7 a firearm for personal use, specified in a report required
8 under subsection (c) to a foreign person located within the
9 United States.

10 (c) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, and annually thereafter, the
12 Secretary of State, in consultation with the Attorney Gen-
13 eral and the Secretary of Homeland Security, shall submit
14 to the appropriate congressional committees a report that
15 specifies those items which warrant scrutiny and enforce-
16 ment by the Government of the United States through li-
17 cense procedures prior to a transfer to a foreign person
18 located within the United States in order to deter efforts
19 on the part of such person to acquire such items for ter-
20 rorist or other unlawful purposes.

21 **SEC. 732. CERTIFICATION CONCERNING EXEMPT WEAPONS**
22 **TRANSFERS ALONG THE NORTHERN BORDER**
23 **OF THE UNITED STATES.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, and annually thereafter, the Secretary

1 of State, in consultation with the Secretary of Homeland
2 Security, shall submit to the appropriate congressional
3 committees a written report certifying that—

4 (1) provisions of the International Traffic in
5 Arms Regulations permitting unlicensed temporary
6 imports into the United States from Canada by any
7 person of any unclassified defense article on the
8 United States Munitions List do not present a risk
9 to the national security of the United States; and

10 (2) personnel of the Bureau of Customs and
11 Border Protection of the Department of Homeland
12 Security located along the northern border of the
13 United States have adequate written guidance from
14 the Department of State which permits them to ef-
15 fectively enforce provisions of the International Traf-
16 fic in Arms Regulations permitting unlicensed ex-
17 ports to Canada of certain items on the United
18 States Munitions List.

19 **SEC. 733. COMPREHENSIVE NATURE OF UNITED STATES**
20 **ARMS EMBARGOES.**

21 (a) FINDINGS; SENSE OF CONGRESS.—

22 (1) FINDINGS.—Congress finds that—

23 (A) governments to which the Government
24 of the United States prohibits by law or policy
25 the transfer of implements of war, including

1 material, components, parts, and other defense
2 articles and defense services (as defined in
3 paragraphs (3) and (4) of section 47 of the
4 Arms Export Control Act (22 U.S.C. 2794(3)
5 and (4)), respectively) continue to seek to evade
6 these embargoes through increasingly sophisti-
7 cated illegal acquisitions via the “international
8 gray arms market” and by seeking to exploit
9 weaknesses in the export control system of the
10 United States and its friends and allies; and

11 (B) the strict and comprehensive applica-
12 tion of arms embargoes referred to in subpara-
13 graph (A), including those embargoes estab-
14 lished by the United Nations Security Council,
15 is of fundamental importance to the security
16 and foreign policy interests of the United
17 States.

18 (2) SENSE OF CONGRESS.—It is the sense of
19 Congress that the United States Government should
20 continue to provide a leadership role internationally
21 in ensuring the effectiveness of arms embargoes re-
22 ferred to in paragraph (1).

23 (b) SCOPE OF EMBARGOES.—Section 38 of the Arms
24 Export Control Act (22 U.S.C. 2778) is amended by add-
25 ing at the end the following:

1 “(k) Whenever the United States maintains an arms
2 embargo pursuant to United States law, or through public
3 notice by the President or Secretary of State pursuant to
4 the authorities of this Act, no defense article or defense
5 service subject to sections 120–130 of title 22, Code of
6 Federal Regulations (commonly known as the ‘Inter-
7 national Traffic in Arms Regulations’) and no dual use
8 good or technology subject to sections 730–774 of title 15,
9 Code of Federal Regulations (commonly known as the ‘Ex-
10 port Administration Regulations’) shall be knowingly sold
11 or transferred for military end use to the military, intel-
12 ligence or other security forces of the embargoed govern-
13 ment, including any associated governmental agency, sub-
14 division, entity, or other person acting on their behalf, un-
15 less, at a minimum and without prejudice to any addi-
16 tional requirements established in United States law or
17 regulation, the sale or transfer is approved through
18 issuance of a license by the Secretary of State or the Sec-
19 retary of Commerce, as the case may be.”.

20 (c) REPORT.—Not later than 120 days after the date
21 of the enactment of this Act, the Secretary of State, in
22 consultation with the Secretary of Commerce and the Sec-
23 retary of Defense, shall submit to the appropriate congres-
24 sional committees a report that describes the actions taken

1 to ensure the effective implementation of section 38(k) of
2 the Arms Export Control Act, as added by subsection (b).

3 **SEC. 734. CONTROL OF ITEMS ON MISSILE TECHNOLOGY**

4 **CONTROL REGIME ANNEX.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-
6 gress that all proposals to export or transfer to foreign
7 persons by other means, whether in the United States or
8 abroad, and any other activities subject to regulation
9 under section 38, 39, or 40 of the Arms Export Control
10 Act (22 U.S.C. 2778, 2779, or 2780), relating to items
11 on the Missile Technology Control Regime Annex, should
12 be accorded stringent control and scrutiny consistent with
13 the purposes of section 71 of the Arms Export Control
14 Act (22 U.S.C. 2797).

15 (b) CONTROL OF ITEMS ON MTCR ANNEX.—The
16 Secretary of State, in coordination with the Secretary of
17 Commerce, the Attorney General, and the Secretary of De-
18 fense, shall ensure that all items on the MTCR Annex are
19 subject to stringent control by the Government of the
20 United States pursuant to the International Traffic in
21 Arms Regulations and the Export Administration Regula-
22 tions.

23 (c) CERTIFICATION.—Not later than March 1 of each
24 year, the Secretary of State, in coordination with the Sec-
25 retary of Commerce, the Attorney General and the Sec-

1 retary of Defense, shall submit to the appropriate congres-
2 sional committees a report that contains—

3 (1) a certification that the requirement of sub-
4 section (b) has been met for the prior year, or if the
5 requirement has not been met, the reasons therefor;
6 and

7 (2) a description of the updated coverage, if
8 any, of the regulations referred to in subsection (b)
9 with respect to all items on the MTCR Annex and
10 an explanation of any areas of overlap or omissions,
11 if any, among the regulations.

12 **SEC. 735. UNLAWFUL USE OF UNITED STATES DEFENSE AR-**
13 **TICLES.**

14 (a) **INELIGIBILITY FOR TERRORIST RELATED**
15 **TRANSACTIONS.**—Section 3(c)(1) of the Arms Export
16 Control Act (22 U.S.C. 2753(c)(1)) is amended—

17 (1) in each of subparagraphs (A) and (B), by
18 striking “or any predecessor Act,” and inserting
19 “any predecessor Act, or licensed or approved under
20 section 38 of this Act, to carry out a transaction
21 with a country, the government of which the Sec-
22 retary of State has determined is a state sponsor of
23 international terrorism for purposes of section
24 6(j)(1) of the Export Administration Act of 1979

1 (50 U.S.C. App. 2405(j)(1)), or otherwise uses such
2 defense articles or defense services”; and

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

4 “(C) In this section, the term ‘transaction’ means the
5 taking of any action, directly or indirectly, by a foreign
6 country that would be a transaction prohibited by section
7 40 of this Act with respect to the United States Govern-
8 ment and United States persons.”.

9 (b) REPORTING REQUIREMENT.—Section 3(e) of the
10 Arms Export Control Act (22 U.S.C. 2753(e)) is amended
11 by inserting after “the Foreign Assistance Act of 1961,”
12 the following: “regardless of whether the article or service
13 has been sold or otherwise furnished by the United States
14 Government or licensed under section 38 of this Act,”.

15 **SEC. 736. PURPOSES OF ARMS SALES.**

16 Section 4 of the Arms Export Control Act (22 U.S.C.
17 2754) is amended in the first sentence by inserting after
18 “solely for internal security” the following: “(including
19 antiterrorism and border security)”.

20 **Subtitle E—Strengthening United**
21 **States Missile Nonproliferation**
22 **Law**

23 **SEC. 741. PROBATIONARY PERIOD FOR FOREIGN PERSONS.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law, upon the expiration, or the granting of a waiv-

1 er, on or after January 1, 2003, of sanctions against a
2 foreign person imposed under section 73(a) of the Arms
3 Export Control Act (22 U.S.C. 2797b(a)) or under section
4 11B(b)(1) of the Export Administration Act of 1979 (50
5 U.S.C. App. 2410b(b)(1)), as continued in effect under
6 the International Emergency Economic Powers Act, a li-
7 cense shall be required, for a period of not less than three
8 years, for the export to that foreign person of all items
9 controlled for export under section 5 or 6 of the Export
10 Administration Act of 1979 (50 U.S.C. App. 2404, 2405),
11 as continued in effect under the International Emergency
12 Economic Powers Act, in accordance with the Export Ad-
13 ministration Regulations.

14 (b) TERMINATION.—Subsection (a) shall not apply to
15 a foreign person 30 days after the President notifies the
16 Committee on International Relations of the House of
17 Representatives and the Committee on Banking, Housing
18 and Urban Affairs and the Committee on Foreign Rela-
19 tions of the Senate that the President has determined
20 that—

21 (1) the foreign person has—

22 (A) ceased all activity related to the origi-
23 nal imposition of sanctions under section 73(a)
24 of the Arms Export Control Act or section

1 11B(b)(1) of the Export Administration Act of
2 1979, as the case may be; and

3 (B) has instituted a program of trans-
4 parency measures under which the United
5 States will be able to verify, for a period of at
6 least 3 years, that the foreign person is not en-
7 gaging in prohibited activities under those pro-
8 visions of law referred to in paragraph (1); and

9 (2) there has been an appropriate resolution of
10 the original violation or violations, such as financial
11 penalties, incarceration, destruction of prohibited
12 items, or other appropriate measures taken to pre-
13 vent a recurrence of the violation or violations.

14 (c) WAIVER.—Subsection (a) shall not apply to a for-
15 eign person if—

16 (1) the President issues a waiver of sanctions
17 imposed upon that person under section 73(a) of the
18 Arms Export Control Act or under section
19 11B(b)(1) of the Export Administration Act of
20 1979, on the basis that the waiver is essential to the
21 national security of the United States;

22 (2) the President designates the waiver as clas-
23 sified information (as defined in section 606 of the
24 National Security Act of 1947 (50 U.S.C. 426));
25 and

1 (3) the President transmits to the committees
2 referred to in subsection (b)—

3 (A) a justification for designating the waiv-
4 er as classified information; and

5 (B) a description of—

6 (i) any discussions with the foreign
7 person, concerning the activities that were
8 the subject of the sanctions, that have been
9 conducted by United States Government
10 officials, or by officials of the government
11 of the country that has jurisdiction over
12 the foreign person or in which the foreign
13 person conducted such activities; and

14 (ii) any actions that the foreign per-
15 son, or the government of the country that
16 has jurisdiction over the foreign person or
17 in which the foreign person conducted the
18 activities that were the subject of the sanc-
19 tions, has taken to prevent a recurrence of
20 the same or similar activities.

21 **SEC. 742. STRENGTHENING UNITED STATES MISSILE PRO-**
22 **LIFERATION SANCTIONS ON FOREIGN PER-**
23 **SONS.**

24 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)(2)
25 of the Arms Export Control Act (22 U.S.C. 2797b(a)(2))

1 is amended by striking “2 years” each place it appears
2 and inserting “4 years”.

3 (b) PUBLIC INFORMATION.—Section 73(e)(2) of the
4 Arms Export Control Act (22 U.S.C. 2797b(e)(2)) is
5 amended by adding at the end the following new sen-
6 tences: “Such report may be classified only to the extent
7 necessary to protect intelligence sources and methods. If
8 the report is so classified, the President shall make every
9 effort to acquire sufficient alternative information that
10 would allow a subsequent unclassified version of the report
11 to be issued.”.

12 (c) EXPORT ADMINISTRATION ACT OF 1979.—Any
13 sanction imposed on a foreign person under section
14 11B(b)(1) of the Export Administration Act of 1979 (50
15 U.S.C. App. 2410b(b)(1)), as continued in effect under
16 the International Emergency Economic Powers Act, shall
17 be in effect for a period of four years beginning on the
18 date on which the sanction was imposed.

19 (d) APPLICABILITY.—The amendments made by sub-
20 sections (a) and (b) and the provisions of subsection (c)
21 shall apply to all sanctions imposed under section 73(a)
22 of the Arms Export Control Act or section 11B(b)(1) of
23 the Export Administration Act of 1979, as continued in
24 effect under the International Emergency Economic Pow-
25 ers Act, by reason of acts giving rise to such sanctions

1 that were committed by foreign persons on or after Janu-
2 ary 1, 2004.

3 **SEC. 743. COMPREHENSIVE UNITED STATES MISSILE PRO-**
4 **LIFERATION SANCTIONS ON ALL RESPON-**
5 **SIBLE FOREIGN PERSONS.**

6 (a) ARMS EXPORT CONTROL ACT.—Section 73(a) of
7 the Arms Export Control Act (22 U.S.C. 2797b(a)) is
8 amended by adding at the end the following new para-
9 graph:

10 “(3)(A) Sanctions imposed upon a foreign person
11 under paragraph (2) shall also be imposed on any govern-
12 mental entity that the President determines exercises ef-
13 fective control over, benefits from, or directly or indirectly
14 facilitates the activities of that foreign person.

15 “(B) When a sanction is imposed on a foreign person
16 under paragraph (2), the President may also impose that
17 sanction on any other person or entity that the President
18 has reason to believe has or may acquire prohibited items
19 with the intent to transfer to that foreign person, or pro-
20 vide to that foreign person access to, such items. In this
21 subparagraph, ‘prohibited items’ are items that may not
22 be exported to that foreign person on account of the sanc-
23 tion imposed on that foreign person.

24 “(C) The President may also prohibit, for such period
25 of time as the President may determine, any transaction

1 or dealing, by a United States person or within the United
2 States, with any foreign person on whom sanctions have
3 been imposed under this subsection.

4 “(D) The President shall report on an annual basis
5 to the Committee on International Relations of the House
6 of Representatives and the Committee on Foreign Rela-
7 tions of the Senate the identity of any foreign person that
8 engages in any transaction or activity with a foreign per-
9 son on whom sanctions have been imposed under this sub-
10 section that either—

11 “(i) would be the basis for imposing sanctions
12 under subparagraph (B) but for which sanctions
13 have not been imposed; or

14 “(ii) would be the basis for imposing sanctions
15 under subparagraph (C) if the transaction or activity
16 had been carried out by a United States person or
17 by a person in the United States.

18 Such report shall be unclassified to the maximum extent
19 feasible, but may include a classified annex.”.

20 (b) DEFINITION OF PERSON.—Section 74(a)(8)(A) of
21 the Arms Export Control Act (22 U.S.C. 2797c(a)(8)(A))
22 is amended to read as follows:

23 “(8)(A) The term ‘person’ means—

24 “(i) a natural person;

1 “(ii) a corporation, business associa-
2 tion, partnership, society, trust,
3 transnational corporation, or transnational
4 joint venture, any other nongovernmental
5 entity, organization, or group, and any
6 governmental entity;

7 “(iii) any subsidiary, subunit, or par-
8 ent entity of any business enterprise or
9 other organization or entity listed in clause
10 (ii); and

11 “(iv) any successor of any business
12 enterprise or other organization or entity
13 listed in clause (ii) or (iii); and”.

14 (c) EXPORT ADMINISTRATION ACT OF 1979.—

15 (1) SANCTIONS IMPOSED ON GOVERNMENTAL
16 ENTITIES.—Any sanction imposed on a foreign per-
17 son under section 11B(b)(1)(B) of the Export Ad-
18 ministration Act of 1979 (50 U.S.C. App.
19 2410b(b)(1)(B)), as continued in effect under the
20 International Emergency Economic Powers Act (in
21 this subsection referred to as a “dual use sanction”),
22 shall also be imposed on any governmental entity
23 that the President determines exercises effective con-
24 trol over, benefits from, or directly or indirectly fa-
25 cilitates the activities of that foreign person.

1 (2) OTHER ENTITIES.—When a dual use sanc-
2 tion is imposed on a foreign person, the President
3 may also impose that sanction on any other person
4 or entity that the President has reason to believe
5 has or may acquire prohibited items with the intent
6 to transfer to that foreign person, or provide to that
7 foreign person access to, such items. In this para-
8 graph, “prohibited items” are items that may not be
9 exported to that foreign person on account of the
10 dual use sanction imposed on that foreign person.

11 (3) TRANSACTIONS BY THIRD PARTIES.—The
12 President may also prohibit, for such period of time
13 as he may determine, any transaction or dealing, by
14 a United States person or within the United States,
15 with any foreign person on whom dual use sanctions
16 have been imposed.

17 (4) REPORT.—The President shall submit on
18 an annual basis to the Committee on International
19 Relations of the House of Representatives and the
20 Committee on Banking, Housing and Urban Affairs
21 and the Committee on Foreign Relations of the Sen-
22 ate a report that contains the identity of any foreign
23 person that engages in any transaction or activity
24 with a foreign person on whom dual use sanctions
25 have been imposed that either—

1 (A) would be the basis for imposing dual
2 use sanctions under paragraph (2) but for
3 which such sanctions have not been imposed; or

4 (B) would be the basis for imposing dual
5 use sanctions under paragraph (3) if the trans-
6 action or activity had been carried out by a
7 United States person or by a person in the
8 United States.

9 Such report shall be unclassified to the maximum
10 extent feasible, but may include a classified annex.

11 (5) DEFINITIONS.—In this subsection:

12 (A) MISSILE EQUIPMENT OR TECH-
13 NOLOGY.—The term “missile equipment or
14 technology” has the meaning given that term in
15 section 11B(c) of the Export Administration
16 Act of 1979 (50 U.S.C. App. 2410b(c)).

17 (B) PERSON.—

18 (i) The term “person” means—

19 (I) a natural person;

20 (II) a corporation, business asso-
21 ciation, partnership, society, trust,
22 transnational corporation, or
23 transnational joint venture, any other
24 nongovernmental entity, organization,

1 or group, and any governmental enti-
2 ty;

3 (III) any subsidiary, subunit, or
4 parent entity of any business enter-
5 prise or other organization or entity
6 listed in subclause (II); and

7 (IV) any successor of any busi-
8 ness enterprise or other organization
9 or entity listed in subclause (II) or
10 (III).

11 (ii) In the case of countries where it
12 may be impossible to identify a specific
13 governmental entity referred to in clause
14 (i), the term “person” means—

15 (I) all activities of that govern-
16 ment relating to the development or
17 production of any missile equipment
18 or technology; and

19 (II) all activities of that govern-
20 ment affecting the development or
21 production of aircraft, electronics, and
22 space systems or equipment.

23 (C) UNITED STATES PERSON.—The term
24 “United States person” has the meaning given
25 that term in section 16(2) of the Export Ad-

1 ministration Act of 1979 (50 U.S.C. App.
2 2415(2)).

3 (d) EFFECTIVE DATE.—The amendments made by
4 subsections (a) and (b) shall apply with respect to sanc-
5 tions imposed on or after January 1, 2004, on foreign per-
6 sons under section 73(a)(2) of the Arms Export Control
7 Act, and the provisions of subsection (c) shall apply with
8 respect to sanctions imposed on or after January 1, 2004,
9 on foreign persons under section 11B(b)(1) of the Export
10 Administration Act of 1979 (50 U.S.C. App.
11 2410b(b)(1)), as continued in effect under the Inter-
12 national Emergency Economic Powers Act.

13 **Subtitle F—Security Assistance** 14 **and Related Provisions**

15 **SEC. 751. AUTHORITY TO TRANSFER NAVAL VESSELS TO** 16 **CERTAIN FOREIGN COUNTRIES.**

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

21 (1) GREECE.—To the Government of Greece,
22 the OSPREY class minehunter coastal ship PELLI-
23 CAN (MHC-53).

1 (2) EGYPT.—To the Government of Egypt, the
2 OSPREY class minehunter coastal ships CAR-
3 DINAL (MHC-60) and RAVEN (MHC-61).

4 (3) PAKISTAN.—To the Government of Paki-
5 stan, the SPRUANCE class destroyer ship
6 FLETCHER (DD-992).

7 (4) TURKEY.—To the Government of Turkey,
8 the SPRUANCE class destroyer ship CUSHING
9 (DD-985).

10 (b) AUTHORITY TO TRANSFER BY SALE.—The Presi-
11 dent is authorized to transfer vessels to foreign countries
12 on a sale basis under section 21 of the Arms Export Con-
13 trol Act (22 U.S.C. 2761), as follows:

14 (1) INDIA.—To the Government of India, the
15 AUSTIN class amphibious transport dock ship
16 TRENTON (LPD-14).

17 (2) GREECE.—To the Government of Greece,
18 the OSPREY class minehunter coastal ship HERON
19 (MHC-52).

20 (3) TURKEY.—To the Government of Turkey,
21 the SPRUANCE class destroyer ship O'BANNON
22 (DD-987).

23 (c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
24 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
25 of a vessel transferred to another country on a grant basis

1 pursuant to authority provided by subsection (a) shall not
2 be counted against the aggregate value of excess defense
3 articles transferred to countries in any fiscal year under
4 section 516(g) of the Foreign Assistance Act of 1961 (22
5 U.S.C. 2321j(g)).

6 (d) COSTS OF TRANSFERS.—Any expense incurred by
7 the United States in connection with a transfer authorized
8 under subsection (a) or (b) shall be charged to the recipi-
9 ent.

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

19 (f) EXPIRATION OF AUTHORITY.—The authority to
20 transfer a vessel under this section shall expire at the end
21 of the two-year period beginning on the date of the enact-
22 ment of this Act.

1 **SEC. 752. TRANSFER OF OBSOLETE AND SURPLUS ITEMS**
2 **FROM KOREAN WAR RESERVES STOCKPILE**
3 **AND REMOVAL OR DISPOSAL OF REMAINING**
4 **ITEMS.**

5 (a) TRANSFER OF ITEMS IN KOREAN STOCKPILE.—

6 (1) AUTHORITY.—Notwithstanding section 514
7 of the Foreign Assistance Act of 1961 (22 U.S.C.
8 2321h), the President is authorized to transfer to
9 the Republic of Korea, in return for concessions to
10 be negotiated by the Secretary of Defense, any or all
11 of the items described in paragraph (2).

12 (2) COVERED ITEMS.—The items referred to in
13 paragraph (1) are munitions, equipment, and mate-
14 riel such as tanks, trucks, artillery, mortars, general
15 purpose bombs, repair parts, barrier material, and
16 ancillary equipment, if such items are—

17 (A) obsolete or surplus items;

18 (B) in the inventory of the Department of
19 Defense;

20 (C) intended for use as reserve stocks for
21 the Republic of Korea; and

22 (D) as of the date of the enactment of this
23 Act, located in a stockpile in the Republic of
24 Korea.

1 (3) VALUATION OF CONCESSIONS.—(A) The
2 value of concessions negotiated pursuant to para-
3 graph (1) shall be at least equal to—

4 (i) the fair market value of the items
5 transferred; minus

6 (ii) the savings to the Department of De-
7 fense of the cost of removal of the items from
8 the Republic of Korea and disposal of the items
9 that would have been incurred by the Depart-
10 ment but for the transfer of the items pursuant
11 to paragraph (1), not to exceed the fair market
12 value of the items transferred.

13 (B) The concessions may include cash com-
14 pensation, service, waiver of charges otherwise pay-
15 able by the United States, such as charges for demo-
16 lition of United States-owned or United States-in-
17 tended munitions, and other items of value.

18 (4) PRIOR NOTIFICATIONS OF PROPOSED
19 TRANSFERS.—Not less than 30 days before making
20 a transfer under the authority of this subsection, the
21 President shall transmit to the Committees on
22 Armed Services and International Relations of the
23 House of Representatives and the Committees on
24 Armed Services and Foreign Relations of the Senate
25 a detailed notification of the proposed transfer,

1 which shall include an identification of the items to
2 be transferred and the concessions to be received.

3 (5) **TERMINATION OF AUTHORITY.**—No transfer
4 may be made under the authority of this subsection
5 more than three years after the date of the enact-
6 ment of this Act.

7 (b) **REMOVAL OR DISPOSAL OF REMAINING ITEMS IN**
8 **KOREAN STOCKPILE.**—The President shall provide for the
9 removal or disposal of all items described in subsection
10 (a)(2) that are not transferred pursuant to the authority
11 of subsection (a) by not later than four years after the
12 date of the enactment of this Act.

13 **SEC. 753. EXTENSION OF PAKISTAN WAIVERS.**

14 The Act entitled “An Act to authorize the President
15 to exercise waivers of foreign assistance restrictions with
16 respect to Pakistan through September 30, 2003, and for
17 other purposes”, approved October 27, 2001 (Public Law
18 107–57; 115 Stat. 403), is amended—

19 (1) in section 1(b)—

20 (A) in the heading, by striking “FISCAL
21 YEARS 2005 AND 2006” and inserting “FISCAL
22 YEARS 2006 AND 2007”; and

23 (B) in paragraph (1), by striking “2005 or
24 2006” and inserting “2006 or 2007”;

1 (2) in section 3(2), by striking “and 2006” and
2 inserting “2006, and 2007”; and

3 (3) in section 6, by striking “2006” and insert-
4 ing “2007”.

5 **SEC. 754. REPORTING REQUIREMENT FOR FOREIGN MILI-**
6 **TARY TRAINING.**

7 Subsection (a)(1) of section 656 of the Foreign As-
8 sistance Act of 1961 (22 U.S.C. 2416) is amended—

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

11 (2) by striking “and all such training proposed
12 for the current fiscal year”.

13 **SEC. 755. CERTAIN SERVICES PROVIDED BY THE UNITED**
14 **STATES IN CONNECTION WITH FOREIGN**
15 **MILITARY SALES.**

16 (a) QUALITY ASSURANCE, INSPECTION, CONTRACT
17 ADMINISTRATION, AND CONTRACT AUDIT DEFENSE
18 SERVICES.—Section 21(h)(1)(A) of the Arms Export Con-
19 trol Act (22 U.S.C. 2761(h)(1)(A)) is amended by insert-
20 ing after “North Atlantic Treaty Organization” the fol-
21 lowing: “or the Governments of Australia, New Zealand,
22 Japan, or Israel”.

23 (b) CATALOGING DATA AND SERVICES.—Section
24 21(h)(2) of the Arms Export Control Act (22 U.S.C.
25 2761(h)(2)) is amended by striking “or to any member

1 government of that Organization if that Organization or
2 member government” and inserting “, to any member of
3 that Organization, or to the Governments of Australia,
4 New Zealand, Japan, or Israel if that Organization, mem-
5 ber government, or the Governments of Australia, New
6 Zealand, Japan, or Israel”.

7 **SEC. 756. MARITIME INTERDICTION PATROL BOATS FOR**
8 **MOZAMBIQUE.**

9 (a) IN GENERAL.—Of the amounts made available to
10 carry out section 23 of the Arms Export Control Act for
11 fiscal year 2006, there is authorized to be appropriated
12 \$1,000,000 for refurbishment, delivery, operational train-
13 ing, and related costs associated with the provision of not
14 more than four excess coastal patrol boats to the Govern-
15 ment of Mozambique for maritime patrol and interdiction
16 activities.

17 (b) AVAILABILITY.—Amounts appropriated pursuant
18 to the authorization of appropriations under subsection (a)
19 are authorized to remain available until September 30,
20 2007.

21 **SEC. 757. REIMBURSEMENT FOR INTERNATIONAL MILI-**
22 **TARY EDUCATION AND TRAINING.**

23 Section 541 of the Foreign Assistance Act of 1961
24 (22 U.S.C. 2347) is amended—

1 (1) in the first sentence, by striking “The
2 President” and inserting “(a) The President”; and

3 (2) by adding at the end the following new sub-
4 section:

5 “(b) The President shall seek reimbursement for mili-
6 tary education and training furnished under this chapter
7 from countries using assistance under section 23 of the
8 Arms Export Control Act (22 U.S.C. 2763; relating to the
9 Foreign Military Financing Program) to purchase such
10 military education and training at a rate comparable to
11 the rate charged to countries receiving grant assistance
12 for military education and training under this chapter.”.

13 **TITLE VIII—NUCLEAR BLACK**
14 **MARKET ELIMINATION ACT**

15 **SEC. 801. SHORT TITLE.**

16 This title may be cited as the “Nuclear Black Market
17 Elimination Act of 2005”.

1 **Subtitle A—Sanctions for Transfers**
2 **of Nuclear Enrichment, Reproc-**
3 **essing, and Weapons Tech-**
4 **nology, Equipment and Mate-**
5 **rials Involving Foreign Persons**
6 **and Terrorists**

7 **SEC. 811. AUTHORITY TO IMPOSE SANCTIONS ON FOREIGN**
8 **PERSONS.**

9 (a) DETERMINATION OF NUCLEAR ACTIVITIES BY
10 FOREIGN PERSONS.—Notwithstanding any other provi-
11 sion of law, the President is authorized to impose any or
12 all of the sanctions described in subsection (b) whenever
13 the President determines that a foreign person partici-
14 pated, on or after the date of the enactment of this Act,
15 in the export, transfer or trade of—

16 (1) nuclear enrichment or reprocessing equip-
17 ment, materials, or technology to any nonnuclear-
18 weapon state (as defined in section 102(c) of the
19 Arms Export Control Act) that—

20 (A) does not possess functioning nuclear
21 enrichment or reprocessing plants as of Janu-
22 ary 1, 2004; and

23 (B)(i) does not have in force an additional
24 protocol with the International Atomic Energy
25 Agency for the application of safeguards (as de-

1 rived from IAEA document INFCIRC/540 and
2 related corrections and additions); or

3 (ii) is developing, manufacturing, or ac-
4 quiring a nuclear explosive device; or

5 (2) any nuclear explosive device, or design in-
6 formation or component, equipment, materials, or
7 other items or technology that—

8 (A) is designated for national export con-
9 trols under the Nuclear Supplier Group Guide-
10 lines for the Export of Nuclear Material, Equip-
11 ment and Technology (published by the Inter-
12 national Atomic Energy Agency as IAEA docu-
13 ment INFCIRC/254/Rev. 6/Part 1 and subse-
14 quent revisions) and the Guidelines for Trans-
15 fers of Nuclear-Related Dual-Use Equipment,
16 Material, and Related Technology (published as
17 IAEA document INFCIRC/254/Rev. 5/ Part 2
18 and subsequent revisions); and

19 (B) contributes to the development, manu-
20 facture, or acquisition of a nuclear explosive de-
21 vice by—

22 (i) a nonnuclear weapon state; or

23 (ii) a foreign person.

1 (b) SANCTIONS.—The sanctions referred to in sub-
2 section (a) that are to be imposed on a foreign person are
3 the following:

4 (1) No assistance may be provided to the for-
5 eign person under the Foreign Assistance Act of
6 1961, and the foreign person may not participate in
7 any assistance program of the United States Gov-
8 ernment. Any such assistance being provided to the
9 foreign person, and any participation in such assist-
10 ance program by the foreign person, on the date on
11 which the sanction under this paragraph is imposed,
12 shall be terminated as of such date.

13 (2) The United States Government may not sell
14 any defense articles, defense services, or design or
15 construction services to the foreign person under the
16 Foreign Assistance Act of 1961 or the Arms Export
17 Control Act, and any contract to sell such articles or
18 services, under either such Act, that is in effect on
19 the date on which the sanction under this paragraph
20 is imposed, shall be terminated as of such date.

21 (3) Licenses or any other approval may not be
22 issued for the export or import to the foreign person
23 of any defense articles or defense services under the
24 Arms Export Control Act or its implementing regu-
25 lations. Any such license or approval that is in effect

1 on the on the date on which the sanction under this
2 paragraph is imposed, shall be terminated as of such
3 date.

4 (4) Licenses or any other approval may not be
5 issued for the export to the foreign person of any
6 goods or technology subject to the jurisdiction of the
7 Export Administration Regulations under chapter
8 VII of title 15, Code of Federal Regulations (or suc-
9 cessor regulations), other than food and other agri-
10 cultural commodities, medicines and medical equip-
11 ment. Any such license or approval that is in effect
12 on the on the date on which the sanction under this
13 paragraph is imposed, shall be terminated as of such
14 date.

15 (c) PERIOD SANCTIONS IN EFFECT.—The sanctions
16 referred to in subsection (b) should be imposed for not
17 less than two years, but may be imposed for longer peri-
18 ods. The President may suspend after one year any sanc-
19 tion imposed pursuant to this section 15 days after sub-
20 mitting to the appropriate congressional committees a re-
21 port explaining—

22 (1) the reasons for modifying or terminating
23 the sanction;

1 (2) how the purposes of this Act and United
2 States national security are furthered by such modi-
3 fication or termination; and

4 (3) what measures the United States will take
5 or is taking to ensure that the foreign person will
6 not engage in similar activities in the future.

7 **SEC. 812. PRESIDENTIAL NOTIFICATION ON ACTIVITIES OF**
8 **FOREIGN PERSONS.**

9 (a) **REPORTS TO CONGRESS.**—Not later than 180
10 days after enactment of this Act and no later than Janu-
11 ary 31 of each year thereafter, the President shall submit
12 to the appropriate congressional committees a report de-
13 tailing any activity by any foreign person described in sec-
14 tion 811. This report shall also include a description of
15 any sanctions that have been imposed and their duration.

16 (b) **PUBLICATION.**—When the President imposes
17 sanctions under section 811, the President shall, to the
18 maximum extent unclassified, publish in the Federal Reg-
19 ister, not later than 15 days after reporting such sanctions
20 to the appropriate congressional committees under sub-
21 section (a), the identity of each sanctioned foreign person,
22 the period for which sanctions will be in effect, and the
23 reasons for the sanctions.

1 **Subtitle B—Further Actions**
2 **Against Corporations Associated**
3 **With Sanctioned Foreign Per-**
4 **sons**

5 **SEC. 821. FINDINGS.**

6 The Congress finds the following:

7 (1) Foreign persons and corporations engaging
8 in nuclear black-market activities are motivated by
9 reasons of commercial gain and profit.

10 (2) Sanctions targeted solely against the busi-
11 ness interests of the sanctioned person or business
12 concern may be unsuccessful in halting these pro-
13 liferation activities, as the sanctions may be seen
14 merely as the cost of doing business, especially if the
15 business interests of the parent or subsidiary cor-
16 porate entities are unaffected by the sanctions.

17 (3) Such narrow targeting of sanctions creates
18 the incentive to create shell and “carve-out” cor-
19 porate entities to perform the proliferation activities
20 and attract sanctions, leaving all other aspects of the
21 larger corporation unaffected.

22 (4) To dissuade corporations from allowing
23 their associated commercial entities or persons from
24 engaging in proliferation black-market activities,
25 they must also be made to suffer financial loss and

1 commercial disadvantage, and parent and subsidiary
2 commercial enterprises must be held responsible for
3 the proliferation activities of their associated enti-
4 ties.

5 (5) If a corporation perceives that the United
6 States Government will do everything possible to
7 make its commercial activity difficult around the
8 world, then that corporation has a powerful commer-
9 cial incentive to prevent any further proliferation ac-
10 tivity by its associated entities.

11 (6) Therefore, the United States Government
12 should seek to increase the risk of commercial loss
13 for associated corporate entities for the proliferation
14 actions of their subsidiaries.

15 **SEC. 822. CAMPAIGN BY UNITED STATES GOVERNMENT OF-**
16 **FICIALS.**

17 The President shall instruct all agencies of the
18 United States Government to make every effort in their
19 interactions with foreign government and business officials
20 to persuade foreign governments and relevant corporations
21 not to engage in any business transaction with a foreign
22 person sanctioned under section 811, including any parent
23 or subsidiary of the sanctioned foreign person, for the du-
24 ration of the sanctions.

1 **SEC. 823. COORDINATION.**

2 The Secretary of State shall coordinate the actions
3 of the United States Government under section 822.

4 **SEC. 824. REPORT.**

5 Not later than one year after the date of the enact-
6 ment of this Act and annually thereafter, the Secretary
7 of State shall report to the appropriate congressional com-
8 mittees on the actions taken by the United States to carry
9 out section 822.

10 **Subtitle C—Incentives for Pro-**
11 **liferation Interdiction Coopera-**
12 **tion**

13 **SEC. 831. AUTHORITY TO PROVIDE ASSISTANCE TO COOP-**
14 **ERATIVE COUNTRIES.**

15 The President is authorized to provide, on such terms
16 as the President considers appropriate, assistance under
17 section 832 to any country that cooperates with the
18 United States and with other countries allied with the
19 United States to prevent the transport and transshipment
20 of items of proliferation concern in its national territory
21 or airspace or in vessels under its control or registry.

22 **SEC. 832. TYPES OF ASSISTANCE.**

23 The assistance authorized under section 831 is the
24 following:

- 25 (1) Assistance under section 23 of the Arms
26 Export Control Act.

1 (2) Assistance under chapters 4 and 5 of part
2 II of the Foreign Assistance Act of 1961.

3 (3) Drawdown of defense equipment and serv-
4 ices under section 516 of the Foreign Assistance Act
5 of 1961.

6 **SEC. 833. CONGRESSIONAL NOTIFICATION.**

7 Assistance authorized under this subtitle may not be
8 provided until at least 30 days after the date on which
9 the President has provided notice thereof to the appro-
10 priate congressional committees, in accordance with the
11 procedures applicable to reprogramming notifications
12 under section 634A(a) of the Foreign Assistance Act of
13 1961.

14 **SEC. 834. LIMITATION.**

15 Assistance may be provided to a country under sec-
16 tion 831 in no more than three fiscal years.

17 **SEC. 835. USE OF ASSISTANCE.**

18 To the extent practicable, assistance provided under
19 this subtitle shall be used to enhance the capability of the
20 recipient country to prevent the transport and trans-
21 shipment of items of proliferation concern in its national
22 territory or airspace, or in vessels under its control or reg-
23 istry, including through the development of a legal frame-
24 work in that country to enhance such capability by crim-

1 inalizing proliferation, enacting strict export controls, and
2 securing sensitive materials within its borders.

3 **SEC. 836. LIMITATION ON SHIP OR AIRCRAFT TRANSFERS**
4 **TO UNCOOPERATIVE COUNTRIES.**

5 Notwithstanding any other provision of law, the
6 United States may not transfer any excess defense article
7 that is a vessel or an aircraft to a country that has not
8 agreed that it will support and assist efforts by the United
9 States to interdict items of proliferation concern until thir-
10 ty days after the date on which the President has provided
11 notice of the proposed transfer to the appropriate congres-
12 sional committees in accordance with the procedures appli-
13 cable to reprogramming notifications under section
14 634A(a) of the Foreign Assistance Act of 1961, in addi-
15 tion to any other requirement of law.

16 **Subtitle D—Rollback of Nuclear**
17 **Proliferation Networks**

18 **SEC. 841. NONPROLIFERATION AS A CONDITION OF UNITED**
19 **STATES ASSISTANCE.**

20 United States foreign assistance should only be pro-
21 vided to countries that—

22 (1) are not cooperating with any non-nuclear
23 weapon state or any foreign group or individual who
24 may be engaged in, planning, or assisting inter-
25 national terrorism in the development of a nuclear

1 explosive device or its means of delivery and are tak-
2 ing all necessary measures to prevent their nationals
3 and other persons and entities subject to their juris-
4 diction from participating in such cooperation; and

5 (2) are fully and completely cooperating with
6 the United States in its efforts to eliminate nuclear
7 black-market networks or activities.

8 **SEC. 842. REPORT ON IDENTIFICATION OF NUCLEAR PRO-**
9 **LIFERATION NETWORK HOST COUNTRIES.**

10 (a) REPORT.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of the enactment of this Act and annually
13 thereafter, the President shall submit a report to the
14 appropriate congressional committees that—

15 (A) identifies any country in which manu-
16 facturing, brokering, shipment, transshipment,
17 or other activity occurred in connection with the
18 transactions of the nuclear proliferation net-
19 work that supplied Libya, Iran, North Korea,
20 and possibly other countries or entities, and

21 (B) includes any additional information
22 with respect to any country and any other nu-
23 clear proliferation networks or activities and the
24 foreign persons believed to be participating
25 therein, including any information relating to

1 the participation of any foreign person in the
2 export, transfer, or trade described in section
3 811.

4 (2) **ADDITIONAL INFORMATION.**—The report
5 under paragraph (1) shall also include a description
6 of the extent to which each country described in the
7 report is, in the opinion of the President, fully co-
8 operating with the United States in its efforts to
9 eliminate the nuclear proliferation network described
10 in paragraph (1)(A) and any other nuclear prolifera-
11 tion networks or activities. The President shall base
12 the determination regarding a country's cooperation
13 with the United States in part on the degree to
14 which the country has satisfied United States re-
15 quests for assistance and information, including
16 whether the United States has asked and been
17 granted direct investigatory access to key persons in-
18 volved in a nuclear proliferation network.

19 (b) **CLASSIFICATION.**—Reports under this section
20 shall be unclassified to the maximum extent possible.

21 **SEC. 843. SUSPENSION OF ARMS SALES LICENSES AND DE-**
22 **LIVERIES TO NUCLEAR PROLIFERATION NET-**
23 **WORK HOST COUNTRIES.**

24 (a) **SUSPENSION.**—Upon submission of the report
25 and any additional information under section 842 to the

1 appropriate congressional committees, the President shall
2 suspend all licenses issued under the Arms Export Control
3 Act, and shall prohibit any licenses to be issued under that
4 Act, to any country described in the report or additional
5 information, until such time as the President certifies to
6 the appropriate congressional committees that such coun-
7 try—

8 (1)(A) has fully investigated or is fully inves-
9 tigating the activities of any person or entity within
10 its territory that has participated in the nuclear pro-
11 liferation network or activities; and

12 (B) has taken or is taking effective steps to
13 permanently halt similar illicit nuclear proliferation
14 or acquisition activities;

15 (2) has been or is fully cooperating with the
16 United States and other appropriate international
17 organizations in investigating and eliminating the
18 nuclear proliferation network, any successor net-
19 works operating within its territory, or other illicit
20 proliferation and acquisition activities; and

21 (3) has enacted or is enacting new laws, pro-
22 mulgated decrees or regulations, or established prac-
23 tices designed to prevent future such activities from
24 occurring within its territory.

1 (b) WAIVER.—The President may waive the require-
2 ments of subsection (a) in a fiscal year if—

3 (1) the President has certified to the appro-
4 priate congressional committees that the waiver is
5 important to the national security of the United
6 States; and

7 (2) five days have elapsed since making the cer-
8 tification under paragraph (1).

9 **Subtitle E—General Provisions**

10 **SEC. 851. DEFINITIONS.**

11 In this title:

12 (1) PARTICIPATED.—The term “participated”
13 means to have sold, transferred, brokered, financed,
14 assisted, delivered or otherwise provided or received,
15 and includes any conspiracy or attempt to partici-
16 pate in any of the preceding activities, as well as fa-
17 cilitating such activities by any other person.

18 (2) FOREIGN PERSON.—The term “foreign per-
19 son” has the meaning provided in section
20 38(g)(9)(C) of the Arms Export Control Act (22
21 U.S.C. 2778(g)(9)(C)) and includes, for purposes of
22 subsections (a) and (b) of section 811, successors,
23 assigns, subsidiaries, and subunits and other busi-
24 ness organizations or associations in which that per-
25 son may be deemed to have a controlling interest.

1 (3) EXCESS DEFENSE ARTICLE.—The term
2 “excess defense article” has the meaning given that
3 term in section 644(g) of the Foreign Assistance Act
4 of 1961 (22 U.S.C. 2403(g)).

5 (4) ITEMS OF PROLIFERATION CONCERN.—The
6 term “items of proliferation concern” means any
7 equipment, materials, or technology that could mate-
8 rially support the research, development, manufac-
9 turing, or acquisition by any means of a nuclear ex-
10 plosive device, a chemical or biological weapon, or
11 missile with a payload of 500 kilograms or greater
12 and with a range of 300 kilometers or greater.

13 (5) PERSON.—The term “person”—

14 (A) means a natural person as well as a
15 corporation, business association, partnership,
16 society, trust, any other nongovernmental enti-
17 ty, organization, or group, and any govern-
18 mental entity, or subsidiary, subunit, or parent
19 entity thereof, and any successor of any such
20 entity; and

21 (B) in the case of a country where it may
22 be impossible to identify a specific governmental
23 entity referred to in subparagraph (A), means
24 all activities of that government relating to the

1 development or production of any nuclear
2 equipment or technology.

3 (6) UNITED STATES FOREIGN ASSISTANCE.—

4 The term “United States foreign assistance” means
5 assistance under the foreign operations, export fi-
6 nancing, and related programs appropriations Act
7 for a fiscal year, and assistance under the Foreign
8 Assistance Act of 1961.

9 **TITLE IX—EAST ASIA SECURITY**
10 **ACT OF 2005**

11 **SEC. 901. SHORT TITLE.**

12 This title may be cited as the “East Asia Security
13 Act of 2005”.

14 **SEC. 902. STATEMENTS OF POLICY.**

15 Congress—

16 (1) previously expressed its strong concerns in
17 House Resolution 57 of February 2, 2005, and Sen-
18 ate Resolution 91 of March 17, 2005, with the
19 transfer of armaments and related technology to the
20 People’s Republic of China by member states of the
21 European Union, which increased eightfold from
22 2001 to 2003, and with plans to terminate in the
23 near future the arms embargo they imposed in 1989
24 following the Tiananmen Square massacre;

1 (2) welcomes deferral of a decision by the Euro-
2 pean Council to terminate its arms embargo fol-
3 lowing adoption of those Resolutions, the President's
4 visit to Europe, and growing concern among coun-
5 tries in the regions and the general public on both
6 sides of the Atlantic;

7 (3) welcomes the decision by the European Par-
8 liament on April 14, 2005, by a vote of 421 to 85,
9 to oppose the lifting of the European Union's arms
10 embargo on the People's Republic of China, and res-
11 olutions issued by a number of elected parliamentary
12 bodies in Europe also opposing the lifting of the
13 arms embargo;

14 (4) also welcomes the onset of a strategic dia-
15 logue between the European Commission and the
16 Government of the United States on the security sit-
17 uation in East Asia, through which it is hoped a
18 greater understanding will emerge of the con-
19 sequences of European assistance to the military
20 buildup of the People's Republic of China for peace
21 and stability in that region, to the security interests
22 of the United States and its friends and allies in the
23 region, and, in particular, to the safety of United
24 States Armed Forces whose presence in the region

1 has been a decisive factor in ensuring peace and
2 prosperity since the end of World War II;

3 (5) hopes that a more intensive dialogue with
4 Europe on this matter will clarify for United States
5 friends and allies in Europe how their “non-lethal”
6 arms transfers improve the force projection of the
7 People’s Republic of China, are far from benign, and
8 enhance the prospects for the threat or use of force
9 in resolving the status of Taiwan, a troubling pros-
10 pect made more ominous by recent adoption of a
11 new law by the Chinese National People’s Congress
12 expressly authorizing the use of force;

13 (6) also hopes that this dialogue will result in
14 an important new consensus between the United
15 States and its European partners on the need for co-
16 ordinated policies which encourage the development
17 of democracy in the People’s Republic of China and
18 which discourage, not assist, China’s unjustified
19 military buildup and pursuit of weapons that threat-
20 en its neighbors;

21 (7) however, deeply regrets that none of the
22 European friends and allies of the United States
23 who have been transferring arms to the People’s Re-
24 public of China has announced a cessation or even
25 a temporary halt to those transfers while this new

1 dialogue with the United States ensues, and notes
2 with concern that such European friends and allies
3 have provided little, if any, transparency to the
4 United States Government into the full range and
5 capabilities of all of the armaments and related tech-
6 nology that they have transferred to date and con-
7 tinue even now to do so;

8 (8) is further troubled by public reports describ-
9 ing well known European companies as suppliers to
10 weapons programs of the People's Republic of
11 China, who are also participants in numerous sen-
12 sitive United States Government weapons programs,
13 and the increased risks of diversion of United States
14 weapons technology to China inherent in such an
15 undesirable situation; and

16 (9) in view of the gravity of European arms
17 sales to the People's Republic of China, which have
18 not abated, believes it is necessary to make provision
19 for greater scrutiny and oversight with respect to
20 those areas of international armament cooperation
21 that present increased levels of risk to the security
22 interests of the United States and to authorize ap-
23 propriate measures which the President may draw
24 on in deterring foreign support for China's military
25 buildup in order to safeguard the national security

1 interests of the United States and peace and secu-
2 rity in East Asia.

3 **SEC. 903. REPORT ON FOREIGN MILITARY EXPORTS TO**
4 **CHINA.**

5 (a) REPORT.—The President shall, at the times spec-
6 ified in subsection (b), transmit to the appropriate con-
7 gressional committees a report that identifies every person
8 of a member country of the European Union, and any
9 other foreign person the President may consider appro-
10 priate, with respect to whom there is credible information
11 indicating that the person, on or after January 1, 2005,
12 exported to—

13 (1) the People’s Republic of China any item on
14 the Wassenaar Munitions List of July 12, 1996, and
15 subsequent revisions; or

16 (2) the military, intelligence, or other security
17 forces of the People’s Republic of China—

18 (A) any item on the Wassenaar List of
19 Dual Use Goods and Technologies of July 12,
20 1996, and subsequent revisions; or

21 (B) any other dual use item if the item is
22 intended, entirely or in part, for use with an
23 item described in paragraph (1).

24 (b) TIMING OF REPORT.—The report required under
25 subsection (a) shall be transmitted not later than 180 days

1 after the date of the enactment of this Act and not later
2 than the end of each 12-month period thereafter.

3 (c) EXCEPTIONS.—A foreign person is not required
4 to be identified in a report required under subsection (a)
5 if the person—

6 (1) was identified in a previous report trans-
7 mitted under subsection (a) on account of a par-
8 ticular export, except to the extent that the export
9 may have continued, involved additional transfers, or
10 was larger, more significant, or different in nature
11 than described in the previous report;

12 (2) was engaged solely in an export on behalf
13 of, or in concert with, the Government of the United
14 States; or

15 (3) was engaged in an export which, as deter-
16 mined by the President, would be exempt from the
17 restrictions of section 902(a) of the Foreign Rela-
18 tions Authorization Act, Fiscal Years 1990 and
19 1991 (Public Law 101–246; 22 U.S.C. 2151 note),
20 if the export were subject to the jurisdiction of the
21 United States, by reason of the issuance of a report
22 under section 902(b) of such Act.

23 (d) FORM.—If the President considers it appropriate,
24 reports transmitted under subsection (a), or appropriate
25 parts thereof, may be transmitted in classified form.

1 **SEC. 904. REPORT ON CHINA ARMS TRANSFER POLICIES OF**
2 **COUNTRIES PARTICIPATING IN UNITED**
3 **STATES DEFENSE COOPERATIVE PROJECTS;**
4 **CERTAIN LICENSE REQUIREMENTS.**

5 (a) STATEMENT OF POLICY.—Congress is concerned
6 with the significant additional risk of unlawful use and
7 diversion of sensitive United States weapons system re-
8 search, design, and development arising from cooperative
9 research and development projects with foreign govern-
10 ments and foreign persons who may also transfer arms
11 and related technology to the People’s Republic of China.

12 (b) REPORT.—The President shall, at the times spec-
13 ified in subsection (c), transmit to the appropriate con-
14 gressional committees a report that—

15 (1) identifies every foreign government with re-
16 spect to which the United States is carrying out a
17 cooperative project described in subsection (d) and
18 whose policies or practices, on or after the date of
19 the enactment of this Act, permit the export of any
20 item described in paragraph (1), or subparagraph
21 (A) or (B) of paragraph (2), of section 903(a); and

22 (2) describes the cooperative projects and poli-
23 cies or practices referred to in paragraph (1) of
24 every foreign government identified under such para-
25 graph.

1 (c) TIMING OF REPORT.—The report required under
2 subsection (b)—

3 (1) shall be transmitted not later than 180 days
4 after the date of the enactment of this Act and not
5 later than the end of each 12-month period there-
6 after; and

7 (2) may be included in the report required
8 under section 903, as the President determines ap-
9 propriate.

10 (d) COOPERATIVE PROJECTS.—The cooperative
11 projects referred to in subsection (b) are projects carried
12 out under section 27 of the Arms Export Control Act (22
13 U.S.C. 2767) or section 2350a, 2358, or a memorandum
14 of understanding under section 2531 of title 10, United
15 States Code.

16 (e) LICENSE REQUIREMENTS.—

17 (1) REQUIREMENT.—Notwithstanding any
18 other provision of law, a license under section 38 of
19 the Arms Export Control Act (22 U.S.C. 2778) shall
20 be required for the export of defense articles or de-
21 fense services by any person who is not an officer or
22 employee of the Government of the United States in
23 furtherance of a cooperative project described in
24 subsection (d) with a country identified in a report
25 transmitted under subsection (b).

1 (2) CONGRESSIONAL NOTIFICATION.—The
2 issuance of a license pursuant to paragraph (1) shall
3 be subject to the same requirements as are applica-
4 ble to the export of items described in section 36(c)
5 of the Arms Export Control Act (22 U.S.C. 2776(e))
6 (without regard to the dollar amount requirements
7 relating to contracts contained in such section), in-
8 cluding the transmittal of information and the appli-
9 cation of congressional review procedures in accord-
10 ance with such section.

11 (3) EXCEPTIONS.—The Secretary of State shall
12 not be required to apply the license requirement of
13 paragraph (1)—

14 (A) in the case of contracts or sub-
15 contracts in effect on the date of the enactment
16 of this Act, including the exercise of options for
17 production quantities to satisfy United States
18 operational military requirements;

19 (B) if the Secretary determines in writing
20 that the person or other entity to which the ex-
21 port of defense articles or defense services
22 would be made is a sole source supplier of the
23 articles or services, that the articles or services
24 are essential, and that the articles or services
25 are not readily or reasonably available;

1 (C) in the case of routine servicing and
2 maintenance, to products or services provided
3 under contracts entered into before transmittal
4 of the report required under subsection (b), if
5 the Secretary determines in writing that alter-
6 native sources are not readily or reasonably
7 available; or

8 (D) with respect to other defense articles
9 or defense services, the export of which without
10 a license the Secretary determines in writing is
11 essential to the national security of the United
12 States and provides written notification thereof
13 to the appropriate congressional committees.

14 (4) PUBLICATION IN THE FEDERAL REG-
15 ISTER.—The Secretary of State shall publish in the
16 Federal Register each determination made under
17 paragraph (3).

18 **SEC. 905. CERTAIN FOREIGN OWNERSHIP AND CONTROL**
19 **OF DEFENSE ARTICLES IN THE UNITED**
20 **STATES.**

21 (a) STATEMENT OF POLICY.—Congress determines
22 that special care should be taken by the United States
23 with respect to foreign persons who sell arms and related
24 technology to the People’s Republic of China, while simul-
25 taneously seeking ownership of United States defense arti-

1 cles or defense services, including the results of United
2 States Government funded defense research and develop-
3 ment, through the acquisition or control of United States
4 defense firms, directly or through their subsidiaries and
5 affiliates based in the United States.

6 (b) LICENSE REQUIREMENTS.—

7 (1) REQUIREMENT.—The President shall re-
8 quire a license pursuant to regulations issued under
9 section 38(g)(6) of the Arms Export Control Act (22
10 U.S.C. 2778(g)(6)) for the transfer of ownership or
11 control of United States defense articles or defense
12 services arising from the acquisition or control of a
13 person required to be registered under section
14 38(b)(1) of such Act (22 U.S.C. 2778(b)(1)), or any
15 subsidiary, division, affiliate or other entity thereof,
16 whenever the person gaining acquisition or control
17 is—

18 (A) a foreign national of the People’s Re-
19 public of China or a foreign person otherwise
20 subject to the jurisdiction, ownership, or control
21 of the People’s Republic of China;

22 (B) a foreign person identified in a report
23 transmitted under section 903 or having its
24 principal place of business in a country de-

1 scribed in a report transmitted under section
2 904; or

3 (C) a United States person owned or con-
4 trolled by a foreign person, including a sub-
5 sidiary or affiliate of a foreign person described
6 in subparagraph (B).

7 (2) **ADDITIONAL REQUIREMENT.**—A license
8 under section 38(g)(6) of the Arms Export Control
9 Act for a person described in paragraph (1)(A) shall
10 not be issued until 30 days after the date on which
11 the President transmits a report that contains a de-
12 termination of the President that—

13 (A) the Government of the People’s Repub-
14 lic of China meets the requirements of section
15 902(b)(1) of the Foreign Relations Authoriza-
16 tion Act, Fiscal Years 1990 and 1991 (Public
17 Law 101–246; 22 U.S.C. 2151 note); or

18 (B) it is in the national interest of the
19 United States to issue the license.

20 (c) **CONGRESSIONAL NOTIFICATION.**—The issuance
21 of a license pursuant to subsection (b) shall be subject
22 to the same requirements as are applicable to the export
23 of items described in section 36(c) of the Arms Export
24 Control Act (22 U.S.C. 2776(c)) (without regard to the
25 dollar amount requirements relating to contracts con-

1 tained in such section), including the transmittal of infor-
2 mation and the application of congressional review proce-
3 dures in accordance with such section.

4 (d) EXCEPTION.—The issuance of a license pursuant
5 to subsection (b) shall not be required in the case of an
6 amendment to a munitions license or a change in registra-
7 tion arising from a sale or transfer of ownership or control
8 of United States defense articles or defense services to a
9 person described in subparagraph (A), (B), or (C) of sub-
10 section (b)(1) that was approved prior to the date of en-
11 actment of this Act unless the President determines that
12 it is in the national security interests of the United States
13 to require the issuance of a new license pursuant to sub-
14 section (b).

15 **SEC. 906. CHINESE MILITARY END USE OF DUAL USE EX-**
16 **PORTS.**

17 (a) STATEMENT OF POLICY.—Congress welcomes the
18 understanding reached at the Wassenaar Arrangement’s
19 December 2003 plenary meeting to require governmental
20 authorization for the transfer of non-listed dual use items
21 intended for military end use in a destination subject to
22 any relevant regional arms embargo or to any United Na-
23 tions Security Council resolution.

24 (b) REPORTS.—

1 (1) REPORT TO SECRETARY OF COMMERCE.—

2 As prescribed in regulations issued under the Export
3 Administration Act of 1979 (as continued in effect
4 under the International Emergency Economic Pow-
5 ers Act), a United States person who exports an
6 item described in subparagraph (A) or (B) of section
7 903(a)(2) for military end use shall, not later than
8 15 days after the item is exported, submit to the
9 Secretary of Commerce a report that contains a de-
10 scription of all shipment information, including a de-
11 scription of the item and the quantity, value, port of
12 exit, and end user.

13 (2) REPORT TO CONGRESS.—Not later than 60
14 days after the end of each calendar quarter, the Sec-
15 retary of Commerce shall submit to the appropriate
16 congressional committees a written report that con-
17 tains a compilation all of information submitted in
18 each report to the Secretary under paragraph (1) for
19 the prior calendar quarter.

20 (c) DEFINITION.—In this section, the term “military
21 end use” means, with respect to an item, the item is or
22 may be intended, entirely or in part, for use in conjunction
23 with an item described on the Wassenaar Munitions List
24 of July 12, 1996, and subsequent revisions.

1 **SEC. 907. APPLICATION OF MEASURES TO CERTAIN FOR-**
2 **EIGN PERSONS.**

3 (a) APPLICATION OF MEASURES.—Subject to sec-
4 tions 908 and 909, the President may apply with respect
5 to any foreign person (including a foreign government)
6 identified in a report transmitted under section 903, and
7 shall apply with respect to any foreign person (including
8 a foreign government) identified in more than one report
9 transmitted under section 903, any or all of the following
10 measures:

11 (1) RESEARCH AND DEVELOPMENT.—Denial of
12 participation in existing and new cooperative re-
13 search and development programs and projects
14 under section 27 of the Arms Export Control Act
15 (22 U.S.C. 2767) or sections 2350a, 2358, or a
16 memorandum of understanding under 2531 of title
17 10, United States Code.

18 (2) CONTROL OF UNITED STATES DEFENSE
19 FIRMS.—Prohibition of ownership and control of any
20 business organization required to be registered with
21 the United States Government as a manufacturer or
22 exporter of defense articles or defense services under
23 section 38(b)(1) of the Arms Export Control Act (22
24 U.S.C. 2778(b)(1)).

25 (3) SECURITY ASSISTANCE.—Prohibition on
26 participation in any foreign military sales under

1 chapter 2 of the Arms Export Control Act (22
2 U.S.C. 2761 et seq.) or any design and construction
3 sales under chapter 2A of such Act (22 U.S.C.
4 2769).

5 (4) MUNITIONS LIST APPROVALS.—Prohibition
6 on licenses and other forms of approval under sec-
7 tion 38 of the Arms Export Control Act (22 U.S.C.
8 2778) for the export of any item on the United
9 States Munitions List as in effect on August 8,
10 1995.

11 (b) APPLICATION OF ADDITIONAL MEASURES.—Sub-
12 ject to sections 908 and 909, and notwithstanding any
13 other provision of law, the President may, with respect to
14 any foreign person (including a foreign government) iden-
15 tified in a report transmitted under section 903, and shall,
16 with respect to any foreign person (including a foreign
17 government) identified in more than one report trans-
18 mitted under section 903—

19 (1) suspend the use of any license exemption
20 and expedited license procedure established in the
21 International Traffic in Arms Regulations or other
22 provisions of law for the export or temporary import
23 of defense articles and defense services;

1 (2) require the execution of a non-transfer and
2 end use certificate for the export of any defense arti-
3 cles and defense services; and

4 (3) require, as a condition of issuance of any li-
5 cense for the export of defense articles and defense
6 services, United States access to and verification of
7 the items after the export of the items or alternative
8 measures to ensure compliance with restrictions on
9 the transfer of the items to third-parties.

10 (c) EFFECTIVE DATE OF MEASURES.—Measures ap-
11 plied pursuant to subsection (a) or (b) shall be effective
12 with respect to a foreign person (including a foreign gov-
13 ernment) no later than—

14 (1) 30 days after the report identifying the for-
15 eign person is transmitted, if the report is trans-
16 mitted on or before the date required by section
17 903(b); or

18 (2) on the date that the report identifying the
19 foreign person is transmitted, if the report is trans-
20 mitted more than 30 days after the date required by
21 section 903(b).

22 (d) DURATION OF MEASURES.—Measures applied
23 pursuant to subsection (a) shall be for a period of 2 years
24 or longer, as the President determines appropriate. Meas-
25 ures applied pursuant to subsection (b) shall be, at a min-

1 imum, consistent with the duration of the license and the
2 normal requirements for record keeping established in the
3 International Traffic in Arms Regulations or longer, as
4 the President determines appropriate.

5 (e) PUBLICATION IN FEDERAL REGISTER.—The ap-
6 plication of measures to a foreign person pursuant to sub-
7 section (a) or (b) shall be announced by notice published
8 in the Federal Register, except if the President determines
9 that doing so would be inconsistent with the protection
10 of classified information.

11 **SEC. 908. PROCEDURES IF DISCRETIONARY MEASURES ARE**
12 **NOT APPLIED.**

13 (a) REQUIREMENT TO NOTIFY CONGRESS.—If the
14 President does not exercise the authority of subsection (a)
15 or (b) of section 907 to apply any or all of the discre-
16 tionary measures described in such subsection with respect
17 to a foreign person identified in a report transmitted
18 under section 903, the President shall so notify the appro-
19 priate congressional committees not later than the effec-
20 tive date under section 907(c) for measures with respect
21 to that person.

22 (b) WRITTEN JUSTIFICATION.—Any notification
23 transmitted by the President under subsection (a) shall
24 include a written justification describing in detail the facts
25 and circumstances relating specifically to the foreign per-

1 son identified in a report transmitted under section 903
2 that support the President's decision not to exercise the
3 authority of subsection (a) or (b) of section 907 with re-
4 spect to that person.

5 (c) FORM.—If the President considers it appropriate,
6 the notification of the President under subsection (a), and
7 the written justification under subsection (b), or appro-
8 priate parts thereof, may be transmitted in classified form.

9 **SEC. 909. DETERMINATIONS EXEMPTING FOREIGN PER-**
10 **SONS FROM MANDATORY MEASURES.**

11 (a) WAIVER.—Any mandatory measure described in
12 section 907 shall not apply with respect to a foreign per-
13 son if the President transmits to the appropriate congres-
14 sional committees a report that contains a determination
15 of the President that—

16 (1) on the basis of information provided by that
17 person or the foreign government having primary ju-
18 risdiction over the person, the person did not, on or
19 after January 1, 2005, knowingly export to the Peo-
20 ple's Republic of China the item the apparent export
21 of which caused the person to be identified in a re-
22 port transmitted under section 903; or

23 (2) the foreign government having primary ju-
24 risdiction over the person has entered into a written
25 agreement with the United States which—

1 (A) is binding under international law;

2 (B) prohibits further exports of any item
3 described in paragraph (1), or subparagraph
4 (A) or (B) of paragraph (2), of section 903(a)
5 by any person subject to its jurisdiction;

6 (C) is supported by the foreign govern-
7 ment's adoption of policies and procedures pro-
8 viding for credible implementation of the re-
9 quirements in subparagraphs (A) and (B);

10 (D) does not constrain the President's au-
11 thority to impose measures under this act in
12 the event of a future export of concern by the
13 same or other persons subject to the jurisdic-
14 tion of the foreign government party to the
15 agreement; and

16 (E) is submitted to the appropriate con-
17 gressional committees 30 days prior to its entry
18 into force.

19 (b) ADDITIONAL WAIVER.—Any mandatory measure
20 described in section 907 shall not apply to a foreign person
21 if the President determines that it is important to the
22 counterterrorism, nonproliferation, or other national secu-
23 rity interests of the United States and transmits to the
24 appropriate congressional committees a report in writing
25 that contains such determination.

1 (c) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the President should—

3 (1) strengthen international coordination and
4 execution of arms export policy through the develop-
5 ment of bilateral and multilateral agreements under
6 subsection (a)(2), particularly with member states of
7 the North Atlantic Treaty Organization (NATO),
8 Japan, Australia and New Zealand, and exercise the
9 waivers provided under this section in all appro-
10 priate instances that further this objective; and

11 (2) whenever the President determines that the
12 measures described in section 907 should be applied,
13 that the measures be applied comprehensively with
14 respect to the affected foreign person's affiliates and
15 subsidiaries, wherever located, in order to deter to
16 the fullest extent possible a recurrence or continu-
17 ation of the export giving rise to the President's de-
18 termination.

19 (d) FORM.—If the President considers it appropriate,
20 the determination and report of the President under sub-
21 section (a), or appropriate parts thereof, may be trans-
22 mitted in classified form.

23 **SEC. 910. DEFINITIONS.**

24 In this title:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on International Rela-
5 tions and the Committee on Armed Services of
6 the House of Representatives; and

7 (B) the Committee on Foreign Relations
8 and the Committee on Armed Services of the
9 Senate.

10 (2) DEFENSE ARTICLES AND DEFENSE SERV-
11 ICES.—The term “defense articles and defense serv-
12 ices” has the meaning given the term in section
13 47(7) of the Arms Export Control Act (22 U.S.C.
14 2794 note).

15 (3) DUAL USE.—The term “dual use” means,
16 with respect to goods or technology, those goods or
17 technology that are specifically designed or devel-
18 oped for civil purposes but which also may be used
19 or deployed in a military or proliferation mode. Such
20 term does not include purely commercial items.

21 (4) EXPORT.—The term “export” has the
22 meaning given that term in section 120.17 of the
23 International Traffic in Arms Regulations, and in-
24 cludes re-exports, transfers, and retransfers by any
25 means.

1 (5) EXPORT ADMINISTRATION REGULATIONS.—
2 The term “Export Administration Regulations”
3 means those regulations contained in sections 730
4 through 774 of title 15, Code of Federal Regulations
5 (or successor regulations).

6 (6) FOREIGN GOVERNMENT.—The term “for-
7 eign government” has the meaning given the term in
8 section 38(g)(9)(B) of the Arms Export Control Act
9 (22 U.S.C. 2778(g)(9)(B)).

10 (7) FOREIGN PERSON.—The term “foreign per-
11 son” has the meaning given the term in section
12 38(g)(9)(C) of the Arms Export Control Act (22
13 U.S.C. 2778(g)(9)(C)).

14 (8) GOOD.—The term “good” has the meaning
15 given the term in section 16(3) of the Export Ad-
16 ministration Act of 1979 (50 U.S.C. App. 2415(3)).

17 (9) INTERNATIONAL TRAFFIC IN ARMS REGULA-
18 TIONS.—The term “International Traffic in Arms
19 Regulations” means those regulations contained in
20 sections 120 through 130 of title 22, Code of Fed-
21 eral Regulations (or successor regulations).

22 (10) ITEM.—The term “item” means any good
23 or technology, defense article or defense service sub-
24 ject to the export jurisdiction of the United States
25 under law or regulation.

1 (11) LICENSE.—The term “license” means an
2 official written document of the United States Gov-
3 ernment issued pursuant to the Export Administra-
4 tion Regulations or the International Traffic in
5 Arms Regulations, as the case may be, authorizing
6 a specific export.

7 (12) OTHER FORMS OF APPROVAL.—The term
8 “other forms of approval” includes any authoriza-
9 tion, rule or exemption contained in any statute or
10 regulation that permits an export without a license.

11 (13) OWNERSHIP OR CONTROL.—The term
12 “ownership or control” has the meaning given the
13 term in section 122.2(c) of the International Traffic
14 in Arms Regulations.

15 (14) PERSON.—The term “person” has the
16 meaning given the term in section 38(g)(9)(E) of
17 the Arms Export Control Act (22 U.S.C.
18 2778(g)(9)(E)).

19 (15) TECHNOLOGY.—The term “technology”
20 has the meaning given the term in section 16(4) of
21 the Export Administration Act of 1979 (50 U.S.C.
22 App. 2415(4)).

23 (16) UNITED STATES MUNITIONS LIST.—The
24 term “United States Munitions List” means the list

1 referred to in section 38(a)(1) of the Arms Export
2 Control Act (22 U.S.C. 2778(a)(1)).

3 **TITLE X—FOREIGN ASSISTANCE**
4 **PROVISIONS**

5 **Subtitle A—Foreign Assistance Act**
6 **of 1961 and Related Provisions**

7 **CHAPTER 1—PART I OF THE FOREIGN**
8 **ASSISTANCE ACT OF 1961**

9 **SEC. 1001. ASSISTANCE TO ESTABLISH CENTERS FOR THE**
10 **TREATMENT OF OBSTETRIC FISTULA IN DE-**
11 **VELOPING COUNTRIES.**

12 (a) AMENDMENT.—Section 104(c) of the Foreign As-
13 sistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

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

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

18 “(4)(A) In carrying out the purposes of this sub-
19 section, the President is authorized to furnish assistance,
20 on such terms and conditions as the President may deter-
21 mine, for the establishment and operation of not less than
22 twelve centers for the treatment and prevention of obstet-
23 ric fistula at appropriate sites in developing countries.

24 “(B) In selecting sites for the establishment of cen-
25 ters pursuant to subparagraph (A), the President should

1 seek the consultation and advice of United States embassy
2 officials, appropriate nongovernmental organizations, and
3 local government officials in developing countries with
4 high rates of obstetric fistula, with particular emphasis on
5 countries in Africa.

6 “(C) Each center established pursuant to subpara-
7 graph (A) shall, to the maximum extent practicable, carry
8 out the following repair and rehabilitation activities:

9 “(i) The provision of surgery to repair obstetric
10 fistula in women who do not otherwise have the re-
11 sources to pay for such surgery and the provision of
12 necessary post-surgery care and support for such
13 women.

14 “(ii) increased access for women to emergency
15 obstetrical care, including increased access to skilled
16 birth attendants and care facilities.

17 “(iii) Assistance related to surgery and post-
18 surgery care and support described in clause (i), in-
19 cluding the provision of transportation to and from
20 the center for women in need of such transportation
21 and the provision of necessary temporary shelter and
22 food assistance to women in need of such shelter and
23 food assistance.

1 “(D) Each center established pursuant to subpara-
2 graph (A) may carry out the following prevention activi-
3 ties:

4 “(i) Activities to reduce the incidence of obstet-
5 ric fistula, including the conduct of appropriate sem-
6 inars and the dissemination of appropriate edu-
7 cational materials, such as brochures, pamphlets,
8 and posters.

9 “(ii) Activities to expand abstinence education,
10 postponement of marriage and childbearing until
11 after the teenage years, and activities to expand ac-
12 cess to family planning services for the prevention of
13 pregnancies among women whose age or health sta-
14 tus place them at high risk of prolonged or ob-
15 structed childbirth.

16 “(E) Each center established pursuant to subpara-
17 graph (A) shall, to the maximum extent practicable, en-
18 sure that women who suffer from obstetric fistula as a
19 result of sexual abuse during conflicts or as a result of
20 official abuse receive preference in receiving services de-
21 scribed in clauses (i), (ii), and (iii) of subparagraph (C).

22 “(F) Not later than January 31, 2008, the President
23 shall prepare and transmit to Congress a report on the
24 implementation of this paragraph for fiscal years 2006
25 and 2007.

1 “(G) In this paragraph, the term ‘obstetric fistula’
2 means a rupture or hole in tissues surrounding a woman’s
3 vagina, bladder, or rectum that occurs when the woman
4 is in obstructed childbirth for a prolonged period of time
5 without adequate medical attention.”.

6 (b) FUNDING.—Of the amounts made available for
7 each of the fiscal years 2006 and 2007 to carry out sec-
8 tions 104 and 496 of the Foreign Assistance Act of 1961
9 (22 U.S.C. 2151b and 2293), \$5,000,000 for fiscal year
10 2006 and \$7,500,000 for fiscal year 2007 is authorized
11 to be available to carry out section 104(c)(4) of such Act
12 (as added by subsection (a)).

13 **SEC. 1002. SUPPORT FOR SMALL AND MEDIUM ENTER-**
14 **PRISES IN SUB-SAHARAN AFRICA.**

15 Section 240 of the Foreign Assistance Act of 1961
16 (22 U.S.C. 2200) is amended by adding at the end the
17 following:

18 “(c) SUPPORT FOR SMALL AND MEDIUM ENTER-
19 PRISES IN SUB-SAHARAN AFRICA.—

20 “(1) SUPPORT.—The Corporation is com-
21 mended for its activities in support of the develop-
22 ment of small and medium enterprises, and is en-
23 couraged to exercise its authorities to promote in-
24 vestments in financial institutions that are duly in-
25 corporated in sub-Saharan African countries, to the

1 extent that the purpose of such investments is to ex-
2 pand investment and lending opportunities to small
3 and medium enterprises that—

4 “(A) are substantially owned by nationals
5 of sub-Saharan African countries; and

6 “(B) are engaged in domestic commerce or
7 international trade in sectors such as housing,
8 agriculture, fishing, textiles and apparel, tour-
9 ism, electronics, technology, manufacturing, and
10 services.

11 “(2) CONSIDERATION.—In making a determina-
12 tion to provide insurance and financing to financial
13 institutions referred to in paragraph (1), the Cor-
14 poration should take into consideration the extent to
15 which a project establishes and implements a non-
16 discrimination in lending policy to prohibit discrimi-
17 nation based on ethnicity, sex, color, race, religion,
18 physical disability, marital status, or age.

19 “(3) TECHNICAL ASSISTANCE.—In supporting a
20 project referred to in paragraph (1), the Corporation
21 may provide technical assistance to—

22 “(A) improve the quality of management of
23 financial institutions referred to in paragraph
24 (1) to ensure the safety and stability of such in-
25 stitutions;

1 “(B) create in such financial institutions
2 effective credit risk management systems to im-
3 prove the quality of the assets of such institu-
4 tions and the ability of such institutions to re-
5 search and assess the overall credit risk of crit-
6 ical industries in the domestic economy; and

7 “(C) support effective credit risk manage-
8 ment by developing internal credit rating sys-
9 tems and credit assessment tools that improve
10 the ability of such financial institutions to
11 evaluate individual credit worthiness and meas-
12 ure the overall amount of risk posed by the
13 total number of borrowers.”.

14 **SEC. 1003. ASSISTANCE TO SUPPORT DEMOCRACY IN**
15 **ZIMBABWE.**

16 Of the amounts made available for each of the fiscal
17 years 2006 and 2007 to carry out chapters 1 and 10 of
18 part I of the Foreign Assistance Act of 1961 and chapter
19 4 of part II of such Act, \$12,000,000 for each such fiscal
20 year is authorized to be available, consistent with the pro-
21 visions of the Zimbabwe Democracy and Economic Recov-
22 ery Act of 2001 (Public Law 107–99; 22 U.S.C. 2151
23 note), to support—

24 (1) the restoration of democratic legitimacy and
25 foster a free and fair electoral process in Zimbabwe,

1 particularly through legislative process training for
2 members of Parliament;

3 (2) capacity building for civil society organiza-
4 tions to effectively provide information on the polit-
5 ical process to citizens, defend the legal rights of mi-
6 norities, women and youth, document the level of ad-
7 herence by the Government of Zimbabwe to national
8 and international civil and human rights standards,
9 and monitor and report on the entire electoral proc-
10 ess in Zimbabwe;

11 (3) organizational capacity-building training for
12 political parties in Zimbabwe;

13 (4) poll watcher training for party and civil so-
14 ciety election observers in Zimbabwe; and

15 (5) the reestablishment of independent media
16 through overseas broadcasts and Internet sites.

17 **SEC. 1004. RESTRICTIONS ON UNITED STATES VOLUNTARY**
18 **CONTRIBUTIONS TO THE UNITED NATIONS**
19 **DEVELOPMENT PROGRAM.**

20 (a) LIMITATION.—Of the amounts made available for
21 each of fiscal years 2006 and 2007 for United States vol-
22 untary contributions to the United Nations Development
23 Program, an amount equal to the amount the United Na-
24 tions Development Program will spend in Burma during
25 each fiscal year (including all funds administered by the

1 United Nations Development Program in Burma) shall be
2 withheld unless during such fiscal year the Secretary of
3 State submits to the appropriate congressional committees
4 the certification described in subsection (b).

5 (b) CERTIFICATION.—The certification referred to in
6 subsection (a) is a certification by the Secretary that all
7 programs and activities of the United Nations Develop-
8 ment Program (including all programs and activities ad-
9 ministered by the United Nations Development Program)
10 in Burma—

11 (1) are focused on eliminating human suffering
12 and addressing the needs of the poor;

13 (2) are undertaken only through international
14 or private voluntary organizations that are inde-
15 pendent of the State Peace and Development Coun-
16 cil (SPDC) (formerly the State Law and Order Res-
17 toration Council or SLORC);

18 (3) provide no financial, political, or military
19 benefit, including the provision of goods, services, or
20 per diems, to the SPDC or any agency or entity of,
21 or affiliated with, the SPDC, including any entity
22 whose members are ineligible for admission to the
23 United States by reason of such membership under
24 any provision of section 212(a) of the Immigration
25 and Nationality Act (8 U.S.C. 1182(a)) (including

1 the Myanmar Maternal and Child Welfare Associa-
2 tion (MMCWA), the Myanmar Council of Churches
3 (MCC), the Myanmar Medical Association (MMA),
4 the Myanmar Women Affairs Federation (MWAF),
5 and the Union of Solidarity Development Association
6 (USDA)); and

7 (4) are carried out only after consultation with
8 the leadership of the National League for Democ-
9 racy and the leadership of the National Coalition
10 Government of the Union of Burma.

11 (5) REPORT.—Not later than 180 days after
12 the date of the enactment of this Act and every 180
13 days thereafter during fiscal years 2006 and 2007,
14 the Secretary shall submit to the appropriate con-
15 gressional committees a report on—

16 (A) all programs and activities of the
17 United Nations Development Program (includ-
18 ing all programs and activities administered by
19 the United Nations Development Program) in
20 Burma; and

21 (B) all recipients and subrecipients of
22 funds provided under such programs and activi-
23 ties.

1 **SEC. 1005. ASSISTANCE FOR THE OFFICE OF THE POLICE**
2 **OMBUDSMAN FOR NORTHERN IRELAND.**

3 Of the amounts made available for each of the fiscal
4 years 2006 and 2007 to carry out section 481 of the For-
5 eign Assistance Act of 1961 (22 U.S.C. 2291), \$100,000
6 for each such fiscal year is authorized to be available for—

7 (1) specialized investigative training, including
8 training in the United States, of personnel of the
9 Office of the Police Ombudsman for Northern Ire-
10 land; and

11 (2) advisory support to the Office of the Police
12 Ombudsman for Northern Ireland for the develop-
13 ment and strengthening of its investigative capacity
14 in order to ensure that policing in Northern Ireland
15 is carried out in compliance with internationally rec-
16 ognized human rights standards.

17 **SEC. 1006. REPORT ON FOREIGN LAW ENFORCEMENT**
18 **TRAINING AND ASSISTANCE.**

19 Section 489(a) of the Foreign Assistance Act of 1961
20 (22 U.S.C. 2291h(a)), as amended by section 317(d) of
21 this Act, is further amended by adding at the end the fol-
22 lowing new paragraph:

23 “(9)(A) A separate section on all foreign law
24 enforcement training and assistance that is provided
25 to foreign law enforcement personnel and other re-
26 lated governmental authorities by the Department of

1 State, the Department of Defense, the Department
2 of Justice, and the United States Agency for Inter-
3 national Development during the previous fiscal year
4 and all such training proposed for the current fiscal
5 year.

6 “(B) The section on foreign law enforcement
7 training and assistance shall include the following:

8 “(i) For each law enforcement training ac-
9 tivity—

10 “(I) the purpose of the activity and
11 the foreign policy justification for the ac-
12 tivity;

13 “(II) the number of foreign law en-
14 forcement personnel who are provided
15 training, their units of operation, and
16 countries of origin;

17 “(III) the type of training activity;

18 “(IV) the location of the training ac-
19 tivity;

20 “(V) the department or agency of the
21 United States Government which is con-
22 ducting the training, by unit or office; and

23 “(VI) the cost of the training activity
24 and the specific budgetary account from
25 which the cost is paid.

1 “(ii) For other law enforcement assist-
2 ance—

3 “(I) the purpose of the assistance and
4 the foreign policy justification for the as-
5 sistance;

6 “(II) the type of assistance;

7 “(III) the department or agency of
8 the United States Government which is
9 providing the assistance, by unit or office,
10 where applicable; and

11 “(IV) the cost of the assistance and
12 the specific budgetary account from which
13 the cost is paid.

14 “(iii) For each country—

15 “(I) the aggregate number of students
16 trained;

17 “(II) the aggregate cost of the law en-
18 forcement training and other law enforce-
19 ment assistance; and

20 “(III) a plan describing the law en-
21 forcement assistance and rule of law pro-
22 grams of the relevant departments and
23 agencies of the United States Government.

1 “(C) FORM.—The report required by this para-
2 graph shall be in unclassified form but may include
3 a classified annex.”.

4 **SEC. 1007. REQUIREMENTS RELATING TO THE LARGEST EX-**
5 **PORTING AND IMPORTING COUNTRIES OF**
6 **CERTAIN PRECURSOR CHEMICALS.**

7 (a) REPORTING REQUIREMENTS.—Section 489(a) of
8 the Foreign Assistance Act of 1961 (22 U.S.C. 2291h(a)),
9 as amended by sections 317(d) and 906 of this Act, is
10 further amended by adding at the end the following new
11 paragraph:

12 “(10)(A) A separate section that contains the
13 following:

14 “(i) An identification of the five countries
15 that exported the largest amount of
16 pseudoephedrine, ephedrine, and phenyl-
17 propanolamine during the preceding calendar
18 year.

19 “(ii) An identification of the five countries
20 that imported the largest amount of precursor
21 chemicals described in clause (i) during the pre-
22 ceding calendar year and have the highest rate
23 of diversion of such precursor chemicals for use
24 in the illicit production of methamphetamine.

1 “(iii) An economic analysis of the total
2 worldwide production of the precursor chemicals
3 described in clause (i) as compared to the legiti-
4 mate demand for such precursor chemicals
5 worldwide.

6 “(B) The identification of countries that im-
7 ported the largest amount of precursor chemicals
8 under subparagraph (A)(ii) shall be based on the fol-
9 lowing:

10 “(i) An economic analysis that estimates
11 the legitimate demand for such precursor
12 chemicals in such countries as compared to the
13 actual or estimated amount of such chemicals
14 that is imported into such countries.

15 “(ii) The best available data and other in-
16 formation regarding the production of meth-
17 amphetamine in such countries and the diver-
18 sion of such precursor chemicals for use in the
19 production of methamphetamine.”.

20 (b) ANNUAL CERTIFICATION PROCEDURES.—Section
21 490(a) of the Foreign Assistance Act of 1961 (22 U.S.C.
22 2291j(a)) is amended—

23 (1) in paragraph (1), by striking “major illicit
24 drug producing country or major drug-transit coun-
25 try” and inserting “major illicit drug producing

1 country, major drug-transit country, or country
2 identified under clause (i) or (ii) of section
3 489(a)(10)(A) of this Act”; and

4 (2) in paragraph (2), by inserting after “(as de-
5 termined under subsection (h))” the following: “or
6 country identified under clause (i) or (ii) of section
7 489(a)(10)(A) of this Act”.

8 **SEC. 1008. ASSISTANCE FOR DISASTER MITIGATION EF-**
9 **FORTS.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) The devastating impacts of natural disas-
12 ters can be mitigated by assisting communities to
13 build in safer locations, construct sturdier dwellings,
14 enforce sound building codes and practices, and pro-
15 tect natural ecosystems.

16 (2) By 2050, two billion people are expected to
17 be especially vulnerable to floods due to growing
18 populations, indiscriminate logging, rapid urbaniza-
19 tion, and increasing development along coasts and in
20 other hazardous regions.

21 (3) According to a study by the World Bank
22 and the United States Geological Survey during the
23 1990s, \$40 billion invested in preventive measures
24 could have saved \$280 billion in disaster relief funds
25 and saved countless lives.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Secretary of State, in consultation with the
3 heads of other appropriate departments and agencies of
4 the Government of the United States, should develop an
5 initiative to encourage the use of disaster mitigation tech-
6 niques, including techniques described in subsection
7 (a)(1), by foreign governments in regions considered espe-
8 cially vulnerable to natural disasters.

9 (c) AMENDMENT TO THE FOREIGN ASSISTANCE ACT
10 OF 1961.—Section 491(b) of the Foreign Assistance Act
11 of 1961 (22 U.S.C. 2292(b)) is amended by adding at the
12 end the following new sentence: “Assistance relating to
13 disaster preparedness under the preceding sentence shall
14 include assistance to encourage the use of disaster mitiga-
15 tion techniques, including to assist communities to build
16 in safer locations, construct sturdier dwellings, enforce
17 sound building codes and practices, and protect natural
18 ecosystems.”.

19 **SEC. 1009. ASSISTANCE TO PROMOTE DEMOCRACY IN**
20 **BELARUS.**

21 Of the amounts made available for each of the fiscal
22 years 2006 and 2007 to carry out chapters 11 and 12
23 of part I of the Foreign Assistance Act of 1961 (22 U.S.C.
24 2295 et seq. and 2296 et seq.) and the FREEDOM Sup-
25 port Act (22 U.S.C. 5801 et seq.), \$12,000,000 for each

1 such fiscal year is authorized to be available for assistance
2 for the promotion of democracy in the Republic of Belarus,
3 including free and fair electoral processes, the develop-
4 ment of political parties and nongovernmental organiza-
5 tions, promoting democracy and respect for human rights
6 and the rule of law, independent media, and international
7 exchanges and training programs for leaders and members
8 of the democratic forces that foster civil society.

9 **SEC. 1010. ASSISTANCE FOR MATERNAL AND PRENATAL**
10 **CARE FOR CERTAIN INDIVIDUALS OF**
11 **BELARUS AND UKRAINE INVOLVED IN THE**
12 **CLEANUP OF THE CHORNOBYL DISASTER.**

13 Of the amounts made available for each of the fiscal
14 years 2006 and 2007 to carry out chapters 11 and 12
15 of part I of the Foreign Assistance Act of 1961 (22 U.S.C.
16 2295 et seq. and 2296 et seq.) and the FREEDOM Sup-
17 port Act (22 U.S.C. 5801 et seq.), such sums as may be
18 necessary for each such fiscal year are authorized to be
19 available for assistance to improve maternal and prenatal
20 care, especially for the purpose of helping prevent birth
21 defects and pregnancy complications, for individuals in the
22 Republic of Belarus and Ukraine involved in the cleanup
23 of the region affected by the Chornobyl disaster.

1 **SEC. 1011. ASSISTANCE TO ADDRESS NON-INFECTIOUS DIS-**
2 **EASES IN FOREIGN COUNTRIES.**

3 (a) STATEMENT OF POLICY.—Congress declares the
4 following:

5 (1) Medical evidence indicates that non-infec-
6 tious diseases, like heart disease and obesity, are on
7 the rise worldwide.

8 (2) In response to these statistics, the current
9 allocation of funds appropriated to the United States
10 Agency for International Development for Child Sur-
11 vival and Maternal Health, Vulnerable Children,
12 HIV/AIDS, Infectious Diseases, Reproductive
13 Health and Family Planning, and the Global Fund
14 to Fight AIDS, Tuberculosis and Malaria does not
15 address noninfectious diseases.

16 (b) AUTHORIZATION OF ASSISTANCE.—The Presi-
17 dent, acting through the Administrator of the United
18 States Agency for International Development, is author-
19 ized to provide assistance, on such terms and conditions
20 as the President may determine, to address non-infectious
21 diseases in foreign countries.

22 **CHAPTER 2—PART II OF THE FOREIGN**
23 **ASSISTANCE ACT OF 1961**

24 **SEC. 1021. ECONOMIC SUPPORT FUND ASSISTANCE FOR**
25 **EGYPT.**

26 (a) FINDINGS.—Congress finds the following:

1 (1) Despite more than \$28 billion in economic
2 assistance provided by the United States to Egypt
3 since 1975, Egypt's economy and educational sys-
4 tems are underdeveloped and democratic develop-
5 ment remains extremely limited. Egypt remains near
6 the bottom of many indices of growth and human
7 development.

8 (2) Egypt's economic troubles, if not addressed
9 through programs to develop Egypt's private sector,
10 could destabilize the country.

11 (3) United States programs to promote growth
12 in Egypt, including traditional development assist-
13 ance as well as programs that attempt to link dis-
14 bursement of cash assistance to the adoption of eco-
15 nomic reforms by the Government of Egypt, have
16 had, at best, mixed success.

17 (4) The United States has provided more than
18 \$32 billion in military assistance to Egypt since
19 1979.

20 (5) Egypt is currently at peace with all its
21 neighbors.

22 (6) Egypt and the United States entered into
23 an agreement in March 2005, whereby Egypt under-
24 took to accomplish certain reform-oriented policies
25 primarily related to its financial sector, and the

1 United States undertook, subject to its constitu-
2 tional processes, to provide Egypt with cash assist-
3 ance. This program of financial reform is important
4 and should continue, supported by assistance in the
5 form of cash transferred from the United States, but
6 not in amounts in excess of amounts already agreed
7 to and not for lesser policy reforms than have al-
8 ready been agreed to.

9 (7) The model of an agreement for policy
10 change between the United States and Egypt, simi-
11 lar but not identical to, the concept of a “Millen-
12 nium Challenge” compact that emphasizes perform-
13 ance and outcomes, would be a way to reinvigorate
14 a program for the development of the Egyptian
15 economy that has languished for years, and would
16 give more Egyptians a stake in the proper planning
17 and execution of programs to assist in their coun-
18 try’s development.

19 (b) STATEMENT OF POLICY.—It shall be the policy
20 of the United States—

21 (1) to acknowledge that—

22 (A) threats to Egypt’s stability derive far
23 more from domestic problems, such as inad-
24 equate economic growth, deficient educational

1 and health-care systems, and lack of political
2 freedom, than from external dangers; and

3 (B) external threats to Egyptian stability
4 are, in fact, minimal;

5 (2) to provide non-military assistance to Egypt
6 which results in actual, sustainable, and, to the ex-
7 tent possible, measurable outcomes in terms of eco-
8 nomic growth, poverty reduction, humanitarian con-
9 ditions, health, education, and political reform;

10 (3) to restructure Egypt's assistance package
11 over time so as to diminish military assistance and
12 end the reduction of economic assistance and to
13 begin the process of this restructuring without delay;
14 and

15 (4) to ensure that this restructuring is done in
16 such a manner that ensures that maintenance and
17 spare parts for existing Egyptian military equipment
18 is not jeopardized and that Egyptian military pur-
19 chases and projects to which the United States has
20 already committed itself be funded fully in accord-
21 ance with previous understandings.

22 (c) AMENDMENT TO THE FOREIGN ASSISTANCE ACT
23 OF 1961.—

24 (1) IN GENERAL.—Chapter 4 of part II of the
25 Foreign Assistance Act of 1961 (22 U.S.C. 2346 et

1 seq; relating to the “Economic Support Fund”) is
2 amended by inserting after section 534 the following
3 new section:

4 **“SEC. 535. REQUIREMENTS RELATING TO ASSISTANCE FOR**
5 **EGYPT.**

6 “(a) REQUIREMENT FOR ASSISTANCE.—Assistance
7 may be provided for Egypt under this chapter for a fiscal
8 year only if Egypt provides to the United States for the
9 fiscal year a proposal described in subsection (b) that is
10 evaluated and approved in accordance with subsection (c).

11 “(b) PROPOSAL.—

12 “(1) IN GENERAL.—A proposal described in
13 this subsection is a proposal that reflects Egyptian
14 priorities to use assistance provided under this chap-
15 ter to meet the requirements of paragraph (2).

16 “(2) REQUIREMENTS.—The requirements de-
17 scribed in this paragraph are—

18 “(A) promoting economic growth (includ-
19 ing economic freedom);

20 “(B) reducing poverty;

21 “(C) improving humanitarian conditions
22 among the poorest individuals in Egypt;

23 “(D) improving education and health sys-
24 tems for the people of Egypt;

1 “(E) reducing corruption in the public and
2 private sectors; and

3 “(F) strengthening democratic institutions
4 and individual freedoms.

5 “(c) EVALUATION AND APPROVAL OF PROPOSAL.—

6 “(1) EVALUATION.—The President, acting
7 through the Secretary of State, and in consultation
8 with the Secretary of the Treasury, the United
9 States Trade Representative, and the Administrator
10 of the United States Agency for International Devel-
11 opment, shall evaluate the proposal provided to the
12 United States pursuant to subsection (a) to deter-
13 mine the extent to which the proposal meets the re-
14 quirements of subparagraphs (A) through (F) of
15 subsection (b)(2).

16 “(2) APPROVAL.—The President shall approve
17 the proposal only if the President determines that—

18 “(A) the proposal sufficiently meets the re-
19 quirements of subparagraphs (A) through (F)
20 of subsection (b)(2) in a manner that achieves,
21 in particular, lasting economic growth and pov-
22 erty reduction and substantially strengthened
23 democratic institutions and individual freedoms;
24 and

25 “(B) the Government of Egypt—

1 “(i) has adopted and implemented re-
2 forms necessary to implement the proposal;

3 “(ii) has implemented the proposal
4 provided to the United States and ap-
5 proved for the prior fiscal year in accord-
6 ance with the requirements of subpara-
7 graphs (A) through (F) of subsection
8 (b)(2); and

9 “(iii) has demonstrated high stand-
10 ards of fiduciary controls and account-
11 ability with respect to assistance provided
12 for Egypt under this chapter.

13 “(d) SUSPENSION AND TERMINATION OF ASSIST-
14 ANCE.—The President, acting through the Secretary of
15 State, may suspend or terminate assistance in whole or
16 in part for Egypt under this chapter if the President de-
17 termines that the Government of Egypt is not imple-
18 menting the proposal in accordance with the requirements
19 of subparagraphs (A) through (F) of subsection (b)(2).

20 “(e) CASH ASSISTANCE.—

21 “(1) REQUIREMENT.—Notwithstanding any
22 other provision of this section, cash assistance may
23 be provided to Egypt under this chapter for a fiscal
24 year pursuant to the memorandum of understanding
25 specified in paragraph (2) only if a proposal pro-

1 vided to the United States pursuant to subsection
2 (a) for the fiscal year has been evaluated and ap-
3 proved in accordance with subsection (c).

4 “(2) MEMORANDUM OF UNDERSTANDING.—The
5 memorandum of understanding specified in this
6 paragraph is the memorandum of understanding
7 agreed to by the Government of the United States
8 and the Government of Egypt in March 2005, in-
9 cluding any modification to the memorandum of un-
10 derstanding, except—

11 “(A) a modification to increase the
12 amounts of assistance agreed to be provided
13 under the memorandum of understanding; or

14 “(B) a modification to reduce significantly
15 the scope of, or to extend significantly the time
16 for, the performance by Egypt of obligations
17 that it has undertaken under the memorandum
18 of understanding.

19 “(f) CONGRESSIONAL NOTIFICATION.—Assistance
20 may not be obligated for Egypt under this chapter until
21 30 days after the date on which the President has pro-
22 vided notice thereof to the Committee on International Re-
23 lations and the Committee on Appropriations of the House
24 of Representatives and to the Committee on Foreign Rela-
25 tions and the Committee on Appropriations of the Senate

1 in accordance with the procedures applicable to re-
2 programming notifications under section 634A(a) of this
3 Act.

4 “(g) REPORT.—The President, acting through the
5 Secretary of State, shall prepare and transmit to the Com-
6 mittee on International Relations of the House of Rep-
7 resentatives and the Committee on Foreign Relations of
8 the Senate a report for each fiscal year that contains—

9 “(1) the proposal provided to the United States
10 pursuant to subsection (a) for the fiscal year; and

11 “(2) the evaluation of the proposal carried out
12 pursuant to subsection (c)(1).

13 “(h) RULE OF CONSTRUCTION.—The provisions of
14 this section or subsections (d) or (f) of section 1021 of
15 the Foreign Relations Authorization Act, Fiscal Years
16 2006 and 2007, shall not be superseded except by a provi-
17 sion of law enacted after the date of the enactment of such
18 Act, which specifically repeals, modifies, or supersedes the
19 provisions of this section or subsections (d) or (f) of sec-
20 tion 1021 of such Act, as the case may be.”.

21 (2) EFFECTIVE DATE.—The amendment made
22 by paragraph (1) shall apply with respect to assist-
23 ance for Egypt under chapter 4 of part II of the
24 Foreign Assistance Act of 1961 for fiscal year 2007
25 and each subsequent fiscal year.

1 (d) MILITARY ASSISTANCE LEVELS FOR EGYPT;
2 TRANSFER REQUIREMENT.—The following amounts avail-
3 able for assistance for Egypt under section 23 of Arms
4 Export Control Act (22 U.S.C. 2763; relating to the “For-
5 eign Military Financing” program) shall be transferred to
6 and consolidated with amounts available for assistance for
7 Egypt under chapter 4 of part II of the Foreign Assist-
8 ance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the
9 “Economic Support Fund”):

10 (1) For fiscal year 2006, the amount that ex-
11 ceeds \$1,260,000,000.

12 (2) For fiscal year 2007, the amount that ex-
13 ceeds \$1,220,000,000.

14 (3) For fiscal year 2008, the amount that ex-
15 ceeds \$1,180,000,000.

16 (e) CASH-FLOW FINANCING FOR EGYPT.—As soon as
17 practicable after the date of the enactment of this Act,
18 the President shall modify the program of cash-flow fi-
19 nancing for Egypt under section 23 of the Arms Export
20 Control Act (22 U.S.C. 2763; relating to the “Foreign
21 Military Financing” program) so as to accomplish the pur-
22 poses of the policy set forth in paragraphs (3) and (4)
23 of subsection (b) of this section.

24 (f) TRANSFER OF CERTAIN INTEREST FOR EGYPT.—
25 For fiscal year 2006 and subsequent fiscal years, any in-

1 terest earned from amounts in an interest bearing account
2 for Egypt to which funds made available under section 23
3 of the Arms Export Control Act (22 U.S.C. 2763; relating
4 to the “Foreign Military Financing” program) are dis-
5 bursed—

6 (1) shall be transferred to and consolidated
7 with amounts available for assistance for the Middle
8 East Partnership Initiative under chapter 4 of part
9 II of the Foreign Assistance Act of 1961 (22 U.S.C.
10 2346 et seq.; relating to the “Economic Support
11 Fund”); and

12 (2) shall be allocated for democracy and govern-
13 ance programs for Egypt, including direct support
14 for nongovernmental organizations.

15 **SEC. 1022. INTER-ARAB DEMOCRATIC CHARTER.**

16 (a) STRATEGY.—The Secretary of State, acting
17 through the Assistant Secretary for Democracy, Human
18 Rights, and Labor, and in consultation with the Assistant
19 Secretary for Near East Affairs and the Assistant Sec-
20 retary for Western Hemisphere Affairs, shall develop and
21 implement a strategy to—

22 (1) support, including through the provision of
23 technical assistance, efforts to establish an Inter-
24 Arab Democratic Charter to promote human rights
25 and democracy in the Near East region; and

1 (2) support and promote coordination among
2 human rights organizations, pro-democracy advo-
3 cates, and civil society members from both the Near
4 East region and the Western Hemisphere to assist
5 in efforts to establish the Inter-Arab Democratic
6 Charter referred to in paragraph (1).

7 (b) REPORT.—Section 665(c) of the Foreign Rela-
8 tions Authorization Act, Fiscal Year 2003 (Public Law
9 107–228; 22 U.S.C. 2151n note) as amended by section
10 614(a)(2) of this Act, is further amended by inserting
11 after the first sentence the following new sentence: “As
12 part of such separate report, the Secretary shall include
13 information on efforts by the Department of State to de-
14 velop and implement the strategy to support efforts to es-
15 tablish an Inter-Arab Democratic Charter pursuant to sec-
16 tion 708(a) of the Foreign Relations Authorization Act,
17 Fiscal Years 2006 and 2007.”.

18 (c) FUNDING.—Of the amounts made available for
19 each of the fiscal years 2006 and 2007 to carry out chap-
20 ter 4 of part II of the Foreign Assistance Act of 1961
21 (22 U.S.C. 2346 et seq.; relating to the “Economic Sup-
22 port Fund”), including amounts made available to carry
23 out the Human Rights and Democracy Fund and the Mid-
24 dle East Partnership Initiative, such sums as may be nec-
25 essary for each such fiscal year is authorized to be avail-

1 able to the Secretary to carry out this section and the
2 amendments made by this section.

3 **SEC. 1023. MIDDLE EAST PARTNERSHIP INITIATIVE.**

4 (a) FUNDING.—Of the amounts made available for
5 each of the fiscal years 2006 and 2007 to carry out chap-
6 ter 4 of part II of the Foreign Assistance Act of 1961
7 (22 U.S.C. 2346 et seq.; relating to the “Economic Sup-
8 port Fund”), such sums as may be necessary for each such
9 fiscal year is authorized to be available to the Secretary
10 of State to carry out programs and activities of the Middle
11 East Partnership Initiative.

12 (b) REQUIREMENT.—Not less than 50 percent of
13 amounts made available for each of the fiscal years 2006
14 and 2007 to carry out the Middle East Partnership Initia-
15 tive shall be used to—

16 (1) strengthen civil society, particularly non-
17 governmental organizations, and expand female and
18 minority participation in the political, economic, and
19 educational sectors of countries participating in the
20 Initiative; and

21 (2) strengthen the rule of law and promote
22 democratic values and institutions, particularly
23 through—

1 (A) developing and implementing stand-
2 ards for free and fair election in countries par-
3 ticipating in the Initiative; and

4 (B) supporting inter-regional efforts to
5 promote democracy in countries under authori-
6 tarian rule, including through the Community
7 of Democracies and Forum for the Future.

8 **SEC. 1024. WEST BANK AND GAZA PROGRAM.**

9 (a) OVERSIGHT.—For each of the fiscal years 2006
10 and 2007, the Secretary of State shall certify to the appro-
11 priate congressional committees not later than 30 days
12 prior to the initial obligation of funds for the West Bank
13 and Gaza that procedures have been established to ensure
14 that the Comptroller General of the United States will
15 have access to appropriate United States financial infor-
16 mation in order to review the use of United States assist-
17 ance for the West Bank and Gaza funded under chapter
18 4 of part II of the Foreign Assistance Act of 1961 (22
19 U.S.C. 2346 et seq.; relating to the “Economic Support
20 Fund”).

21 (b) VETTING.—Prior to any obligation of funds for
22 each of the fiscal years 2006 and 2007 to carry out chap-
23 ter 4 of part II of the Foreign Assistance Act of 1961
24 for assistance for the West Bank and Gaza, the Secretary
25 of State shall take all appropriate steps to ensure that

1 such assistance is not provided to or through any indi-
2 vidual or entity that the Secretary knows, or has reason
3 to believe, advocates, plans, sponsors, engages in, or has
4 engaged in, terrorist activity. The Secretary of State shall,
5 as appropriate, establish procedures specifying the steps
6 to be taken in carrying out this subsection and shall termi-
7 nate assistance to any individual or entity which the Sec-
8 retary has determined advocates, plans, sponsors, or en-
9 gages in terrorist activity.

10 (c) PROHIBITION.—None of the funds made available
11 for each of the fiscal years 2006 and 2007 to carry out
12 chapter 4 of part II of the Foreign Assistance Act of 1961
13 for the West Bank and Gaza program may be made avail-
14 able for the purpose of recognizing or otherwise honoring
15 individuals who commit, or have committed, acts of ter-
16 rorism.

17 (d) AUDITS.—

18 (1) IN GENERAL.—The Administrator of the
19 United States Agency for International Development
20 shall ensure that independent audits of all contrac-
21 tors and grantees, and significant subcontractors
22 and subgrantees, under the West Bank and Gaza
23 Program, are conducted for each of the fiscal years
24 2006 and 2007 to ensure, among other things, com-
25 pliance with this section.

1 (2) AUDITS BY INSPECTOR GENERAL OF
2 USAID.—Of the funds available for each of the fiscal
3 years 2006 and 2007 to carry out chapter 4 of part
4 II of the Foreign Assistance Act of 1961 that are
5 made available for assistance for the West Bank and
6 Gaza, up to \$1,000,000 for each such fiscal year
7 may be used by the Office of the Inspector General
8 of the United States Agency for International Devel-
9 opment for audits, inspections, and other activities
10 in furtherance of the requirements of paragraph (1).
11 Such funds are in addition to funds otherwise avail-
12 able for such purposes.

13 (e) DEFINITION.—In this subsection, the term “ap-
14 propriate congressional committees” means—

15 (1) the Committee on Appropriations and the
16 Committee on International Relations of the House
17 of Representatives; and

18 (2) the Committee on Appropriations and the
19 Committee on Foreign Relations of the Senate.

20 **SEC. 1025. ECONOMIC SUPPORT FUND ASSISTANCE FOR**
21 **VENEZUELA.**

22 There are authorized to be appropriated to the Presi-
23 dent \$9,000,000 for each of the fiscal years 2006 and
24 2007 for assistance under chapter 4 of part II of the For-
25 eign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relat-

1 ing to the “Economic Support Fund”) to fund activities
2 which support political parties, the rule of law, civil soci-
3 ety, an independent media, and otherwise promote demo-
4 cratic, accountable governance in Venezuela.

5 **CHAPTER 3—PART III OF THE FOREIGN**
6 **ASSISTANCE ACT OF 1961**

7 **SEC. 1031. SUPPORT FOR PRO-DEMOCRACY AND HUMAN**
8 **RIGHTS ORGANIZATIONS IN CERTAIN COUN-**
9 **TRIES.**

10 Section 620A(a) of the Foreign Assistance Act of
11 1961 (22 U.S.C. 2371(a)) is amended by adding at the
12 end the following new sentence: “The prohibition con-
13 tained in the preceding sentence shall not apply with re-
14 spect to assistance under part I (including chapter 4 of
15 part II) of this Act provided in support of programs of
16 a pro-democracy or human rights organization located or
17 operating in a country described in such sentence, if, at
18 least 30 days before obligating funds for such assistance,
19 the Secretary of State notifies (in classified or unclassified
20 form) the congressional committees specified in section
21 634A(a) of this Act in accordance with the procedures ap-
22 plicable to reprogramming notifications under that section
23 that the pro-democracy or human rights organization op-
24 poses the use of terrorism, supports democracy and re-
25 spect for human rights, including the equality of women

1 and ethnic and religious minorities, and supports freedoms
2 of the press, speech, association, and religion.”.

3 **SEC. 1032. LIMITATION ON ASSISTANCE TO THE PALES-**
4 **TINIAN AUTHORITY.**

5 (a) DECLARATION OF POLICY.—It shall be the policy
6 of the United States to promote the emergence of a demo-
7 cratic Palestinian government that—

8 (1) denounces and combats terrorism;

9 (2) has agreed to disarm and dismantle any ter-
10 rorist agency, network, or facility;

11 (3) has agreed to work to eliminate incitement
12 and the commemoration of terrorists in Palestinian
13 society;

14 (4) has agreed to respect the boundaries and
15 sovereignty of its neighbors; and

16 (5) acknowledges, respects, and upholds the
17 human rights of all people.

18 (b) AMENDMENT.—Chapter 1 of part III of the For-
19 eign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is
20 amended—

21 (1) by redesignating the second section 620G
22 (as added by section 149 of Public Law 104–164
23 (110 Stat. 1436)) as section 620J; and

24 (2) by adding at the end the following new sec-
25 tion:

1 **“SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALES-**
2 **TINIAN AUTHORITY.**

3 “(a) LIMITATIONS.—

4 “(1) CERTIFICATION REQUIREMENT.—Assist-
5 ance may be provided under this Act or any other
6 provision of law to the Palestinian Authority only
7 during a period for which a certification described in
8 subsection (b) is in effect.

9 “(2) AMOUNT OF ASSISTANCE REQUIREMENT.—

10 Of the total amount of funds that are available for
11 assistance under this Act or any other provision of
12 law to the Palestinian Authority during a period for
13 which a certification described in subsection (b) is in
14 effect, not more than 25 percent of such amount
15 may be obligated and expended during any calendar
16 quarter.

17 “(b) CERTIFICATION.—A certification described in
18 this subsection is a certification transmitted by the Presi-
19 dent to Congress that contains a determination of the
20 President that—

21 “(1) providing direct assistance to the Pales-
22 tinian Authority is important to the national secu-
23 rity interests of the United States; and

24 “(2) the Palestinian Authority—

1 “(A) is committed to and has initiated the
2 process of purging from its security services in-
3 dividuals with ties to terrorism;

4 “(B) has made demonstrable progress to-
5 ward dismantling the terrorist infrastructure,
6 confiscating unauthorized weapons, arresting
7 and bringing terrorists to justice, destroying
8 unauthorized arms factories, thwarting and pre-
9 empting terrorist attacks, and is fully cooper-
10 ating with Israel’s security services;

11 “(C) has made demonstrable progress to-
12 ward halting all anti-Israel incitement in Pales-
13 tinian Authority-controlled electronic and print
14 media and in schools, mosques, and other insti-
15 tutions it controls, and is replacing these mate-
16 rials, including textbooks, with materials that
17 promote tolerance, peace, and coexistence with
18 Israel;

19 “(D) has taken effective steps to ensure
20 democracy, the rule of law, and an independent
21 judiciary, and has adopted other reforms such
22 as ensuring transparent and accountable gov-
23 ernance;

1 “(E) is committed to ensuring that all
2 elections within areas it administers to be free,
3 fair, and transparent; and

4 “(F) is undertaking verifiable efforts to en-
5 sure the financial transparency and account-
6 ability of all government ministries and oper-
7 ations.

8 “(c) RECERTIFICATIONS.—Not later than 90 days
9 after the date on which the President transmits to Con-
10 gress an initial certification under subsection (b), and
11 every 6 months thereafter—

12 “(1) the President shall transmit to Congress a
13 recertification that the requirements contained in
14 subsection (b) are continuing to be met; or

15 “(2) if the President is unable to make such a
16 recertification, the President shall transmit to Con-
17 gress a report that contains the reasons therefor.

18 “(d) CONGRESSIONAL NOTIFICATION.—Assistance
19 made available under this Act or any other provision of
20 law to the Palestinian Authority may not be provided until
21 15 days after the date on which the President has pro-
22 vided notice thereof to the Committee on International Re-
23 lations and the Committee on Appropriations of the House
24 of Representatives and to the Committee on Foreign Rela-
25 tions and the Committee on Appropriations of the Senate

1 in accordance with the procedures applicable to re-
2 programming notifications under section 634A(a) of this
3 Act.

4 “(e) DEFINITION OF CALENDAR QUARTER.—In this
5 section, the term ‘calendar quarter’ means any three-
6 month period beginning on January 1, April 1, July 1,
7 or October 1 of a calendar year.”.

8 (c) REPORT BY COMPTROLLER GENERAL.—Not later
9 than 180 days after the date of the enactment of this Act,
10 the Comptroller General of the United States shall submit
11 to the appropriate congressional committees a report that
12 contains a review of the extent to which United States as-
13 sistance to the Palestinian Authority under the Foreign
14 Assistance Act of 1961 or any other provision of law is
15 properly audited by the Department of State, the United
16 States Agency for International Development, and all
17 other relevant departments and agencies of the Govern-
18 ment of the United States.

19 **SEC. 1033. ASSISTANCE FOR LAW ENFORCEMENT FORCES.**

20 (a) IN GENERAL.—Section 660(b) of the Foreign As-
21 sistance Act of 1961 (22 U.S.C. 2420(b)) is amended—

22 (1) in paragraph (6)—

23 (A) by inserting “to any national, regional,
24 district, municipal, or other sub-national gov-

1 ernmental entity of a foreign country” after
2 “with respect to assistance”; and

3 (B) by striking “, and the provision of pro-
4 fessional” and all that follows through “democ-
5 racy”;

6 (2) in paragraph (7), by striking the period at
7 the end and inserting a semicolon; and

8 (3) by adding at the end the following new
9 paragraphs:

10 “(8) with respect to assistance to combat cor-
11 ruption in furtherance of the objectives for which
12 programs are authorized to be established under sec-
13 tion 133 of this Act;

14 “(9) with respect to the provision of profes-
15 sional public safety training to any national, re-
16 gional, district, municipal, or other sub-national gov-
17 ernmental entity of a foreign country, particularly
18 training in international recognized standards of
19 human rights, the rule of law, conflict prevention,
20 and the promotion of civilian police roles that sup-
21 port democratic governance and foster improved po-
22 lice relations between law enforcement forces and
23 the communities in which they serve;

1 “(10) with respect to assistance to combat traf-
2 ficking in persons, particularly trafficking in persons
3 by organized crime; or

4 “(11) with respect to assistance in direct sup-
5 port of developing capabilities for and deployment to
6 impending or ongoing peace operations of the United
7 Nations or comparable regional organizations.”.

8 (b) TECHNICAL AMENDMENTS.—Section 660 of the
9 Foreign Assistance Act of 1961 (22 U.S.C. 2420) is
10 amended—

11 (1) in subsection (b) (as amended by subsection
12 (a) of this section)—

13 (A) by striking paragraph (2);

14 (B) in paragraph (4), by striking “or” at
15 the end;

16 (C) in paragraph (7), by moving the mar-
17 gin 2 ems to the left; and

18 (D) by redesignating paragraphs (3)
19 through (11) as paragraphs (2) through (10),
20 respectively; and

21 (2) by striking subsection (d).

1 **Subtitle B—Other Provisions of**
2 **Law**

3 **SEC. 1041. AMENDMENTS TO THE AFGHANISTAN FREEDOM**
4 **SUPPORT ACT OF 2002.**

5 (a) **DECLARATION OF POLICY.**—It shall be the policy
6 of the United States to—

7 (1) assist Afghanistan in the preparation of
8 parliamentary elections which are currently sched-
9 uled to take place on September 18, 2005;

10 (2) urge donor governments and institutions to
11 provide significant financial support to support the
12 United Nations Assistance Mission in Afghanistan
13 (UNAMA) in carrying out such parliamentary elec-
14 tions;

15 (3) assist legitimate and recognized parliamen-
16 tary candidates and future elected parliamentary of-
17 ficials in carrying out the responsibilities and duties
18 of their elected offices; and

19 (4) assist Afghanistan in the preparation for fu-
20 ture presidential and parliamentary elections.

21 (b) **PURPOSES OF ASSISTANCE.**—Section 102 of the
22 Afghanistan Freedom Support Act of 2002 (22 U.S.C.
23 7512) is amended—

1 (1) by redesignating paragraphs (5) through
2 (9) as paragraphs (7) through (11), respectively;
3 and

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

6 “(5) to ensure that parliamentary and presi-
7 dential elections in Afghanistan are carried out in a
8 free, fair, and transparent manner;

9 “(6) to provide assistance to legitimate and rec-
10 ognized parliamentary candidates and future elected
11 parliamentary officials in Afghanistan to better edu-
12 cate such candidates and officials on parliamentary
13 procedures, anticorruption, transparency, and good
14 governance;”.

15 (c) ACTIVITIES SUPPORTED.—Section 103(a)(5)(C)
16 of the Afghanistan Freedom Support Act of 2002 (22
17 U.S.C. 7513(a)(5)(C)) is amended—

18 (1) by striking clauses (iii) and (iv);

19 (2) by redesignating clauses (v) through (vii) as
20 clauses (xi) through (xiii), respectively;

21 (3) by inserting after clause (ii) the following
22 new clauses:

23 “(iii) programs to promote com-
24 prehensive public information campaigns,
25 including nationwide voter and civic edu-

1 cation, for the public, candidates, and po-
2 litical parties, and special efforts with re-
3 spect to provinces in which small percent-
4 ages of women voted in the October 2004
5 presidential elections;

6 “(iv) programs to accelerate disar-
7 mament, demobilization, and reintegration
8 processes to ensure that candidates and
9 political groups are not influenced or sup-
10 ported by armed militias;

11 “(v) programs to support the registra-
12 tion of new voters and the preparation of
13 voter rolls;

14 “(vi) programs to support the vetting
15 process of candidates for the parliamentary
16 elections to ensure that such candidates
17 are eligible under the relevant Afghan elec-
18 tion requirements;

19 “(vii) programs to educate legitimate
20 and recognized parliamentary candidates
21 on campaign procedures and processes;

22 “(viii) capacity-building programs and
23 advanced professional training programs
24 for senior Afghan Government officials and
25 future elected parliamentary officials in

1 matters related to parliamentary proce-
2 dures, anti-corruption, accountability to
3 constituencies, transparency, good govern-
4 ance, and other matters related to demo-
5 cratic development;

6 “(ix) exchange programs to bring to
7 the United States future elected par-
8 liamentary officials and senior officials of
9 legitimate and recognized political parties
10 for educational activities regarding legisla-
11 tive procedures, debate, and general cam-
12 paign and legislative instruction;

13 “(x) programs to support nongovern-
14 mental organizations and other civil society
15 organizations that will assist in civil and
16 voter education programs and overall de-
17 mocracy development programs;”;

18 (4) in clause (xii) (as redesignated), by striking
19 “and” at the end;

20 (5) in clause (xiii) (as redesignated), by striking
21 the period at the end and inserting “; and”; and

22 (6) by adding at the end the following new
23 clause:

1 “(xiv) other similar activities con-
2 sistent with the purposes set forth in sub-
3 section (a).”.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
5 103(a)(5)(C) of the Afghanistan Freedom Support Act of
6 2002 (22 U.S.C. 7513(a)(5)(C)), as amended by sub-
7 section (c), is further amended—

8 (1) in the matter preceding clause (i), by strik-
9 ing “To support” and inserting “(i) To support”;

10 (2) by redesignating clauses (i) through (xiv) as
11 subclauses (I) through (XIV), respectively; and

12 (3) by adding at the end the following new
13 clause:

14 “(ii) Of the amounts made available for
15 each of the fiscal years 2006 and 2007 to carry
16 out chapter 1 of part I of the Foreign Assist-
17 ance Act of 1961 and chapter 4 of part II of
18 such Act, \$50,000,000 for each such fiscal year
19 is authorized to be available to the President to
20 carry out subclauses (III) through (X) of clause
21 (i).”.

22 (e) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the President should take all necessary and ap-
24 propriate steps to encourage all donor governments and
25 institutions to provide full financial and logistical support

1 to the United Nations Assistance Mission in Afghanistan
2 (UNAMA) to carry out the parliamentary elections in Af-
3 ghanistan, which are currently scheduled to take place on
4 September 18, 2005, so as to—

5 (1) ensure the parliamentary elections are le-
6 gitimate and free from influence, intimidation, and
7 violence by local militia leaders and illicit narcotics
8 terrorist organizations;

9 (2) make certain that all Afghans who want to
10 vote may do so and may be educated about their
11 choice in parliamentary candidates;

12 (3) provide that all legitimate and recognized
13 parliamentary candidates and officials of legitimate
14 and recognized political parties are informed and
15 educated on campaign procedures and processes;

16 (4) provide that future parliamentary officials
17 and senior officials of legitimate and recognized po-
18 litical parties are informed and educated on the leg-
19 islative procedures and process through exchange
20 programs; and

21 (5) assure sufficient funds for deployment of
22 international observers for the upcoming parliamen-
23 tary elections and future presidential and parliamen-
24 tary elections.

1 **SEC. 1042. AMENDMENTS TO THE TIBETAN POLICY ACT OF**
2 **2002.**

3 (a) BILATERAL ASSISTANCE.—Section 616 of the Ti-
4 betan Policy Act of 2002 (Public Law 107–228; 22 U.S.C.
5 6901 note) is amended—

6 (1) by redesignating subsection (d) as sub-
7 section (e); and

8 (2) by inserting after subsection (c) the fol-
9 lowing new subsection:

10 “(d) UNITED STATES ASSISTANCE.—

11 “(1) ASSISTANCE.—The President shall provide
12 grants to nongovernmental organizations to support
13 sustainable economic development, cultural and his-
14 torical preservation, health care, education, and envi-
15 ronmental sustainability projects for Tibetans inside
16 Tibet that are designed in accordance with the prin-
17 ciples contained in subsection (e).

18 “(2) ROLE OF SPECIAL COORDINATOR.—The
19 United States Special Coordinator for Tibetan
20 Issues (established under section 621(a)) shall re-
21 view and approve all projects carried out pursuant to
22 paragraph (1).

23 “(3) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated to the
25 President to carry out this subsection \$6,000,000

1 for fiscal year 2006 and \$8,000,000 for fiscal year
2 2007.”.

3 (b) LANGUAGE TRAINING.—Section 619 of the Ti-
4 betan Policy Act of 2002 (Public Law 107–228; 22 U.S.C.
5 6901 note) is amended to read as follows:

6 **“SEC. 619. REQUIREMENT FOR TIBETAN LANGUAGE TRAIN-**
7 **ING.**

8 “The Secretary shall ensure at least one Foreign
9 Service officer assigned to a United States post in the Peo-
10 ple’s Republic of China responsible for monitoring develop-
11 ments in Tibet has at least six months of Tibetan lan-
12 guage training prior to taking up such assignment at such
13 post, unless such officer possesses equivalent fluency. If
14 the Secretary determines that training resources and tim-
15 ing permit, such officer shall receive one year of such
16 training.”.

17 (c) SPECIAL COORDINATOR FOR TIBETAN ISSUES.—
18 Section 621 of the Tibetan Policy Act of 2002 (Public
19 Law 107–228; 22 U.S.C. 6901 note) is amended by add-
20 ing at the end the following new subsection:

21 “(e) PERSONNEL.—The Secretary shall assign dedi-
22 cated personnel to the Office of the Special Coordinator
23 for Tibetan Issues sufficient to assist in the management
24 of the responsibilities of this section and section
25 616(d)(2).”.

1 **SEC. 1043. AMENDMENTS TO THE ANGLO-IRISH AGREE-**
2 **MENT SUPPORT ACT OF 1986.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) United States assistance for the Inter-
6 national Fund for Ireland (“International Fund”)
7 has contributed greatly to the economic development
8 of Northern Ireland and that both objectives of the
9 Anglo-Irish Agreement Support Act of 1986 (Public
10 Law 99–415), economic development and reconcili-
11 ation, remain critical to achieving a just and lasting
12 peace in the region, especially in the economically-
13 depressed areas; and

14 (2) since policing reform is a significant part of
15 winning public confidence and acceptance in the new
16 form of government in Northern Ireland, the Inter-
17 national Fund is encouraged to support programs
18 that enhance relations between communities, and be-
19 tween the police and the communities they serve,
20 promote human rights training for police, and en-
21 hance peaceful mediation in neighborhoods of contin-
22 ued conflict.

23 (b) AMENDMENTS.—

24 (1) FINDINGS AND PURPOSES.—Section 2(b) of
25 the Anglo-Irish Agreement Support Act of 1986
26 (Public Law 99–415) is amended by adding at the

1 end the following new sentence: “Furthermore, the
2 International Fund is encouraged to support pro-
3 grams that enhance relations between communities,
4 and between the police and the communities they
5 serve, promote human rights training for police, en-
6 hance peaceful mediation in neighborhoods of contin-
7 ued conflict, promote training programs to enhance
8 the new district partnership police boards rec-
9 ommended by the Patten Commission, and assist in
10 the transition of former British military installations
11 and prisons into sites for peaceful, community-sup-
12 ported activities, such as housing, retail, and com-
13 mercial development.”.

14 (2) UNITED STATES CONTRIBUTIONS TO THE
15 INTERNATIONAL FUNDS.—Section 3 of the Anglo-
16 Irish Agreement Support Act of 1986 is amended by
17 adding at the end the following new subsection:

18 “(c) FISCAL YEARS 2006 AND 2007.—Of the
19 amounts made available for fiscal years 2006 and 2007
20 to carry out chapter 4 of part II of the Foreign Assistance
21 Act of 1961 (22 U.S.C. 2346 et seq.; relating to the eco-
22 nomic support fund), there are authorized to be appro-
23 priated \$20,000,000 for each such fiscal year for United
24 States contributions to the International Fund. Amounts
25 appropriated pursuant to the authorization of appropria-

1 tions under the preceding sentence are authorized to re-
2 main available until expended. Of the amount authorized
3 to be appropriated for fiscal years 2006 and 2007 under
4 this subsection, it is the sense of Congress that not less
5 than 35 percent of such amount for each such fiscal year
6 should be used to carry out the last sentence of section
7 2(b).”.

8 (3) ANNUAL REPORTS.—Section 6(1) of the
9 Anglo-Irish Agreement Support Act of 1986 is
10 amended by adding at the end before the semicolon
11 the following: “, specifically through improving local
12 community relations and relations between the police
13 and the people they serve”.

14 **SEC. 1044. ASSISTANCE FOR DEMOBILIZATION AND DISAR-**
15 **MAMENT OF FORMER IRREGULAR COMBAT-**
16 **ANTS IN COLOMBIA.**

17 (a) AUTHORIZATION.—Amounts made available for
18 fiscal year 2006 and each subsequent fiscal year for assist-
19 ance for the Republic of Colombia under this Act or any
20 other provision of law may be made available for assist-
21 ance for the demobilization and disarmament of former
22 members of foreign terrorist organizations in Colombia,
23 specifically the United Self-Defense Forces of Colombia
24 (AUC), the Revolutionary Armed Forces of Colombia
25 (FARC) and the National Liberation Army (ELN), if the

1 Secretary of State makes a certification described in sub-
2 section (b) to the appropriate congressional committees
3 prior to the initial obligation of amounts for such assist-
4 ance for the fiscal year involved.

5 (b) CERTIFICATION.—A certification described in this
6 subsection is a certification that—

7 (1) assistance for the fiscal year will be pro-
8 vided only for individuals who have verifiably re-
9 nounced and terminated any affiliation or involve-
10 ment with foreign terrorist organizations;

11 (2) the Government of Colombia is continuing
12 to provide full cooperation with the Government of
13 the United States relating to extradition requests in-
14 volving leaders and members of the foreign terrorist
15 organizations involved in murder, kidnapping, nar-
16 cotics trafficking, and other violations of United
17 States law; and

18 (3) the Government of Colombia has established
19 a concrete and workable framework for dismantling
20 the organizational structures of foreign terrorist or-
21 ganizations that adequately balances the need for
22 both reconciliation and justice with concerns for fun-
23 damental human rights.

24 (c) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Appropriations and
5 the Committee on International Relations of the
6 House of Representatives; and

7 (B) the Committee on Appropriations and
8 the Committee on Foreign Relations of the Sen-
9 ate.

10 (2) FOREIGN TERRORIST ORGANIZATION.—The
11 term “foreign terrorist organization” means an or-
12 ganization designated as a terrorist organization
13 under section 219 of the Immigration and Nation-
14 ality Act.

15 **SEC. 1045. SUPPORT FOR FAMINE RELIEF IN ETHIOPIA.**

16 (a) DEMONSTRATION INSURANCE PROJECT.—The
17 Secretary of State is authorized to make a United States
18 voluntary contribution to the United Nations World Food
19 Program to establish and carry out a demonstration insur-
20 ance project in the Federal Democratic Republic of Ethi-
21 opia using weather derivatives to transfer the risk of cata-
22 strophic drought resulting in famine from vulnerable sub-
23 sistence farmers to international capital markets for the
24 purpose of protecting vulnerable subsistence farmers
25 against income and asset losses during natural disasters.

1 (b) REPORT.—Not later than one year and two years
2 after the date of the enactment of this Act, the Secretary
3 shall submit to the appropriate congressional committees
4 a report on the implementation of the project referred to
5 in subsection (a).

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Secretary to carry
8 out this section up to \$4,000,000 for fiscal year 2006.

9 **SEC. 1046. ASSISTANCE TO PROMOTE DEMOCRACY AND**
10 **HUMAN RIGHTS IN VIETNAM.**

11 (a) FINDING.—Congress finds that the Socialist Re-
12 public of Vietnam is a one-party state, ruled and con-
13 trolled by the Communist Party of Vietnam, which con-
14 tinues to deny the right of citizens to change their govern-
15 ment, prohibits independent political, labor, and social or-
16 ganizations, and continues to commit serious human
17 rights violations, including the detention and imprison-
18 ment of persons for the peaceful expression of dissenting
19 religious and political views.

20 (b) POLICY.—It is the policy of the United States—

21 (1) to limit United States nonhumanitarian as-
22 sistance provided to the Government of Vietnam, not
23 to exceed the amount so provided for fiscal year
24 2005, unless the President certifies to Congress not
25 later than 30 days after the date of the enactment

1 of this Act that, during the 12-month period pre-
2 ceding such certification, Vietnam has made sub-
3 stantial progress toward—

4 (A) releasing political and religious pris-
5 oners;

6 (B) respecting religious freedom and other
7 universally recognized human rights;

8 (C) allowing open access to the United
9 States for its refugee program;

10 (D) cooperating fully toward providing in-
11 formation concerning the locations of members
12 of the United States Armed Forces who con-
13 tinue to be officially listed as missing in action
14 as a result of the Vietnam conflict;

15 (E) respecting the rights of ethnic minori-
16 ties in the Central Highlands; and

17 (F) ensuring that it is not acting in com-
18 plicity with organizations engaged in the traf-
19 ficking of human persons; and

20 (2) to ensure that programs of educational and
21 cultural exchange with Vietnam actively promote
22 progress towards freedom and democracy in Vietnam
23 by ensuring that Vietnamese nationals who have al-
24 ready demonstrated a commitment to these values
25 are included in such programs.

1 (c) DEFINITION.—In this section, the term “United
2 States nonhumanitarian assistance” means—

3 (1) any assistance under the Foreign Assistance
4 Act of 1961 (including programs under title IV of
5 chapter 2 of part I of such Act, relating to the Over-
6 seas Private Investment Corporation), other than—

7 (A) disaster relief assistance, including any
8 assistance under chapter 9 of part I of such
9 Act;

10 (B) assistance which involves the provision
11 of food (including monetization of food) or med-
12 icine;

13 (C) assistance for refugees; and

14 (D) assistance to combat HIV/AIDS, in-
15 cluding any assistance under section 104A of
16 such Act; and

17 (2) sales, or financing on any terms, under the
18 Arms Export Control Act.

19 (d) AUTHORIZATION.—

20 (1) IN GENERAL.—The President is authorized
21 to provide assistance to nongovernmental organiza-
22 tions and organizations to promote democracy and
23 internationally recognized human rights in Vietnam.

1 (2) AUTHORIZATION OF APPROPRIATIONS.—
2 There are authorized to be appropriated to the
3 President \$2,000,000 to carry out paragraph (1).

4 **SEC. 1047. TRANSFER OF MARINE PATROL AIRCRAFT TO**
5 **THE GOVERNMENT OF COLOMBIA.**

6 (a) TRANSFER AUTHORITY.—The Secretary of State,
7 acting through the Assistant Secretary of the Bureau for
8 International Narcotics and Law Enforcement Affairs, is
9 authorized to procure for transfer to the Government of
10 Colombia two tactical, unpressurized marine patrol air-
11 craft for use by the Colombian Navy to interdict and dis-
12 able drug trafficking vessels in and near the territorial wa-
13 ters of Colombia. Such transfers may be on a grant or
14 lease basis, as appropriate.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
16 authorized to be appropriated to the Secretary to carry
17 out this section \$25,000,000 for fiscal year 2006.

18 **SEC. 1048. TRAINING AND ASSISTANCE TO IDENTIFY UN-**
19 **KNOWN VICTIMS WHO WERE ABDUCTED AND**
20 **MURDERED IN CIUDAD JUAREZ, MEXICO.**

21 (a) STATEMENT OF CONGRESS.—Congress urges the
22 President and Secretary of State to incorporate the inves-
23 tigative and preventative efforts of the Government of
24 Mexico in the bilateral agenda between the Government
25 of Mexico and the Government of the United States and

1 to continue to express concern to the Government of Mex-
2 ico over the abductions and murders of young women since
3 1993 in the Mexican city of Ciudad Juarez.

4 (b) TRAINING AND ASSISTANCE.—The Secretary of
5 State is authorized to provide training and assistance to
6 identify unknown victims who were murdered in the Mexi-
7 can city of Ciudad Juarez through forensic analysis, in-
8 cluding DNA testing, conducted by independent, impartial
9 experts who are sensitive to the special needs and concerns
10 of the victims' families, as well as efforts to make these
11 services available to any families who have doubts about
12 the results of prior forensic testing.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary of State
15 \$500,000 for fiscal year 2006 to carry out subsection (b).

16 **Subtitle C—Miscellaneous**

17 **Provisions**

18 **SEC. 1051. REPORT ON UNITED STATES WEAPONS TRANS-**
19 **FERS, SALES, AND LICENSING TO HAITI.**

20 (a) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Secretary of State shall
22 submit to the appropriate congressional committees a re-
23 port on all United States weapons transfers, sales, and
24 licensing to the Government of the Republic of Haiti for

1 the period beginning on October 4, 1991, and ending on
2 the date of the enactment of this Act.

3 (b) CONTENTS.—The report required by subsection
4 (a) shall include a detailed description of each of the fol-
5 lowing:

6 (1) The names of the individuals or govern-
7 mental entities to which weapons were transferred,
8 sold, or licensed.

9 (2) The number and types of weapons trans-
10 ferred, sold, or licensed.

11 (3) The safeguards, if any, that were required
12 prior to the transfer, sale, or license of the weapons.

13 (c) DEFINITION.—In this section, the term “United
14 States weapons transfers, sales, and licensing” means
15 transfers, sales, and licensing of weapons under—

16 (1) section 38 of the Arms Export Control Act
17 (22 U.S.C. 2778); or

18 (2) chapter 8 of part I of the Foreign Assist-
19 ance Act of 1961 (22 U.S.C. 2291 et seq.).

20 **SEC. 1052. SENSE OF CONGRESS REGARDING ASSISTANCE**
21 **FOR REGIONAL HEALTH EDUCATION AND**
22 **TRAINING PROGRAMS.**

23 (a) STATEMENT OF POLICY.—Congress recognizes
24 that many health problems are not country specific. In-

1 stead many health issues can be categorized and treated
2 more effectively on a regional basis.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the United States Agency for International De-
5 velopment should use up to five percent of country-specific
6 health program funds, as needed, to address regional
7 health education and training needs in instances in which
8 it would be more cost effective to implement health edu-
9 cation and training programs on a regional basis.

10 **SEC. 1053. SENSE OF CONGRESS REGARDING ASSISTANCE**
11 **FOR REGIONAL HEALTH CARE DELIVERY.**

12 (a) STATEMENT OF POLICY.—Congress declares the
13 following:

14 (1) Health systems in developing countries for
15 allocating and managing health resources are dys-
16 functional and incapable of addressing evolving epi-
17 demiological and demographical changes.

18 (2) Neither regional nor countrywide health
19 problems can be adequately addressed without the
20 infrastructure for health systems in place.

21 (3) The areas in Africa, Europe, Eurasia, the
22 Middle East, and Asia with the greatest health prob-
23 lems all lack the infrastructure for health systems
24 that can support providers and contain the cost of
25 treatment.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the United States Agency for International De-
3 velopment should use up to five percent of country-specific
4 health program funds, as needed, to support projects to
5 create and improve indigenous capacity for health care de-
6 livery in regions in which such projects are most needed.

7 **SEC. 1054. SENSE OF CONGRESS REGARDING ELIMINATION**
8 **OF EXTREME POVERTY IN DEVELOPING**
9 **COUNTRIES.**

10 It is the sense of Congress that—

11 (1) the elimination of extreme poverty in devel-
12 oping countries should be a major priority of United
13 States foreign policy;

14 (2) the United States should further dem-
15 onstrate its leadership and commitment to elimi-
16 nating extreme poverty by working with developing
17 countries, donor countries, and multilateral institu-
18 tions committed to the necessary reforms, policies,
19 and practices that reduce extreme poverty in devel-
20 oping countries and by pursuing greater coordina-
21 tion with key allies and international partners; and

22 (3) the President, acting through the Adminis-
23 trator of the United States Agency for International
24 Development, and in consultation with the heads of
25 other appropriate departments and agencies of the

1 Government of the United States, international or-
2 ganizations, international financial institutions, re-
3 cipient governments, civil society organizations, and
4 other appropriate entities, should develop a com-
5 prehensive strategy to eliminate extreme poverty in
6 developing countries that involves foreign assistance,
7 foreign and local private investment, technical assist-
8 ance, private-public partnerships, and debt relief.

9 **SEC. 1055. SENSE OF CONGRESS REGARDING UNITED**
10 **STATES FOREIGN ASSISTANCE.**

11 It is the sense of Congress that—

12 (1) United States foreign assistance should be
13 used to support local capacity-building in developing
14 countries and should focus on improving the institu-
15 tional capacities of developing countries in order to
16 promote long-term development; and

17 (2) the Department of State, the United States
18 Agency for International Development, and the Mil-
19 lennium Challenge Corporation should increase their
20 efforts to enhance recipient country participation in
21 the planning of development programs, promote re-
22 cipient country ownership of the programs, and
23 build local capacity within the recipient country.

1 **SEC. 1056. SENSE OF CONGRESS REGARDING ASSISTANCE**
2 **FOR CHALDOASSYRIANS AND OTHER INDIGE-**
3 **NOUS CHRISTIANS IN IRAQ.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) ChaldoAssyrians and other indigenous
6 Christians in Iraq welcome the opportunity following
7 Iraq’s liberation to move beyond the days of repres-
8 sion and persecution and toward greater prosperity
9 by cooperating in the development of a democratic,
10 pluralistic state.

11 (2) Religious and ethnic discrimination has
12 driven half of Iraq’s indigenous Christians into dias-
13 pora since the 1960s and now threatens to create a
14 mass exodus, thereby depriving Iraq of one of its
15 oldest and most distinctive ethnic communities.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) all relevant departments and agencies of the
19 Government of the United States should pay special
20 attention to the welfare of ChaldoAssyrians and
21 other indigenous Christians in Iraq in order to pre-
22 vent a mass exodus that would detrimentally affect
23 the preservation of diversity in the Middle East and
24 the promotion of general tolerance for others; and

25 (2) the President, acting through the Adminis-
26 trator of the United States Agency for International

1 Development, should allocate funds specifically for
2 the promotion of the welfare, education, and reset-
3 tlement of ChaldoAssyrians and other indigenous
4 Christians in Iraq where they may be currently pre-
5 vented from returning to their homes.

6 **TITLE XI—REPORTING** 7 **REQUIREMENTS**

8 **SEC. 1101. TRANS-SAHARA COUNTER-TERRORISM INITIA-** 9 **TIVE.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that efforts by the Government of the United States
12 to expand the Pan Sahel Initiative into a robust counter-
13 terrorism program in the Saharan region of Africa, to be
14 known as the “Trans-Sahara Counter Terrorism Initia-
15 tive”, should be strongly supported.

16 (b) REPORT.—

17 (1) IN GENERAL.—Not later than 120 days
18 after the date of the enactment of this Act, the Sec-
19 retary of State shall submit to the appropriate con-
20 gressional committees a detailed strategy, in classi-
21 fied form, regarding the plan of the Government of
22 the United States to expand the Pan Sahel Initiative
23 into a robust counter-terrorism program in the Sa-
24 haran region of Africa, to be known as the “Trans-
25 Sahara Counter Terrorism Initiative”.

1 (2) CONTENTS.—The report shall include the
2 following:

3 (A) The names of the countries that will
4 participate in the Initiative.

5 (B) A description of the types of security
6 assistance necessary to create rapid reaction se-
7 curity forces in order to bolster the capacity of
8 the countries referred to in subparagraph (A) to
9 govern their borders.

10 (C) A description of training to ensure re-
11 spect for human rights and civilian authority by
12 rapid reaction security forces referred to in sub-
13 paragraph (B) and other appropriate individ-
14 uals and entities of the countries referred to in
15 subparagraph (A).

16 (D) A description of the types of public di-
17 plomacy and related assistance that will be pro-
18 vided to promote development and counter rad-
19 ical Islamist elements that may be gaining a
20 foothold in the region.

21 (3) UPDATE.—The Secretary shall submit to
22 the appropriate congressional committees an update
23 of the report required by this subsection not later
24 than one year after the date of the initial submission
25 of the report under this subsection.

1 (c) COOPERATION OF OTHER DEPARTMENTS AND
2 AGENCIES.—The head of each appropriate department
3 and agency of the Government of the United States shall
4 cooperate fully with, and assist in the implementation of,
5 the strategy described in subsection (b)(1) and shall make
6 such resources and information available as is necessary
7 to ensure the success of the Initiative described in such
8 subsection.

9 **SEC. 1102. ANNUAL PATTERNS OF GLOBAL TERRORISM RE-**
10 **PORT.**

11 (a) REQUIREMENT OF REPORT.—Section 140(a)
12 Foreign Relations Authorization Act, Fiscal Years 1988
13 and 1989 (22 U.S.C. 2656f(a)) is amended—

14 (1) in the heading, by striking “COUNTRY RE-
15 REPORTS ON TERRORISM” and inserting “PATTERNS
16 OF GLOBAL TERRORISM REPORT”; and

17 (2) in the matter preceding paragraph (1), by
18 inserting “, the Committee on International Rela-
19 tions of the House of Representatives,” after
20 “Speaker of the House of Representatives”.

21 (b) ASSESSMENTS WITH RESPECT TO FOREIGN
22 COUNTRIES IN WHICH ACTS OF TERRORISM OC-
23 CURRED.—Section 140(a)(1)(A)(i) of the Foreign Rela-
24 tions Authorization Act, Fiscal Years 1988 and 1989 (22
25 U.S.C. 2656f(a)(1)(A)(i)) is amended—

1 (1) by striking “which were, in the opinion of
2 the Secretary, of major significance;” and inserting
3 “, including—”; and

4 (2) by adding at the end the following new sub-
5 clauses:

6 “(I) the number of such acts of ter-
7 rorism or attempted acts of terrorism;

8 “(II) the number of individuals, in-
9 cluding United States citizens, who were
10 killed or injured in such acts of terrorism;

11 “(III) the methods, and relative fre-
12 quency of methods, utilized in such acts of
13 terrorism; and

14 “(IV) assessments of individuals who
15 were responsible for such acts of terrorism
16 and the relationships of such individuals to
17 terrorist groups;”.

18 (c) INFORMATION WITH RESPECT TO TERRORIST
19 GROUPS.—Section 140(a)(2) of the Foreign Relations Au-
20 thorization Act, Fiscal Years 1988 and 1989 (22 U.S.C.
21 2656f(a)(2)) is amended by inserting after “and any other
22 known international terrorist group” the following “or
23 emerging terrorist group”.

24 (d) INFORMATION WITH RESPECT TO ALL FOREIGN
25 COUNTRIES.—Section 140(a) of the Foreign Relations

1 Authorization Act, Fiscal Years 1988 and 1989 (22
2 U.S.C. 2656f(a)) is amended—

3 (1) in paragraph (2), by adding “and” at the
4 end after the semicolon;

5 (2) in paragraph (3)—

6 (A) in the matter preceding subparagraph
7 (A), by striking “from which the United States
8 Government” and all that follows through
9 “United States citizens or interests” and insert-
10 ing “worldwide”;

11 (B) in subparagraph (A)—

12 (i) by striking “the individual or”;

13 (ii) by striking “the act” and insert-
14 ing “acts of terrorism”; and

15 (iii) by striking “and” at the end;

16 (C) in subparagraph (B) by striking
17 “against United States citizens in the foreign
18 country”; and

19 (D) by adding at the end the following new
20 subparagraph:

21 “(C) the extent to which the government of
22 the foreign country is not cooperating with re-
23 spect to the matters described in subparagraphs
24 (A) and (B) and other matters relating to
25 counterterrorism efforts.”; and

1 (3) by striking paragraph (4).

2 (e) EXISTING PROVISIONS TO BE INCLUDED IN RE-
3 PORT.—Section 140(b) of the Foreign Relations Author-
4 ization Act, Fiscal Years 1988 and 1989 (22 U.S.C.
5 2656f(b)) is amended—

6 (1) in the matter preceding paragraph (1), by
7 striking “should to the extent feasible” and inserting
8 “shall”;

9 (2) in paragraph (1)—

10 (A) in the matter preceding subparagraph
11 (A), by inserting “and (a)(3)” after “subsection
12 (a)(1)(A)”;

13 (B) by redesignating subparagraphs (A),
14 (B), and (C) as subparagraphs (B), (C), and
15 (D), respectively;

16 (C) by inserting before subparagraph (B)
17 (as redesignated) the following new subpara-
18 graph:

19 “(A) a separate list, in chronological order,
20 of all acts of international terrorism described
21 in subsection (a)(1)(A);”;

22 (D) in subparagraph (C) (as redesignated),
23 by striking “affecting American citizens or fa-
24 cilities”; and

1 (E) in subparagraph (D) (as redesignig-
2 nated)—

3 (i) in clause (i), by adding at the end
4 before the semicolon the following: “by the
5 government of the country, government of-
6 ficials, nongovernmental organizations,
7 quasi-governmental organizations, or na-
8 tionals of the country”;

9 (ii) in clause (v), by adding “and” at
10 the end after the semicolon; and

11 (iii) by adding at the end the fol-
12 lowing new clause:

13 “(vi) other types of indirect support
14 for international terrorism, such as inciting
15 acts of terrorism or countenance of acts of
16 terrorism by the government of the coun-
17 try, government officials, nongovernmental
18 organizations, quasi-governmental organi-
19 zations, or nationals of the country;”;

20 (3) in paragraph (3)—

21 (A) in subparagraph (E), by striking
22 “and” at the end;

23 (B) in subparagraph (F), by adding “and”
24 at the end; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(G) information on the stated intentions
4 and patterns of activities of terrorist groups de-
5 scribed in subsection (a)(2), capabilities and
6 membership of such groups, recruitment and
7 fundraising activities of such groups, and the
8 relationships of such groups to criminal organi-
9 zations, including organizations involved in il-
10 licit narcotics trafficking;” and

11 (4) by redesignating paragraphs (3) and (4) (as
12 added by section 701(a)(2)(C) of the Intelligence
13 Authorization Act for Fiscal Year 2005 (Public Law
14 108–487; 118 Stat. 3961)) as paragraphs (6) and
15 (7), respectively.

16 (f) NEW PROVISIONS TO BE INCLUDED IN RE-
17 PORT.—Section 140(b) of the Foreign Relations Author-
18 ization Act, Fiscal Years 1988 and 1989 (22 U.S.C.
19 2656f(b)), as amended by subsection (e), is further
20 amended—

21 (1) in paragraph (6) (as redesignated), by strik-
22 ing “and” at the end;

23 (2) in paragraph (7) (as redesignated), by strik-
24 ing the period at the end and inserting a semicolon;
25 and

1 (3) by adding at the end the following new
2 paragraphs:

3 “(8) an analysis of the efforts of multilateral
4 organizations (excluding international financial insti-
5 tutions) to combat international terrorism, including
6 efforts of the United Nations and its affiliated orga-
7 nizations, regional multilateral organizations, and
8 nongovernmental organizations;

9 “(9) a list of countries of concern with respect
10 to the financing of terrorism; and

11 “(10) an analysis of policy goals of the United
12 States for counterterrorism efforts in the subsequent
13 calendar year.”.

14 (g) CLASSIFICATION OF REPORT.—Section 140(c) of
15 the Foreign Relations Authorization Act, Fiscal Years
16 1988 and 1989 (22 U.S.C. 2656f(c)) is amended to read
17 as follows:

18 “(c) CLASSIFICATION OF REPORT.—The report re-
19 quired by subsection (a) shall be submitted in unclassified
20 form and shall contain a classified annex as necessary.”.

21 (h) INTER-AGENCY PROCESS FOR COMPILATION OF
22 REPORT.—Section 140 of Foreign Relations Authoriza-
23 tion Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f)
24 is amended—

1 (1) by redesignating subsections (d) and (e) as
2 subsections (e) and (f), respectively; and

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

5 “(d) INTER-AGENCY PROCESS FOR COMPILATION OF
6 REPORT.—The Secretary of State shall, in preparing the
7 report required by subsection (a), establish an inter-agen-
8 cy process to—

9 “(1) consult and coordinate with other appro-
10 priate officials of the Government of the United
11 States who are responsible for collecting and ana-
12 lyzing counterterrorism intelligence; and

13 “(2) utilize, to the maximum extent practicable,
14 such counterterrorism intelligence and analyses.”.

15 (i) COMPARABILITY STANDARD WITH PRIOR RE-
16 PORT.—Section 140 of Foreign Relations Authorization
17 Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), as
18 amended by subsection (h), is further amended—

19 (1) by redesignating subsections (e) and (f) (as
20 redesignated) as subsections (f) and (g), respectively;
21 and

22 (2) by inserting after subsection (d) (as added
23 by subsection (h)) the following new subsection:

24 “(e) COMPARABILITY STANDARD WITH PRIOR RE-
25 PORT.—The Secretary of State shall, in preparing the re-

1 port required by subsection (a), use standards, criteria,
2 and methodologies in a consistent manner so that statis-
3 tical comparisons may be made among different reports.
4 If significant changes are made to any such standards,
5 criteria, or methodology, the Secretary shall, in consulta-
6 tion with other appropriate officials of the Government of
7 the United States, make appropriate adjustments, using
8 the best available methods, so that the data provided in
9 each report is comparable to the data provided in prior
10 reports.”.

11 (j) DEFINITIONS.—Section 140(f)(1) of Foreign Re-
12 lations Authorization Act, Fiscal Years 1988 and 1989 (as
13 redesignated) is amended to read as follows:

14 “(1) the term ‘international terrorism’ means—

15 “(A) terrorism involving citizens or the ter-
16 ritory of more than one country; or

17 “(B) terrorism involving citizens and the
18 territory of one country which is intended to in-
19 timidate or coerce not only the civilian popu-
20 lation or government of such country but also
21 other civilian populations or governments;”.

22 (k) REPORTING PERIOD.—Section 140(g) Foreign
23 Relations Authorization Act, Fiscal Years 1988 and 1989
24 (as redesignated) is amended to read as follows:

1 “(g) REPORTING PERIOD.—The report required
2 under subsection (a) shall cover the events of the calendar
3 year preceding the calendar year in which the report is
4 transmitted.”.

5 (l) APPEARANCE OF SECRETARY OF STATE BEFORE
6 CONGRESS.—Section 140 of the Foreign Relations Au-
7 thorization Act, Fiscal Years 1988 and 1989 (22 U.S.C.
8 2656f) is amended by adding at the end the following new
9 subsection:

10 “(h) APPEARANCE OF SECRETARY OF STATE BE-
11 FORE CONGRESS.—

12 “(1) IN GENERAL.—The Secretary of State
13 shall appear before Congress at annual hearings, as
14 specified in paragraph (2), regarding the provisions
15 included in the report required under subsection (a).

16 “(2) SCHEDULE.—The Secretary of State shall
17 appear before—

18 “(A) the Committee on International Rela-
19 tions of the House of Representatives on or
20 about May 20 of even numbered calendar years;

21 “(B) the Committee on Foreign Relations
22 of the Senate on or about May 20 of odd num-
23 bered calendar years; and

24 “(C) either Committee referred to in sub-
25 paragraph (A) or (B), upon request, following

1 the scheduled appearance of the Secretary be-
2 fore the other Committee under subparagraph
3 (A) or (B).”.

4 (m) CONFORMING AMENDMENTS.—

5 (1) SECTION HEADING.—The heading of section
6 140 of the Foreign Relations Authorization Act, Fis-
7 cal Years 1988 and 1989 (22 U.S.C. 2656f) is
8 amended to read as follows:

9 **“SEC. 140. ANNUAL PATTERNS OF GLOBAL TERRORISM RE-**
10 **PORT.”.**

11 (2) TABLE OF CONTENTS.—The table of con-
12 tents of such Act (as contained in section 1(b) of
13 such Act) is amended in the item relating to section
14 140 to read as follows:

“Sec. 140. Annual patterns of global terrorism report.”.

15 (n) EFFECTIVE DATE.—The amendments made by
16 this section apply with respect to the report required to
17 be transmitted under section 140 of the Foreign Relations
18 Authorization Act, Fiscal Years 1988 and 1989 (22
19 U.S.C. 2656f), by April 30, 2007, and by April 30 of each
20 subsequent year.

21 **SEC. 1103. DUAL GATEWAY POLICY OF THE GOVERNMENT**
22 **OF IRELAND.**

23 (a) IN GENERAL.—The Secretary of State shall re-
24 view the dual gateway policy and determine the effects the
25 discontinuation of such policy might have on the economy

1 of the United States and the economy of western Ireland
2 before the United States takes any action that could lead
3 to the discontinuation of such policy.

4 (b) ECONOMIC IMPACT STUDY.—In determining the
5 effects that the discontinuation of such policy might have
6 on the economy of the United States, the Secretary, in
7 consultation with the heads of other appropriate depart-
8 ments and agencies, shall consider the effects the dis-
9 continuation of such policy might have on United States
10 businesses operating in western Ireland, Irish businesses
11 operating in and around Shannon Airport, and United
12 States air carriers serving Ireland.

13 (c) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Secretary shall submit
15 to the appropriate congressional committees a report de-
16 scribing the determinations made under subsection (a), to-
17 gether with any recommendations for United States ac-
18 tion.

19 (d) DEFINITION.—In this section, the term “dual
20 gateway policy” means the policy of the Government of
21 Ireland requiring certain air carriers serving Dublin Air-
22 port to undertake an equal numbers of flights to Shannon
23 Airport and Dublin Airport during each calendar year.

1 **SEC. 1104. STABILIZATION IN HAITI.**

2 Not later than one year after the date of the enact-
3 ment of this Act and one year thereafter, the Secretary
4 of State shall submit to the appropriate congressional
5 committees a report on United States efforts to—

6 (1) assist in the disarmament of illegally armed
7 forces in Haiti, including through a program of gun
8 exchanges;

9 (2) assist in the reform of the Haitian National
10 Police; and

11 (3) support stabilization in Haiti.

12 **SEC. 1105. VERIFICATION REPORTS TO CONGRESS.**

13 Section 403(a) of the Arms Control and Disar-
14 mament Act (22 U.S.C. 2593a(a)) is amended in the mat-
15 ter preceding paragraph (1)—

16 (1) by striking “prepared by the Secretary of
17 State with the concurrence of the Director of Cen-
18 tral Intelligence and in consultation with the Sec-
19 retary of Defense, the Secretary of Energy, and the
20 Chairman of the Joint Chiefs of Staff,”; and

21 (2) by inserting “, as the President considers
22 appropriate” after “include”.

1 **SEC. 1106. PROTECTION OF REFUGEES FROM NORTH**
2 **KOREA.**

3 Section 305(a) of the North Korean Human Rights
4 Act of 2004 (Public Law 108–333; 22 U.S.C. 7845) is
5 amended—

6 (1) in paragraph (1), by striking “and” at the
7 end;

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

10 (3) by adding at the end the following new
11 paragraph:

12 “(3) a detailed description of the measures un-
13 dertaken by the Secretary of State to carry out sec-
14 tion 303, including country-specific information with
15 respect to United States efforts to secure the co-
16 operation and permission of the governments of
17 countries in East and Southeast Asia to facilitate
18 United States processing of North Koreans seeking
19 protection as refugees. The information required by
20 this paragraph may be provided in a classified for-
21 mat, if necessary.”.

22 **SEC. 1107. ACQUISITION AND MAJOR SECURITY UPGRADES.**

23 Section 605(c) of the Secure Embassy Construction
24 and Counterterrorism Act of 1999 (title VI of the Admiral
25 James W. Nance and Meg Donovan Foreign Relations Au-

1 thORIZATION Act, Fiscal Years 2000 and 2001; Public Law
2 106–113—Appendix G) is amended—

3 (1) in the heading, by striking “SEMIANNUAL”;

4 (2) in the matter preceding paragraph (1), by
5 striking “June 1 and”; and

6 (3) in paragraph (1)(A), by striking “two fiscal
7 quarters” and inserting “year”.

8 **SEC. 1108. SERVICES FOR CHILDREN WITH AUTISM AT**
9 **OVERSEAS MISSIONS.**

10 (a) STUDY.—With respect to countries in which there
11 is at least one mission of the United States, the Secretary
12 of State shall conduct a study of the availability of pro-
13 grams that address the special needs of children with au-
14 tism, including the availability of speech therapists and
15 pediatric occupational therapists at Department of De-
16 fense sponsored schools. Such study shall include the esti-
17 mated incidence of autism among dependents of members
18 of the Foreign Service and dependents of specialist For-
19 eign Service personnel. Such study shall also include an
20 analysis of the possibility of establishing “Educational
21 Centers of Excellence” for such children.

22 (b) REPORT.—Not later than 30 days after the com-
23 pletion of the study required under subsection (a), the Sec-
24 retary shall submit to the appropriate congressional com-

1 mitted a report containing the findings of the study to-
2 gether with any recommendations for related action.

3 **SEC. 1109. INCIDENCE AND PREVALENCE OF AUTISM**
4 **WORLDWIDE.**

5 (a) STUDY.—

6 (1) IN GENERAL.—The Secretary of State shall
7 direct the United States representative to the Execu-
8 tive Board of the United Nations Children’s Fund
9 (UNICEF) to use the voice and vote of the United
10 States to urge UNICEF to provide for the conduct
11 of a study of the incidence and prevalence of autism
12 spectrum disorders (in this section referred to as
13 “autism”) worldwide.

14 (2) CONDUCT OF STUDY.—The study should—

15 (A) evaluate the incidence and prevalence
16 of autism in all countries worldwide and com-
17 pare such incidence and prevalence to the inci-
18 dence and prevalence of autism in the United
19 States and evaluate the reliability of the infor-
20 mation obtained from each country in carrying
21 out this subparagraph; and

22 (B) evaluate the feasibility of establishing
23 a method for the collection of information relat-
24 ing to the incidence and prevalence of autism in
25 all countries worldwide.

1 (b) REPORT.—The Secretary of State shall direct the
2 United States representative to the Executive Board of
3 UNICEF to use the voice and vote of the United States
4 to urge UNICEF to—

5 (1) provide for the preparation of a report that
6 contains the results of the study described in sub-
7 section (a); and

8 (2) provide for the availability of the report on
9 the Internet website of UNICEF.

10 (c) FUNDING.—Of the amounts made available for
11 fiscal year 2006 to carry out section 301 of the Foreign
12 Assistance Act of 1961 (22 U.S.C. 2221), \$1,500,000 is
13 authorized to be available for a voluntary contribution to
14 UNICEF to conduct the study described in subsection (a)
15 and prepare the report described in subsection (b).

16 **SEC. 1110. INTERNET JAMMING.**

17 (a) REPORT.—Not later than March 1 of the year
18 following the date of the enactment of this Act, the Chair-
19 man of the Broadcasting Board of Governors shall submit
20 to the appropriate congressional committees a report on
21 the status of state-sponsored and state-directed Internet
22 jamming by repressive foreign governments and a descrip-
23 tion of efforts by the United States to counter such jam-
24 ming. Each report shall list the countries the governments
25 of which pursue Internet censorship or jamming and pro-

1 vide information concerning the government agencies or
2 quasi-governmental organizations of such governments
3 that engage in Internet jamming.

4 (b) FORM.—If the Chairman determines that such is
5 appropriate, the Chairman may submit such report to-
6 gether with a classified annex.

7 **SEC. 1111. DEPARTMENT OF STATE EMPLOYMENT COM-**
8 **POSITION.**

9 (a) STATEMENT OF POLICY.—In order for the De-
10 partment of State to accurately represent all people in the
11 United States, the Department must accurately reflect the
12 diversity of the United States.

13 (b) REPORT ON MINORITY RECRUITMENT.—Section
14 324 of the Foreign Relations Authorization Act, Fiscal
15 Year 2003 (Public Law 107–228) is amended—

16 (1) in the matter preceding paragraph (1), by
17 striking “April 1, 2003, and April 1, 2004,” and in-
18 serting “April 1, 2006, and April 1, 2007,”; and

19 (2) in paragraphs (1) and (2), by striking “mi-
20 nority groups” each place it appears and inserting
21 “minority groups and women”.

22 (c) ACQUISITION.—Section 324 of such Act is further
23 amended by adding at the end the following new para-
24 graph:

1 “(3) For the immediately preceding 12-month
2 period for which such information is available—

3 “(A) the numbers and percentages of
4 small, minority-owned, or disadvantaged busi-
5 nesses that provide goods and services to the
6 Department as a result of contracts with the
7 Department during such period;

8 “(B) the total number of such contracts;

9 “(C) the total dollar value of such con-
10 tracts; and

11 “(D) and the percentage value represented
12 by such contract proportionate to the total
13 value of all contracts held by the Department.”.

14 (d) USE OF FUNDS.—The provisions of section 325
15 of such Act shall apply to funds authorized to be appro-
16 priated under section 101(1)(G) of this Act.

17 **SEC. 1112. INCITEMENT TO ACTS OF DISCRIMINATION.**

18 (a) INCLUSION OF INFORMATION RELATING TO IN-
19 CITEMENT TO ACTS OF DISCRIMINATION IN ANNUAL
20 COUNTRY REPORTS ON HUMAN RIGHT PRACTICES.—

21 (1) COUNTRIES RECEIVING ECONOMIC ASSIST-
22 ANCE.—Section 116(d) of the Foreign Assistance
23 Act of 1961 (22 U.S.C. 2151n(d)), as amended by
24 section 614(b)(1) of this Act, is further amended—

1 (A) in paragraph (10), by striking “and”
2 at the end;

3 (B) in paragraph (11)(C), by striking the
4 period at the end and inserting “; and”; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(12) wherever applicable, a description of the
8 nature and extent of—

9 “(A) propaganda in foreign government
10 and foreign government-controlled media and
11 other sources, including foreign government-
12 produced educational materials and textbooks,
13 that attempt to justify or promote racial hatred
14 or incite acts of violence against any race or
15 people;

16 “(B) complicity or involvement by the for-
17 eign government in the creation of such propa-
18 ganda or incitement of acts of violence against
19 any race or people; and

20 “(C) a description of the actions, if any,
21 taken by the foreign government to eliminate
22 such propaganda or incitement.”.

23 (2) COUNTRIES RECEIVING SECURITY ASSIST-
24 ANCE.—Section 502B(b) of the Foreign Assistance
25 Act of 1961 (22 U.S.C. 2304(b)), as amended by

1 section 614(b)(2) of this Act, is further amended by
2 inserting after the ninth sentence the following new
3 sentence: “Each report under this section shall also
4 include, wherever applicable, a description of the na-
5 ture and extent of propaganda in foreign govern-
6 ment and foreign government-controlled media and
7 other sources, including foreign government-pro-
8 duced educational materials and textbooks, that at-
9 tempt to justify or promote racial hatred or incite
10 acts of violence against any race or people, com-
11 plicity or involvement by the foreign government in
12 the creation of such propaganda or incitement of
13 acts of violence against any race or people, and a de-
14 scription of the actions, if any, taken by the foreign
15 government to eliminate such propaganda or incite-
16 ment.”.

17 (b) EFFECTIVE DATE OF AMENDMENT.—The
18 amendment made by subsection (a) shall take effect on
19 the date of the enactment of this Act and apply beginning
20 with the first report submitted by the Secretary of State
21 under sections 116(d) and 502B(b) of the Foreign Assist-
22 ance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) after
23 such date.

1 **SEC. 1113. CHILD MARRIAGE.**

2 (a) ONE TIME REPORT.—Not later than 180 days
3 after the date of the enactment of this Act, the Secretary
4 of State shall submit to the appropriate congressional
5 committees a one time report on the practice of the custom
6 of child marriage in countries around the world. The re-
7 port shall include the following information:

8 (1) A separate section for each country, as ap-
9 plicable, describing the nature and extent of child
10 marriage in such country.

11 (2) A description of the actions, if any, taken
12 by the government of each such country, where ap-
13 plicable, to revise the laws of such country and insti-
14 tutionalize comprehensive procedures and practices
15 to eliminate child marriage.

16 (3) A description of the actions taken by the
17 Department of State and other Federal departments
18 and agencies to encourage foreign governments to
19 eliminate child marriage and to support the activi-
20 ties of non-governmental organizations dedicated to
21 eliminating child marriage and supporting its vic-
22 tims.

23 (b) INCLUSION OF INFORMATION RELATING TO
24 CHILD MARRIAGE IN ANNUAL COUNTRY REPORTS ON
25 HUMAN RIGHTS PRACTICES.—

1 (1) COUNTRIES RECEIVING ECONOMIC ASSIST-
2 ANCE.—Section 116(d) of the Foreign Assistance
3 Act of 1961 (22 U.S.C. 2151n(d)), as amended by
4 sections 614(b)(1) and 1013(a)(1) of this Act, is
5 further amended—

6 (A) in paragraph (11)(C), by striking
7 “and” at the end;

8 (B) in paragraph (12)(C), by striking the
9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following new
11 paragraph:

12 “(13)(A) wherever applicable, a description of
13 the nature and extent of laws and traditions in each
14 country that enable or encourage the practice of
15 child marriage; and

16 “(B) a description of the actions, if any, taken
17 by the government of each such country to revise the
18 laws of such country and institutionalize comprehen-
19 sive procedures and practices to eliminate child mar-
20 riage.”.

21 (2) COUNTRIES RECEIVING SECURITY ASSIST-
22 ANCE.—Section 502B(b) of the Foreign Assistance
23 Act of 1961 (22 U.S.C. 2304(b)), as amended by
24 sections 614(b)(2) and 1013(a)(2) of this Act, is
25 further amended by inserting after the tenth sen-

1 tence the following new sentence: “Each report
2 under this section shall also include, wherever appli-
3 cable, a description of the nature and extent of laws
4 and traditions in each country that enable or encour-
5 age the practice of child marriage and a description
6 of the actions, if any, taken by the government of
7 each such country to revise the laws of such country
8 and institutionalize comprehensive procedures and
9 practices to eliminate child marriage.”.

10 (c) EFFECTIVE DATE OF AMENDMENT.—The
11 amendment made by subsection (b) shall take effect on
12 the date of the enactment of this Act and apply beginning
13 with the first report submitted by the Secretary of State
14 under sections 116(d) and 502B(b) of the Foreign Assist-
15 ance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) after
16 the report required under subsection (a).

17 **SEC. 1114. MAGEN DAVID ADOM SOCIETY.**

18 (a) FINDINGS.—Section 690(a) of the Foreign Rela-
19 tions Authorization Act, Fiscal Year 2003 (Public Law
20 107–228), is amended by adding at the end the following:

21 “(5) Since the founding of the Magen David
22 Adom Society in 1930, the American Red Cross has
23 regarded it as a sister national society forging close
24 working ties between the two societies and has con-
25 sistently advocated recognition and membership of

1 the Magen David Adom Society in the International
2 Red Cross and Red Crescent Movement.

3 “(6) The American Red Cross and the Magen
4 David Adom Society signed an important memo-
5 randum of understanding in November 2002, out-
6 lining areas for strategic collaboration, and the
7 American Red Cross will encourage other societies to
8 establish similar agreements with the Magen David
9 Adom Society.”.

10 (b) SENSE OF CONGRESS.—Section 690(b) of such
11 Act is amended—

12 (1) in paragraph (3), by striking “and” at the
13 end;

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

16 (3) by inserting after paragraph (3) the fol-
17 lowing new paragraph:

18 “(4) the High Contracting Parties to the Gene-
19 va Conventions of August 12, 1949, should adopt
20 the October 12, 2000, draft additional protocol
21 which would accord international recognition to an
22 additional distinctive emblem; and”.

23 (c) REPORT.—Section 690 of such Act is further
24 amended by adding at the end the following new sub-
25 section:

1 “(c) REPORT.—Not later than 60 days after the date
2 of the enactment of the Foreign Relations Authorization
3 Act, Fiscal Years 2006 and 2007, and one year thereafter,
4 the Secretary of State shall submit a report, on a classified
5 basis if necessary, to the appropriate congressional com-
6 mittees describing—

7 “(1) efforts by the United States to obtain full
8 membership for the Magen David Adom Society in
9 the International Red Cross and Red Crescent Move-
10 ment;

11 “(2) efforts by the International Committee of
12 the Red Cross to obtain full membership for the
13 Magen David Adom Society in the International Red
14 Cross and Red Crescent Movement;

15 “(3) efforts of the High Contracting Parties to
16 the Geneva Conventions of August 12, 1949, to
17 adopt the October 12, 2000, draft additional pro-
18 tocol to the Geneva Conventions;

19 “(4) the extent to which the Magen David
20 Adom Society is participating in the activities of the
21 International Red Cross and Red Crescent Move-
22 ment; and

23 “(5) efforts by any state, member, or official of
24 the International Red Cross and Red Crescent Move-

1 ment to prevent, obstruct, or place conditions
2 upon—

3 “(A) adoption by the High Contracting
4 Parties to the Geneva Conventions of August
5 12, 1949, of the October 12, 2000, draft addi-
6 tional protocol to the Geneva Conventions; and

7 “(B) full participation of the Magen David
8 Adom Society in the activities of the Inter-
9 national Red Cross and Red Crescent Move-
10 ment.”.

11 **SEC. 1115. DEVELOPMENTS IN AND POLICY TOWARD INDO-**
12 **NESIA.**

13 (a) STATEMENT OF CONGRESS RELATING TO RE-
14 CENT DEVELOPMENTS, HUMAN RIGHTS, AND REFORM.—
15 Congress—

16 (1) recognizes the remarkable progress in de-
17 mocratization and decentralization made by Indo-
18 nesia in recent years and commends the people of
19 Indonesia on the pace and scale of those continuing
20 reforms;

21 (2) reaffirms—

22 (A) its deep condolences to the people of
23 Indonesia for the profound losses inflicted by
24 the December 26, 2004, earthquake and tsu-
25 nami; and

1 (B) its commitment to generous United
2 States support for relief and long term recon-
3 struction efforts in affected areas;

4 (3) expresses its hope that in the aftermath of
5 the tsunami tragedy the Government of Indonesia
6 and other parties will succeed in reaching and imple-
7 menting a peaceful, negotiated settlement of the
8 long-standing conflict in Aceh;

9 (4) commends the Government of Indonesia for
10 allowing broad international access to Aceh after the
11 December 2004 tsunami, and urges that inter-
12 national nongovernmental organizations and media
13 be allowed unfettered access throughout Indonesia,
14 including in Papua and Aceh;

15 (5) notes with grave concern that—

16 (A) reform of the Indonesian security
17 forces has not kept pace with democratic polit-
18 ical reform, and that the Indonesian military is
19 subject to inadequate civilian control and over-
20 sight, lacks budgetary transparency, and con-
21 tinues to emphasize an internal security role
22 within Indonesia;

23 (B) members of the Indonesian security
24 forces continue to commit many serious human
25 rights violations, including killings, torture,

1 rape, and arbitrary detention, particularly in
2 areas of communal and separatist conflict; and

3 (C) the Government of Indonesia largely
4 fails to hold soldiers and police accountable for
5 extrajudicial killings and other serious human
6 rights abuses, both past and present, including
7 atrocities committed in East Timor prior to its
8 independence from Indonesia;

9 (6) condemns the intimidation and harassment
10 of human rights and civil society organizations by
11 members of the Indonesian security forces and mili-
12 tary-backed militia groups, and urges a complete in-
13 vestigation of the fatal poisoning of prominent
14 human rights activist Munir in September 2004; and

15 (7) urges the Government of Indonesia and the
16 Indonesian military to continue to provide full, ac-
17 tive, and unfettered cooperation to the Federal Bu-
18 reau of Investigation of the Department of Justice
19 in its investigation of the August 31, 2002, attack
20 near Timika, Papua, which killed three people (in-
21 cluding two Americans, Rick Spier and Ted Burgon)
22 and injured 12 others, and to pursue the indictment,
23 apprehension, and prosecution of all parties respon-
24 sible for that attack.

1 (b) FINDINGS RELATING TO PAPUA.—Congress finds
2 the following:

3 (1) Papua, a resource-rich province whose in-
4 digenous inhabitants are predominantly Melanesian,
5 was formerly a colony of the Netherlands.

6 (2) While Indonesia has claimed Papua as part
7 of its territory since its independence in the late
8 1940s, Papua remained under Dutch administrative
9 control until 1962.

10 (3) On August 15, 1962, Indonesia and the
11 Netherlands signed an agreement at the United Na-
12 tions in New York (commonly referred to as the
13 “New York Agreement”) which transferred adminis-
14 tration of Papua first to a United Nations Tem-
15 porary Executive Authority (UNTEA), and then to
16 Indonesia in 1963, pending an “act of free choice
17 . . . to permit the inhabitants to decide whether
18 they wish to remain with Indonesia”.

19 (4) In the New York Agreement, Indonesia for-
20 mally recognized “the eligibility of all adults [in
21 Papua] . . . to participate in [an] act of self-deter-
22 mination to be carried out in accordance with inter-
23 national practice”, and pledged “to give the people
24 of the territory the opportunity to exercise freedom
25 of choice . . . before the end of 1969”.

1 (5) In July and August 1969, Indonesia con-
2 ducted an “Act of Free Choice”, in which 1,025 se-
3 lected Papuan elders voted unanimously to join In-
4 donesia, in circumstances that were subject to both
5 overt and covert forms of manipulation.

6 (6) In the intervening years, indigenous
7 Papuan have suffered extensive human rights
8 abuses, natural resource exploitation, environmental
9 degradation, and commercial dominance by immi-
10 grant communities, and some individuals and groups
11 estimate that more than 100,000 Papuans have been
12 killed during Indonesian rule, primarily during the
13 Sukarno and Suharto administrations.

14 (7) While the United States supports the terri-
15 torial integrity of Indonesia, Indonesia’s historical
16 reliance on force for the maintenance of control has
17 been counterproductive, and long-standing abuses by
18 security forces have galvanized independence senti-
19 ments among many Papuans.

20 (8) While the Indonesian parliament passed a
21 Special Autonomy Law for Papua in October 2001
22 that was intended to allocate greater revenue and
23 decision making authority to the Papuan provincial
24 government, the promise of special autonomy has
25 not been effectively realized and has been under-

1 mined in its implementation, such as by conflicting
2 legal directives further subdividing the province in
3 apparent contravention of the law and without the
4 consent of appropriate provincial authorities.

5 (9) Rather than demilitarizing its approach, In-
6 donesia has reportedly sent thousands of additional
7 troops to Papua, and military operations in the cen-
8 tral highlands since the fall of 2004 have displaced
9 thousands of civilians into very vulnerable cir-
10 cumstances, contributing further to mistrust of the
11 central government by many indigenous Papuans.

12 (10) According to the 2004 Annual Country
13 Report on Human Rights Practices of the Depart-
14 ment of State, in Indonesia “security force members
15 murdered, tortured, raped, beat, and arbitrarily de-
16 tained civilians and members of separatist move-
17 ments” and “police frequently and arbitrarily de-
18 tained persons without warrants, charges, or court
19 proceedings” in Papua.

20 (c) REPORTING REQUIREMENTS.—

21 (1) REPORT ON SPECIAL AUTONOMY.—Not
22 later than 180 days after the date of the enactment
23 of this Act and one year thereafter, the Secretary of
24 State shall submit to the appropriate congressional
25 committees a report detailing implementation of spe-

1 cial autonomy for Papua and Aceh. Such reports
2 shall include—

3 (A) an assessment of the extent to which
4 each province has enjoyed an increase in rev-
5 enue allocations and decision making authority;

6 (B) a description of access by international
7 press and non-governmental organizations to
8 each province;

9 (C) an assessment of the role played by
10 local civil society in governance and decision
11 making;

12 (D) a description of force levels and con-
13 duct of Indonesian security forces in each prov-
14 ince; and

15 (E) a description of United States efforts
16 to promote respect for human rights in each
17 province.

18 (2) REPORT ON THE 1969 ACT OF FREE
19 CHOICE.—Not later than 180 days after the date of
20 the enactment of this Act, the Secretary of State
21 shall submit to the appropriate congressional com-
22 mittees a report analyzing the 1969 Act of Free
23 Choice.

1 **SEC. 1116. MURDERS OF UNITED STATES CITIZENS JOHN**
2 **BRANCHIZIO, MARK PARSON, AND JOHN**
3 **MARIN LINDE.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings:

6 (1) On October 15, 2003, a convoy of clearly
7 identified United States diplomatic vehicles was at-
8 tacked by Palestinian terrorists in Gaza resulting in
9 the death of United States citizens John Branchizio,
10 Mark Parson, and John Marin Linde, and the injury
11 of a fourth United States citizen.

12 (2) John Branchizio, Mark Parson, and John
13 Marin Linde were contract employees providing se-
14 curity to United States diplomatic personnel who
15 were visiting Gaza in order to identify potential Pal-
16 estinian candidates for Fulbright Scholarships.

17 (3) A senior official of the Palestinian Author-
18 ity was reported to have stated on September 22,
19 2004, that “Palestinian security forces know who
20 was behind the killing” of John Branchizio, Mark
21 Parson, and John Marin Linde.

22 (4) Following her visit to Israel and the West
23 Bank on February 7, 2005, Secretary of State
24 Condoleezza Rice announced that she had been “as-
25 sured by President Abbas of the Palestinian
26 Authority’s intention to bring justice to those who

1 murdered three American personnel in the Gaza in
2 2003”.

3 (5) Since the attack on October 15, 2003,
4 United States Government personnel have been pro-
5 hibited from all travel in Gaza.

6 (6) The United States Rewards for Justice pro-
7 gram is offering a reward of up to \$5,000,000 for
8 information leading to the arrest or conviction of
9 any persons involved in the murder of John
10 Branchizio, Mark Parson, and John Marin Linde.

11 (b) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1) the continued inability or unwillingness of
14 the Palestinian Authority to actively and aggres-
15 sively pursue the murderers of United States citizens
16 John Branchizio, Mark Parson, and John Marin
17 Linde and bring them to justice calls into question
18 the Palestinian Authority’s viability as a partner for
19 the United States in resolving the Palestinian-Israeli
20 conflict;

21 (2) future United States assistance to the Pal-
22 estinian Authority may be affected, and the contin-
23 ued operation of the PLO Representative Office in
24 Washington may be jeopardized, if the Palestinian
25 Authority does not fully and effectively cooperate in

1 bringing to justice the murderers of John
2 Branchizio, Mark Parson, and John Marin Linde;
3 and

4 (3) it is in the vital national security interest of
5 the United States to safeguard, to the greatest ex-
6 tent possible consistent with their mission, United
7 States diplomats and all embassy and consulate per-
8 sonnel, and to use the full power of the United
9 States to bring to justice any individual or entity
10 that threatens, jeopardizes, or harms them.

11 (c) REPORT.—Not later than 30 days after the date
12 of the enactment of this Act, and every 120 days there-
13 after, the Secretary of State shall submit a report, on a
14 classified basis if necessary, to the appropriate congres-
15 sional committees describing—

16 (1) efforts by the United States to bring to jus-
17 tice the murderers of United States citizens John
18 Branchizio, Mark Parson, and John Marin Linde;

19 (2) a detailed assessment of efforts by the Pal-
20 estinian Authority to bring to justice the murderers
21 of John Branchizio, Mark Parson, and John Marin
22 Linde, including—

23 (A) the number of arrests, interrogations,
24 and interviews by Palestinian Authority officials
25 related to the case;

1 (B) the number of Palestinian security
2 personnel and man-hours assigned to the case;

3 (C) the extent of personal supervision or
4 involvement by the President and Ministers of
5 the Palestinian Authority; and

6 (D) the degree of cooperation between the
7 United States and the Palestinian Authority in
8 regards to this case;

9 (3) a specific assessment by the Secretary of
10 whether the Palestinian efforts described in para-
11 graph (2) constitute the best possible effort by the
12 Palestinian Authority; and

13 (4) any additional steps or initiatives requested
14 or recommended by the United States that were not
15 pursued by the Palestinian Authority.

16 (d) CERTIFICATION.—The requirement to submit a
17 report under subsection (c) shall no longer apply if the
18 Secretary of State certifies to the appropriate congres-
19 sional committees that the murderers of United States
20 citizens John Branchizio, Mark Parson, and John Marin
21 Linde have been identified, arrested, and brought to jus-
22 tice.

23 (e) DEFINITION.—In this section, the term “appro-
24 priate congressional committees” means—

1 (1) the Committee on International Relations
2 and the Committee on Appropriations of the House
3 of Representatives; and

4 (2) the Committee on Foreign Relations and
5 the Committee on Appropriations of the Senate.

6 **SEC. 1117. DIPLOMATIC RELATIONS WITH ISRAEL.**

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

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

12 (2) Israel currently maintains diplomatic rela-
13 tions with 160 countries, 33 countries do not have
14 any diplomatic relations with Israel, and one country
15 has partial relations with Israel.

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

19 (4) After 57 years of existence, Israel deserves
20 to be treated as an equal country by its neighbors
21 and the world community.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the United States should assist Israel in its ef-
24 forts to establish diplomatic relations.

1 (c) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act and annually thereafter, the
3 Secretary of State shall submit to the appropriate congres-
4 sional committees a report that includes the following in-
5 formation (in classified or unclassified form, as appro-
6 priate):

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

10 (2) Specific responses solicited and received by
11 the Secretary from countries that do not maintain
12 full diplomatic relations with Israel with respect to
13 their attitudes toward and plans for entering into
14 diplomatic relations with Israel.

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

19 (d) DEFINITION.—In this section, the term “appro-
20 priate congressional committees” means—

21 (1) the Committee on International Relations
22 and the Committee on Appropriations of the House
23 of Representatives; and

24 (2) the Committee on Foreign Relations and
25 the Committee on Appropriations of the Senate.

1 **SEC. 1118. TAX ENFORCEMENT IN COLOMBIA.**

2 Not later than 90 days after the date of the enact-
3 ment of this Act, the Secretary of State shall submit to
4 the Committee on International Relations of the House
5 of Representatives, the Committee on Foreign Relations
6 of the Senate, the Committee on Appropriations of the
7 House of Representatives, and the Committee on Appro-
8 priations of the Senate a report detailing challenges to tax
9 code enforcement in Colombia. This report shall include,
10 as a percentage of Colombia's gross domestic product, an
11 estimate of current tax revenue, an estimate of potential
12 additional tax revenue if Colombia's existing tax laws were
13 fully enforced, and a discussion of how such additional rev-
14 enue could be used to achieve the objectives of Plan Co-
15 lombia, including supporting and expanding Colombia's
16 security forces and increasing the availability of alter-
17 native livelihoods for illicit crop growers and former com-
18 batants.

19 **SEC. 1119. PROVISION OF CONSULAR AND VISA SERVICES**
20 **IN PRISTINA, KOSOVA.**

21 (a) REPORT.—Not later than 90 days after the date
22 of the enactment of this Act, the Secretary of State shall
23 submit to the appropriate congressional committees a re-
24 port describing the possibility of providing consular and
25 visa services at the United States Office Pristina, Kosovo
26 (USOP) to residents of Kosova.

1 (b) CONTENTS.—The report required under sub-
2 section (a) shall contain the following information:

3 (1) The reasons why consular and visa services
4 are not currently offered at the USOP, even though
5 the Office has been in operation for more than five
6 years.

7 (2) Plans for providing consular and visa serv-
8 ices at the USOP, including conditions required be-
9 fore such services would be provided and the planned
10 timing for providing such services.

11 (3) An explanation of why consular and visa
12 services will not be offered at the USOP by January
13 1, 2007, if such services are not planned to be of-
14 fered by such date.

15 (4) The number of residents of Kosova who
16 apply for their visas outside of Kosova for each cal-
17 endar year from 2000–2005.

18 **SEC. 1120. DEMOCRACY IN PAKISTAN.**

19 Not later than December 31 in each of fiscal years
20 2006 and 2007, the President shall submit to the appro-
21 priate congressional committees a report that contains a
22 description of the extent to which, over the preceding 12-
23 month period, the Government of Pakistan has restored
24 a fully functional democracy in Pakistan in which free,
25 fair, and transparent elections are held.

1 **SEC. 1121. STATUS OF THE SOVEREIGNTY OF LEBANON.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that—

4 (1) all parties in the Middle East and inter-
5 nationally should exert every effort to implement in
6 its entirety the provisions of United Nations Secu-
7 rity Council Resolution 1559 (2004), which, among
8 other things—

9 (A) calls for “strict respect” for Lebanon’s
10 sovereignty, territorial integrity, unity, and po-
11 litical independence “under the sole and exclu-
12 sive authority of the Government of Lebanon
13 throughout Lebanon”;

14 (B) calls upon all remaining foreign forces
15 to withdraw from Lebanon;

16 (C) calls for the “disbanding and disar-
17 mament of all Lebanese and non-Lebanese mili-
18 tias”; and

19 (D) supports the extension of the control
20 of the Government of Lebanon over all Leba-
21 nese territory;

22 (2) in accordance with United Nations Security
23 Council Resolution 1559, all militias in Lebanon, in-
24 cluding Hizballah, should be disbanded and dis-
25 armed at the earliest possible opportunity, and the

1 armed forces of Lebanon should take full control of
2 all of Lebanon's territory and borders;

3 (3) the Government of Lebanon is responsible
4 for the disbanding and disarming of the militias, in-
5 cluding Hizballah, and preventing the flow of arma-
6 ments and other military equipment to the militias,
7 including Hizballah, from Syria, Iran, and other ex-
8 ternal sources;

9 (4) Hizballah utilizes its resources to operate
10 its television station, al-Manar, to recruit terrorists
11 and incite violence, which contributes to instability
12 in Lebanon and throughout the region;

13 (5) the Government of Lebanon should take
14 steps to address the threat posed by al-Manar, in-
15 cluding by revoking its license;

16 (6) the Government of the United States should
17 closely monitor progress toward full implementation
18 of all aspects of United Nations Security Council
19 Resolution 1559, particularly the matters described
20 in subparagraphs (A) through (D) of paragraph (1);

21 (7) the Government of the United States should
22 closely monitor the Government of Lebanon's efforts
23 to stanch the flow of armaments and other military
24 equipment to Hizballah and other militias from ex-
25 ternal sources, such as Syria and Iran;

1 (8) the United States and its allies should con-
2 sider providing training and other assistance to the
3 armed forces of Lebanon to enhance their ability to
4 disarm Hizballah and other militias and stanch the
5 flow of arms to Hizballah and other militias; and

6 (9) United States assistance provided to Leb-
7 anon after the date of the enactment of this Act may
8 be affected if Lebanon does not make every effort to
9 disarm militias, including Hizballah, and to deny
10 them re-armament.

11 (b) REPORT.—Not later than 120 days after the date
12 of the enactment of this Act, and every 180 days there-
13 after, the Secretary of State shall submit to the appro-
14 priate congressional committees a report that describes
15 and evaluates—

16 (1) the extent to which armed militias continue
17 to operate in Lebanon and the progress of the Gov-
18 ernment of Lebanon to disband and disarm such mi-
19 litas;

20 (2) the extent to which the Government of Leb-
21 anon is committed to disbanding and disarming
22 Hizballah and other militias and stanching the flow
23 of arms to Hizballah and other militias;

1 (3) the progress of the armed forces of Lebanon
2 to deploy to and take full control of all of Lebanon's
3 borders;

4 (4) the extent to which countries in the region
5 attempt to direct arms to Lebanon-based militias or
6 allow their territory to be traversed for this purpose
7 and the extent to which these armament efforts suc-
8 ceed;

9 (5) the routes and means used by external
10 sources attempting to supply arms to the Lebanon-
11 based militias the countries that are involved in
12 these efforts;

13 (6) the efforts of the United States and its al-
14 lies to facilitate the process of disbanding and dis-
15 arming Lebanon-based militias and stanching the
16 flow of weapons to such militias;

17 (7) any recommendations for legislation to sup-
18 port the disbanding and disarming of Lebanon-based
19 militias; and

20 (8) efforts by the Government of Lebanon and
21 the United States and its allies to end broadcasts by
22 al-Manar.

23 (c) FORM.—The report required by subsection (b)
24 shall be submitted in unclassified form and may contain
25 a classified annex if necessary.

1 (d) CERTIFICATION.—The requirement to submit a
2 report under subsection (b) shall no longer apply if the
3 Secretary certifies to the appropriate congressional com-
4 mittees that all Lebanon-based militias have been dis-
5 banded and disarmed and the armed forces of Lebanon
6 are deployed to and in full control of Lebanon’s borders.

7 **SEC. 1122. ACTIVITIES OF INTERNATIONAL TERRORIST OR-**
8 **GANIZATIONS IN LATIN AMERICA AND THE**
9 **CARIBBEAN.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that—

12 (1) activities in Latin America and the Carib-
13 bean by international terrorist organizations and
14 their affiliates and supporters represent a direct
15 threat to the national security of the United States
16 and hemispheric stability;

17 (2) international terrorist organizations, such
18 as Hezbollah and Hamas, have profited and taken
19 advantage of the dearth or weakened state of the
20 rule of law in many Latin American and Caribbean
21 countries to further their own aims; and

22 (3) the United States should work cooperatively
23 with countries of Latin America and the Caribbean
24 to expose and prevent such activities.

1 (b) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, and not later than June 30
3 of the year thereafter, the Secretary of State shall submit
4 to the appropriate congressional committees a report on
5 the activities of international terrorist organizations in
6 Latin America and the Caribbean. The report shall include
7 the following:

8 (1) An assessment of the membership, stated
9 intentions, recruitment, and terrorist fundraising ca-
10 pabilities of each international terrorist organization
11 operating in Latin America and the Caribbean.

12 (2) An assessment of the relationship of each
13 such international terrorist organization with other
14 criminal enterprises or terrorist organizations for
15 fundraising and other criminal purposes.

16 (3) An assessment of the activities of each such
17 international terrorist organization.

18 (c) FORM.—The report required by subsection (b)
19 shall be submitted in unclassified form but may contain
20 a classified annex.

21 **SEC. 1123. ANALYSIS OF EMPLOYING WEAPONS SCIENTISTS**
22 **FROM THE FORMER SOVIET UNION IN**
23 **PROJECT BIOSHIELD.**

24 (a) REPORT.—Not later than November 1, 2006, the
25 Secretary of State, after consultation with the Secretary

1 of Health and Human Services, shall submit to the appro-
2 priate congressional committees a report containing an
3 analysis of—

4 (1) the scientific and technological contributions
5 that scientists formerly employed in the former So-
6 viet Union in the field of biological warfare could
7 make to the research and development of biomedical
8 countermeasures;

9 (2) the practical alternative methods through
10 which the services of such scientists could be em-
11 ployed so as to facilitate the application of the
12 knowledge and experience of such scientists to such
13 research and development;

14 (3) the cost-effectiveness of those methods of
15 employing the services of such scientists; and

16 (4) the desirability and national security impli-
17 cations of providing employment opportunities for
18 such scientists in the field of research and develop-
19 ment of biomedical countermeasures for purposes of
20 biological weapons nonproliferation.

21 (b) RECOMMENDATIONS.—Each Secretary shall also
22 include in the report required under subsection (a) any
23 recommendations of each for appropriate legislation to ad-
24 dress the issues analyzed in the report.

1 (c) DEFINITION.—In this section, the term “bio-
2 medical countermeasures” means a drug (as such term is
3 defined in section 201(g)(1) of the Federal Food, Drug,
4 and Cosmetic Act (21 U.S.C. 321(g)(1))), biological prod-
5 uct (as such term is defined in section 351(i) of the Public
6 Health Service Act (42 U.S.C. 262(i))), or device (as such
7 term is defined in section 201(h) of the Federal Food,
8 Drug, and Cosmetic Act (21 U.S.C. 321(h))) that is
9 used—

10 (1) in the diagnosis, cure, mitigation, treat-
11 ment, or prevention of harm from any biological,
12 chemical, radiological, or nuclear agent that may
13 cause a public health emergency affecting national
14 security; or

15 (2) in diagnosis, cure, mitigation, treatment, or
16 prevention of harm from a condition that may result
17 in adverse health consequences or death.

18 **SEC. 1124. EXTRADITION OF VIOLENT CRIMINALS FROM**
19 **MEXICO TO THE UNITED STATES.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) Mexico is unable to extradite criminals who
22 face life sentences without the possibility of parole
23 because of a 2001 decision of the Mexican Supreme
24 Court.

1 (2) As a result of this ruling, Mexico is unable
2 to extradite to the United States numerous suspects
3 wanted for violent crimes committed in the United
4 States unless the United States assures Mexico that
5 these criminals will not face life imprisonment with-
6 out the possibility of parole.

7 (3) The attorneys general from all 50 States
8 have asked the Government of the United States to
9 continue to address this extradition issue with the
10 Government of Mexico.

11 (4) The Government of the United States and
12 the Government of Mexico have experienced positive
13 cooperation on numerous matters relevant to their
14 bilateral relationship, including increased coopera-
15 tion on extraditions.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Government of the United States should
18 encourage the Government of Mexico to continue to work
19 closely with the Mexican Supreme Court to urge the Court
20 to re-visit its October 2001 ruling so that the possibility
21 of life imprisonment without parole will not have an effect
22 on the timely extradition of criminal suspects from Mexico
23 to the United States.

24 (c) REPORTS.—

1 (1) ANNUAL NUMBER AND STATUS OF FORMAL
2 EXTRADITION REQUESTS MADE TO MEXICO BY THE
3 UNITED STATES.—Not later than six months after
4 the date of the enactment of this Act and annually
5 thereafter, the Secretary of State shall submit to the
6 appropriate congressional committees a report that
7 includes—

8 (A) the number of formal requests made to
9 the Government of Mexico by the Government
10 of the United States for the extradition of
11 Mexican nationals suspected of or convicted *in*
12 *absentia* for crimes committed in the United
13 States in the preceding fiscal year, the names
14 of such nationals, the crimes of which each such
15 national is suspected or has been convicted *in*
16 *absentia*, a detailed disposition of the status of
17 each such extradition request, and the progress
18 that has been made with respect to each such
19 extradition request in the preceding fiscal year;
20 and

21 (B) the number of such nationals who
22 Mexico has extradited to the United States in
23 response to formal extradition requests for such
24 nationals in the preceding fiscal year.

1 (2) AGGREGATE NUMBER AND STATUS OF FOR-
2 MAL EXTRADITION REQUESTS MADE TO MEXICO BY
3 THE UNITED STATES.—Not later than six months
4 after the date of the enactment of this Act and an-
5 nually thereafter, the Secretary of State shall submit
6 to the appropriate congressional committees a report
7 that includes—

8 (A) the number of formal requests made to
9 the Government of Mexico by the Government
10 of the United States for the extradition of
11 Mexican nationals suspected of or convicted *in*
12 *absentia* for crimes committed in the United
13 States since the signing of the Extradition trea-
14 ty, with appendix, between the United States
15 and Mexico, signed at Mexico City on May 4,
16 1978 (31 UST 5059), including the names of
17 such nationals, the crimes of which each such
18 national is suspected or has been convicted *in*
19 *absentia*, a detailed disposition of the status of
20 each such extradition request, and the progress
21 that has been made with respect to each such
22 extradition request since such signing; and

23 (B) the number of such nationals who
24 Mexico has extradited to the United States in
25 response to formal extradition requests for such

1 nationals since the signing of the Extradition
2 treaty, with appendix between the United
3 States and Mexico.

4 (3) COOPERATION BY THE UNITED STATES
5 WITH EXTRADITION REQUESTS FROM MEXICO.—Not
6 later than six months after the date of the enact-
7 ment of this Act and annually thereafter, the Sec-
8 retary of State shall submit to the appropriate con-
9 gressional committees a report that includes—

10 (A) the number of United States nationals
11 who the United States has extradited to Mexico
12 in response to formal extradition requests for
13 such nationals by Mexico in the preceding fiscal
14 year; and

15 (B) the number of United States nationals
16 who the United States has extradited to Mexico
17 in response to formal extradition requests for
18 such nationals by Mexico since the signing of
19 the Extradition treaty, with appendix between
20 the United States and Mexico.

21 (d) FORM.—If the Secretary of State determines that
22 such is appropriate, the Secretary may submit a report
23 required under subsection (c) with a classified annex.

1 **SEC. 1125. ACTIONS OF THE 661 COMMITTEE.**

2 (a) REPORT.—Not later than 120 days after the date
3 of the enactment of this Act, the Secretary of State shall
4 submit to the appropriate congressional committees a re-
5 port on United States decisions, actions, communications,
6 and deliberations in the 661 Committee of the United Na-
7 tions regarding the issues of overpricing of contracts, kick-
8 backs from sales of humanitarian goods, efforts to correct
9 and revalue the remaining contracts in the post-Saddam
10 Hussein regime era, oil smuggling, and trade protocols.
11 The report shall examine the process by which the United
12 States made its decisions in the 661 Committee, the offi-
13 cials in the United States Government involved in these
14 decisions, and the names of the officials who made the
15 final decisions. The report shall also include information
16 detailing the positions of the other members states of the
17 661 Committee with respect to the issues described in this
18 subsection.

19 (b) INCLUSION OF SUPPORTING DOCUMENTS.—The
20 report required under subsection (a) shall contain all sup-
21 porting documents with respect to the decisions, actions,
22 communications, and deliberations referred in such sub-
23 section.

24 (c) FORMAT.—If the Secretary determines that such
25 is appropriate, the Secretary may submit the report re-
26 quired under subsection (a) with a classified annex.

1 (d) DEFINITION.—In this section, the term “661
2 Committee” means the committee within the United Na-
3 tions that was tasked with administering the United Na-
4 tions oil for food program.

5 **SEC. 1126. ELIMINATION OF REPORT ON REAL ESTATE**
6 **TRANSACTIONS.**

7 Section 12 of the Foreign Service Buildings Act,
8 1926 (22 U.S.C. 303) is hereby repealed.

9 **SEC. 1127. ALIEN SMUGGLING AND TRAFFICKING IN PER-**
10 **SONS FROM ECUADOR.**

11 (a) IN GENERAL.—Not later than six months after
12 the date of the enactment of this Act, the Secretary of
13 State shall submit to the appropriate congressional com-
14 mittees a report, based on a cost-benefit analysis, that ex-
15 amines and describes the most effective use, across all re-
16 sponsible Federal departments and agencies, of United
17 States security assistance (including assistance under
18 chapter 8 of part I of the Foreign Assistance Act of 1961
19 (22 U.S.C. 2291 et seq.; relating to international narcotics
20 control)) to Ecuador, including the use of intelligence
21 gathering and surveillance, to establish mechanisms to—

22 (1) prevent and interdict alien smuggling, in-
23 cluding trafficking in persons, from Ecuador, either
24 at land points of assembly, or later at sea;

1 (2) prevent potential concealment of terrorists
2 attempting to enter the United States within the
3 smuggled group; and

4 (3) identify and prosecute individuals or organi-
5 zations that engage in or promote such alien smug-
6 gling.

7 (b) COOPERATION IN PREPARATION.—The Secretary
8 shall prepare the report referred to in subsection (a) in
9 cooperation with the Secretary of Homeland Security, who
10 shall specifically address the roles and impacts of alien
11 smuggling from Ecuador on United States air and surface
12 assets assigned to counternarcotics missions in the eastern
13 Pacific Ocean.

14 **SEC. 1128. EXTRADITIONS OF AFGHAN DRUG TRAFFICKERS**
15 **AND DRUG KINGPINS.**

16 Not later than 90 days after the date of the enact-
17 ment of this Act, the Secretary of State shall submit to
18 the appropriate congressional committees a report describ-
19 ing all pending United States requests for extradition
20 from Afghanistan of illicit drug traffickers and drug king-
21 pins who are under indictment in the United States. Such
22 report shall also include a description of the status and
23 response to such requests from the Government of Af-
24 ghanistan.

1 **SEC. 1129. FUNDING FOR NONGOVERNMENTAL ORGANIZA-**
2 **TIONS UNDER THE PRESIDENT'S EMERGENCY**
3 **PLAN FOR AIDS RELIEF.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, the Secretary of State shall submit to
6 the appropriate congressional committees a report that—

7 (1) identifies by name each nongovernmental
8 organization that has received funding under the
9 President's Emergency Plan for AIDS Relief on or
10 after the date of the enactment of the United States
11 Leadership Against HIV/AIDS, Tuberculosis, and
12 Malaria Act of 2003 (Public Law 108–25), the date
13 on which the funding was provided to the organiza-
14 tion, and the date on which the organization filed a
15 statement with the Government of the United States
16 certifying that the organization has in effect a policy
17 explicitly opposing prostitution and sex trafficking;
18 and

19 (2) contains a description of the plan of the De-
20 partment of State to audit compliance by each non-
21 governmental organization that receives funding
22 under the President's Emergency Plan for AIDS Re-
23 lief to have and adhere to a policy explicitly opposing
24 prostitution and sex trafficking and to submit to the
25 appropriate congressional committees the results of
26 such audit.

1 **TITLE XII—HENRY J. HYDE**
2 **UNITED NATIONS REFORM**
3 **ACT OF 2005**

4 **SEC. 1201. SHORT TITLE.**

5 This title may be cited as the “Henry J. Hyde United
6 Nations Reform Act of 2005”.

7 **SEC. 1202. DEFINITIONS.**

8 In this title:

9 (1) **EMPLOYEE.**—The term “employee” means
10 an individual who is employed in the general serv-
11 ices, professional staff, or senior management of the
12 United Nations, including contractors and consult-
13 ants.

14 (2) **GENERAL ASSEMBLY.**—The term “General
15 Assembly” means the General Assembly of the
16 United Nations.

17 (3) **MEMBER STATE.**—The term “Member
18 State” means a Member State of the United Na-
19 tions. Such term is synonymous with the term
20 “country”.

21 (4) **SECRETARY.**—The term “Secretary” means
22 the Secretary of State.

23 (5) **SECRETARY GENERAL.**—The term “Sec-
24 retary General” means the Secretary General of the
25 United Nations.

1 (6) SECURITY COUNCIL.—The term “Security
2 Council” means the Security Council of the United
3 Nations.

4 (7) SPECIALIZED AGENCIES AND SPECIALIZED
5 AGENCIES OF THE UNITED NATIONS.—The terms
6 “specialized agencies” and “specialized agencies of
7 the United Nations” mean—

8 (A) the Food and Agriculture Organization
9 (FAO);

10 (B) the International Atomic Energy
11 Agency (IAEA);

12 (C) the International Civil Aviation Orga-
13 nization (ICAO);

14 (D) the International Fund for Agricul-
15 tural Development (IFAD);

16 (E) the International Labor Organization
17 (ILO);

18 (F) the International Maritime Organiza-
19 tion (IMO);

20 (G) the International Telecommunication
21 Union (ITU);

22 (H) the United Nations Educational, Sci-
23 entific, and Cultural Organization (UNESCO);

24 (I) the United Nations Industrial Develop-
25 ment Organization (UNIDO);

- 1 (J) the Universal Postal Union (UPU);
2 (K) the World Health Organization
3 (WHO) and its regional agencies;
4 (L) the World Meteorological Organization
5 (WMO); and
6 (M) the World Intellectual Property Orga-
7 nization (WIPO).

8 **SEC. 1203. STATEMENT OF CONGRESS.**

9 Congress declares that, in light of recent history, it
10 is incumbent upon the United Nations to enact significant
11 reform measures if it is to restore the public trust and
12 confidence necessary for it to achieve the laudable goals
13 set forth in its Charter. To this end, the following Act
14 seeks to reform the United Nations.

15 **Subtitle A—Mission and Budget of**
16 **the United Nations**

17 **SEC. 1211. UNITED STATES FINANCIAL CONTRIBUTIONS TO**
18 **THE UNITED NATIONS.**

19 (a) STATEMENTS OF POLICY.—

20 (1) IN GENERAL.—It shall be the policy of the
21 United States to use its voice, vote, and influence at
22 the United Nations to—

23 (A) pursue a streamlined, efficient, and ac-
24 countable regular assessed budget of the United
25 Nations; and

1 (B) shift funding mechanisms of certain
2 organizational programs of the United Nations
3 specified under paragraph (4) from the regular
4 assessed budget to voluntarily funded programs.

5 (2) UNITED STATES CONTRIBUTIONS.—It shall
6 be the policy of the United States to—

7 (A) redirect United States contributions to
8 the United Nations to achieve the policy objec-
9 tives described in paragraph (1)(B); and

10 (B) redirect a portion of funds from the
11 following organizational programs to pursue the
12 policy objectives described in paragraph (1)(A):

13 (i) Public Information.

14 (ii) General Assembly affairs and con-
15 ference services.

16 (3) FUTURE BIENNIUM BUDGETS.—It shall be
17 the policy of the United States to use its voice, vote,
18 and influence at the United Nations to ensure that
19 future biennial budgets of the United Nations, as
20 agreed to by the General Assembly, reflect the shift
21 in funding mechanisms described in paragraph
22 (1)(B) and the redirection of funds described in
23 paragraph (2).

1 (4) CERTAIN ORGANIZATIONAL PROGRAMS.—

2 The organizational programs referred to in para-
3 graph (1)(B) are the following:

4 (A) Economic and social affairs.

5 (B) Least-developed countries, landlocked
6 developing countries and small island devel-
7 oping States.

8 (C) United Nations support for the New
9 Partnership for Africa's Development.

10 (D) Trade and development.

11 (E) International Trade Center UNCTAD/
12 WTO.

13 (F) Environment.

14 (G) Human settlements.

15 (H) Crime prevention and criminal justice.

16 (I) International drug control.

17 (J) Economic and social development in
18 Africa.

19 (K) Economic and social development in
20 Asia and the Pacific.

21 (L) Economic development in Europe.

22 (M) Economic and social development in
23 Latin America and the Caribbean.

24 (N) Economic and social development in
25 Western Asia.

1 (O) Regular program of technical coopera-
2 tion.

3 (P) Development account.

4 (Q) Protection of and assistance to refu-
5 gees.

6 (R) Palestine refugees.

7 (b) AUTHORIZATION WITH RESPECT TO THE REG-
8 ULAR ASSESSED BUDGET OF THE UNITED NATIONS.—
9 Subject to the amendment made by subsection (c), the
10 Secretary of State is authorized to make contributions to-
11 ward the amount assessed to the United States by the
12 United Nations for the purpose of funding the regular as-
13 sessed budget of the United Nations.

14 (c) UNITED STATES FINANCIAL CONTRIBUTIONS TO
15 THE UNITED NATIONS.—Section 11 of the United Na-
16 tions Participation Act of 1945 (22 U.S.C. 287e–3) is
17 amended to read as follows:

18 **“SEC. 11. UNITED STATES FINANCIAL CONTRIBUTIONS TO**
19 **THE UNITED NATIONS.**

20 “(a) POLICY OF THE UNITED STATES RELATING TO
21 THE REGULAR ASSESSED BUDGET OF THE UNITED NA-
22 TIONS.—

23 “(1) IN GENERAL.—The President shall direct
24 the United States Permanent Representative to the

1 United Nations to use the voice, vote, and influence
2 of the United States at the United Nations to—

3 “(A) pursue a streamlined, efficient, and
4 accountable regular assessed budget of the
5 United Nations; and

6 “(B) shift funding mechanisms of certain
7 organizational programs of the United Nations
8 specified under paragraph (2) of subsection (c)
9 from the regular assessed budget to voluntarily
10 funded programs.

11 “(2) UNITED STATES CONTRIBUTIONS.—It
12 shall be the policy of the United States to—

13 “(A) redirect United States contributions
14 to the United Nations to achieve the policy ob-
15 jectives described in paragraph (1)(B); and

16 “(B) redirect a portion of funds from the
17 following organizational programs to pursue the
18 policy objectives described in paragraph (1)(A):

19 “(i) Public Information.

20 “(ii) General Assembly affairs and
21 conferences services.

22 “(3) FUTURE BIENNIUM BUDGETS.—The Presi-
23 dent shall direct the United States Permanent Rep-
24 resentative to the United Nations to use the voice,
25 vote, and influence of the United States at the

1 United Nations to ensure that the shifting of fund-
2 ing mechanisms under paragraph (1)(B) and re-
3 directing of contributions under paragraph (2) be re-
4 flected in future resolutions agreed to by the General
5 Assembly for the regular assessed budget of the
6 United Nations for the period of a current biennium.
7 To achieve the policies described in paragraphs (1)
8 and (2), the United States Permanent Representa-
9 tive to the United Nations shall withhold the support
10 of the United States for a consensus for such budget
11 until such time as such budget is reflective of such
12 policies.

13 “(b) 22 PERCENT LIMITATION.—In accordance with
14 section 1171 of the Henry J. Hyde United Nations Re-
15 form Act of 2005, the Secretary may not make a contribu-
16 tion to a regularly assessed biennial budget of the United
17 Nations in an amount greater than 22 percent of the
18 amount calculable under subsection (c).

19 “(c) ANNUAL DUES.—

20 “(1) IN GENERAL.—For annual dues paid by
21 the United States to the United Nations each fiscal
22 year, the percentage specified in subsection (b) shall
23 be multiplied by one-half of the amount of the regu-
24 larly assessed budget of the United Nations for a

1 current biennial period, as agreed to by resolution of
2 the General Assembly.

3 “(2) CALCULATION WITH RESPECT TO CERTAIN
4 ORGANIZATIONAL PROGRAMS FOR REDIRECTION.—

5 The percentage specified in subsection (b) shall be
6 multiplied by one-half of the sum of amounts budg-
7 eted by resolution of the General Assembly for a
8 current biennial period for the following certain or-
9 ganizational programs:

10 “(A) Economic and social affairs.

11 “(B) Least-developed countries, landlocked
12 developing countries and small island devel-
13 oping States.

14 “(C) United Nations support for the New
15 Partnership for Africa’s Development.

16 “(D) Trade and development.

17 “(E) International Trade Center
18 UNCTAD/WTO.

19 “(F) Environment.

20 “(G) Human settlements.

21 “(H) Crime prevention and criminal jus-
22 tice.

23 “(I) International drug control.

24 “(J) Economic and social development in
25 Africa.

1 “(K) Economic and social development in
2 Asia and the Pacific.

3 “(L) Economic development in Europe.

4 “(M) Economic and social development in
5 Latin America and the Caribbean.

6 “(N) Economic and social development in
7 Western Asia.

8 “(O) Regular program of technical co-
9 operation.

10 “(P) Development account.

11 “(Q) Protection of and assistance to refu-
12 gees.

13 “(R) Palestine refugees.

14 “(3) REDIRECTION OF FUNDS.—Of amounts
15 appropriated for contributions towards payment of
16 regular assessed dues to the United Nations for
17 2008 and each subsequent year, if the funding
18 mechanisms of one or more of the organizational
19 programs of the United Nations specified in para-
20 graph (2) have not been shifted from the regular as-
21 sessed budget to voluntarily funded programs in ac-
22 cordance with subsection (a)(1), the Secretary shall
23 ensure that such amounts in each such fiscal year
24 that are specified for each such organizational pro-
25 gram pursuant to the resolution agreed to by the

1 General Assembly for the regular assessed budget of
2 the United Nations for the period of a current bien-
3 nium are redirected from payment of the assessed
4 amount for the regular assessed budget as follows:

5 “(A) Subject to not less than 30 days prior
6 notification to Congress, the Secretary shall ex-
7 pend an amount, not to exceed 40 percent of
8 the amount specified for each such organiza-
9 tional program pursuant to the resolution
10 agreed to by the General Assembly for the reg-
11 ular assessed budget of the United Nations for
12 the period of a current biennium, as a contribu-
13 tion to an eligible organizational program speci-
14 fied in paragraph (4).

15 “(B) Subject to not less than 30 days prior
16 notification to Congress, the Secretary shall ex-
17 pend the remaining amounts under this para-
18 graph to voluntarily funded United Nations spe-
19 cialized agencies, funds, or programs.

20 “(4) ELIGIBLE ORGANIZATIONAL PROGRAMS.—

21 The eligible organizational programs referred to in
22 paragraph (3)(A) for redirection of funds under such
23 paragraph are the following:

24 “(A) Internal oversight.

25 “(B) Human rights.

1 “(C) Humanitarian assistance.

2 “(D) An organizational program specified
3 in subparagraphs (A) through (P) of paragraph
4 (2), subject to paragraph (5).

5 “(5) EXPENDITURE OF REMAINING AMOUNTS
6 TO CERTAIN ORGANIZATION PROGRAMS.—

7 “(A) VOLUNTARY CONTRIBUTION.—Sub-
8 ject to not less than 30 days prior notification
9 to Congress and the limitation specified under
10 subparagraph (B), the Secretary is authorized
11 to make a voluntary contribution to an organi-
12 zational program of the United Nations speci-
13 fied in subparagraphs (A) through (P) of para-
14 graph (2) of any amounts not contributed in a
15 fiscal year to an eligible organizational program
16 specified in subparagraphs (A) through (C) of
17 paragraph (4).

18 “(B) 10 PERCENT LIMITATION.—A vol-
19 untary contribution under subparagraph (A) to
20 an organizational program of the United Na-
21 tions specified in subparagraphs (A) through
22 (P) of paragraph (2) may not exceed 10 percent
23 of the total contribution made under paragraph
24 (3)(A).

1 “(d) FURTHER CALCULATION WITH RESPECT TO
2 BUDGETS FOR PUBLIC INFORMATION AND GENERAL AS-
3 SEMBLY AFFAIRS AND CONFERENCE SERVICES.—

4 “(1) 22 PERCENT LIMITATION.—The Secretary
5 may not make a contribution to a regularly assessed
6 biennial budget of the United Nations in an amount
7 greater than 22 percent of the amount calculable
8 under paragraph (2).

9 “(2) ANNUAL DUES EACH FISCAL YEAR.—

10 “(A) IN GENERAL.—For annual dues paid
11 by the United States to the United Nations
12 each fiscal year, the percentage specified in
13 paragraph (1) shall be multiplied by one-half of
14 the amount of the regularly assessed budget of
15 the United Nations for a current biennial pe-
16 riod, as agreed to by resolution of the General
17 Assembly.

18 “(B) CALCULATION WITH RESPECT TO
19 PUBLIC INFORMATION AND GENERAL ASSEMBLY
20 AFFAIRS AND CONFERENCE SERVICES.—With
21 respect to such United States annual dues, the
22 percentage specified in paragraph (1) shall be
23 multiplied by one-half of the sum of amounts
24 budgeted by resolution of the General Assembly

1 for the 2004–2005 biennial period for the fol-
2 lowing organizational programs:

3 “(i) Public Information.

4 “(ii) General Assembly affairs and
5 conferences services.

6 “(C) REDIRECTION OF FUNDS.—

7 “(i) IN GENERAL.—The President
8 shall direct the United States Permanent
9 Representative to the United Nations to
10 make every effort, including the with-
11 holding of United States support for a con-
12 sensus budget of the United Nations, to
13 reduce the budgets of the organizational
14 programs specified in subparagraph (B)
15 for 2007 by 10 percent against the budgets
16 of such organizational programs for the
17 2004–2005 biennial period. If the budgets
18 of such organizational programs are not so
19 reduced, 20 percent the amount deter-
20 mined under subparagraph (B) for con-
21 tributions towards payment of regular as-
22 sessed dues for 2007 shall be redirected
23 from payment for the amount assessed for
24 United States annual contributions to the

1 regular assessed budget of the United Na-
2 tions.

3 “(ii) SPECIFIC AMOUNTS.—The Sec-
4 retary shall make the amount determined
5 under clause (i) available as a contribution
6 to an eligible organizational program speci-
7 fied in subparagraphs (A) through (C) of
8 paragraph (4) of subsection (c).

9 “(3) POLICY WITH RESPECT TO 2008–2009 BIEN-
10 NIAL PERIOD AND SUBSEQUENT BIENNIAL PERI-
11 ODS.—

12 “(A) IN GENERAL.—The President shall
13 direct the United States Permanent Represent-
14 ative to the United Nations to make every ef-
15 fort, including the withholding of United States
16 support for a consensus budget of the United
17 Nations, to reduce the budgets of the organiza-
18 tional programs specified in subparagraph (B)
19 of paragraph (2) for the 2008–2009 biennial
20 period and each subsequent biennial period by
21 20 percent against the budgets of such organi-
22 zational programs for the 2004–2005 biennial
23 period.

24 “(B) CERTIFICATION.—In accordance with
25 section 1171 of the Henry J. Hyde United Na-

1 tions Reform Act of 2005, a certification shall
2 be required that certifies that the reduction in
3 budgets described in subparagraph (A) has
4 been implemented.”.

5 (d) EFFECTIVE DATE.—The amendment made by
6 subsection (c) shall take effect and apply beginning on Oc-
7 tober 1, 2006.

8 (e) LIMITATION ON UNITED STATES CONTRIBUTIONS
9 TO UNRWA.—The Secretary of State may not make a
10 contribution to the United Nations Relief and Works
11 Agency for Palestine Refugees in the Near East
12 (UNRWA) in an amount greater than the highest con-
13 tribution to UNRWA made by an Arab country, but may
14 not exceed 22 percent of the total budget of UNRWA. For
15 purposes of this subsection, an Arab country includes the
16 following: Algeria, Bahrain, Comoros, Djibouti, Egypt,
17 Iran, Jordan, Kuwait, Lebanon, Libya, Mauritania, Mo-
18 rocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria,
19 Tunisia, the United Arab Emirates, Iraq, and Yemen.

20 (f) POLICY RELATING TO ZERO NOMINAL
21 GROWTH.—It shall be the policy of the United States to
22 use the voice, vote, and influence of the United States at
23 the United Nations to make every effort to enforce zero
24 nominal growth in all assessed dues to the regular budget

1 of the United Nations, its specialized agencies, and its
2 funds and programs.

3 (g) 5.6 Rule.—It shall be the policy of the United
4 States to use the voice, vote, and influence of the United
5 States at the United Nations to actively enforce the 5.6
6 rule at the United Nations, requiring the Secretariat to
7 identify low-priority activities in the budget proposal. The
8 United Nations should strengthen the 5.6 rule by requir-
9 ing that managers identify the lowest priority activities
10 equivalent to 15 percent of their budget request or face
11 an across the board reduction of such amount.

12 (h) ANNUAL PUBLICATION.—It shall be the policy of
13 the United States to use the voice, vote, and influence of
14 the United States at the United Nations to ensure the
15 United Nations is annually publishing a list of all sub-
16 sidiary bodies and their functions, budgets, and staff.

17 (i) SCALE OF ASSESSMENTS.—

18 (1) IN GENERAL.—The President shall direct
19 the United States Permanent Representative to the
20 United Nations to use the voice, vote, and influence
21 of the United States at the United Nations to make
22 every effort to ensure that the difference between
23 the scale of assessments for the five permanent
24 members of the Security Council is not greater than

1 five times that of any other permanent member of
2 the Security Council.

3 (2) DENIAL OF USE OF VETO.—If the Secretary
4 of State determines that a permanent member of the
5 Security Council with veto power is not in compli-
6 ance with the requirement described in paragraph
7 (1), the President shall direct the United States Per-
8 manent Representative to the United Nations to use
9 the voice, vote, and influence of the United States at
10 the United Nations to make every effort to deny to
11 such permanent member the use of the veto power
12 of such permanent member until such time as such
13 permanent member satisfies the requirement of such
14 paragraph.

15 **SEC. 1212. WEIGHTED VOTING.**

16 It shall be the policy of the United States to actively
17 pursue weighted voting with respect to all budgetary and
18 financial matters in the Administrative and Budgetary
19 Committee and in the General Assembly in accordance
20 with the level of the financial contribution of a Member
21 State to the regular assessed budget of the United Na-
22 tions.

23 **SEC. 1213. BUDGET CERTIFICATION REQUIREMENTS.**

24 (a) CERTIFICATION.—In accordance with section
25 1171, a certification shall be required that certifies that

1 the conditions described in subsection (b) have been satis-
2 fied.

3 (b) CONDITIONS.—The conditions under this sub-
4 section are the following:

5 (1) NEW BUDGET PRACTICES FOR THE UNITED
6 NATIONS.—The United Nations is implementing
7 budget practices that—

8 (A) require the maintenance of a budget
9 not in excess of the level agreed to by the Gen-
10 eral Assembly at the beginning of each United
11 Nations budgetary biennium, unless increases
12 are agreed to by consensus and do not exceed
13 ten percent; and

14 (B) require the identification of expendi-
15 tures by the United Nations by functional cat-
16 egories such as personnel, travel, and equip-
17 ment.

18 (2) PROGRAM EVALUATION.—

19 (A) EXISTING AUTHORITY.—The Secretary
20 General and the Director General of each spe-
21 cialized agency have used their existing authori-
22 ties to require program managers within the
23 United Nations Secretariat and the Secretariats
24 of the specialized agencies to conduct evalua-

1 tions in accordance with the standardized meth-
2 odology referred to in subparagraph (B) of—

3 (i) United Nations programs approved
4 by the General Assembly; and

5 (ii) programs of the specialized agen-
6 cies.

7 (B) DEVELOPMENT OF EVALUATION CRI-
8 TERIA.—

9 (i) UNITED NATIONS.—The Office of
10 Internal Oversight Services has developed
11 a standardized methodology for the evalua-
12 tion of United Nations programs approved
13 by the General Assembly, including specific
14 criteria for determining the continuing rel-
15 evance and effectiveness of the programs.

16 (ii) SPECIALIZED AGENCIES.—Pat-
17 terned on the work of the Office of Inter-
18 nal Oversight Services of the United Na-
19 tions, each specialized agency has devel-
20 oped a standardized methodology for the
21 evaluation of the programs of the agency,
22 including specific criteria for determining
23 the continuing relevance and effectiveness
24 of the programs.

1 (C) REPORT.—The Secretary General is
2 assessing budget requests and, on the basis of
3 evaluations conducted under subparagraph (B)
4 for the relevant preceding year, submits to the
5 General Assembly a report containing the re-
6 sults of such evaluations, identifying programs
7 that have satisfied the criteria for continuing
8 relevance and effectiveness, and an identifica-
9 tion of programs that have not satisfied such
10 criteria and should be terminated.

11 (D) SUNSET OF PROGRAMS.—Consistent
12 with the July 16, 1997, recommendations of the
13 Secretary General regarding a sunset policy and
14 results-based budgeting for United Nations pro-
15 grams, the United Nations and each specialized
16 agency has established and is implementing
17 procedures to require all new programs ap-
18 proved by the General Assembly to have a spe-
19 cific sunset date.

20 **SEC. 1214. ACCOUNTABILITY.**

21 (a) CERTIFICATION OF CREATION OF INDEPENDENT
22 OVERSIGHT BOARD.—In accordance with section 1171, a
23 certification shall be required that certifies that the fol-
24 lowing reforms related to the establishment of an Inde-

1 pendent Oversight Board (IOB) have been adopted by the
2 United Nations:

3 (1) An IOB is established from existing United
4 Nations budgetary and personnel resources. Except
5 as provided in this subsection, the IOB shall be an
6 independent entity within the United Nations and
7 shall not be subject to budget authority or organiza-
8 tional authority of any entity within the United Na-
9 tions.

10 (2) The head of the IOB shall be a Director,
11 who shall be nominated by the Secretary General
12 and who shall be subject to Security Council ap-
13 proval by a majority vote. The IOB shall also consist
14 of four other board members who shall be nominated
15 by the Secretary General and subject to Security
16 Council approval by a majority vote. The IOB shall
17 be responsible to the Security Council and the Direc-
18 tor and board members shall each serve terms of six
19 years, except that the terms of the initial board shall
20 be staggered so that no more than two board mem-
21 bers' terms will expire in any one year. No board
22 member may serve more than two terms. An IOB
23 board member may be removed for cause by a ma-
24 jority vote of the Security Council. The Director

1 shall appoint a professional staff headed by a Chief
2 of Staff and may employ contract staff as needed.

3 (3) The IOB shall receive operational and budg-
4 etary funding through appropriations by the General
5 Assembly from existing levels of United Nations
6 budgetary and personnel resources, and shall not be
7 dependent upon any other entity, bureau, division,
8 department, or specialized agency of the United Na-
9 tions for such funding.

10 (4) While the IOB shall have the authority to
11 evaluate all operations of the United Nations, the
12 primary mission of the IOB is to oversee the Office
13 of Internal Oversight Services and the Board of Ex-
14 ternal Auditors. The IOB may direct the Office of
15 Internal Oversight Services or the Board of External
16 Auditors to initiate, abandon, or modify the scope of
17 an investigation. Every three months or more fre-
18 quently when appropriate, the IOB shall submit, as
19 appropriate, to the Secretary General, the Security
20 Council, the General Assembly, or the Economic and
21 Social Council a report on its activities, relevant ob-
22 servations, and recommendations relating to its
23 audit operations, including information relating to
24 the inventory and status of investigations by the Of-
25 fice of Internal Oversight Services.

1 (5) In extraordinary circumstances and with the
2 concurrence of the Secretary General or the Security
3 Council by majority vote, the IOB may augment the
4 Office of Internal Oversight Services with a special
5 investigator and staff consisting of individuals who
6 are not employees of the United Nations, to inves-
7 tigate matters involving senior officials of the United
8 Nations or of its specialized agencies when allega-
9 tions of serious misconduct have been made and
10 such a special investigation is necessary to maintain
11 public confidence in the integrity of the investiga-
12 tion. A special investigator and staff shall comply
13 with all United Nations financial disclosure and con-
14 flict of interest rules, including the filing of an indi-
15 vidual Annual Financial Disclosure Form in accord-
16 ance with subsection (c).

17 (6) The IOB shall recommend annual budgets
18 for the Office of Internal Oversight Services and the
19 Board of External Auditors.

20 (7)(A) The IOB shall review the Final Report
21 of the Independent Inquiry Committee (IIC) into the
22 United Nations Oil for Food Program (OFF). The
23 IOB's review should focus on the adequacy of the
24 IIC's Final Report or any subsequent reports of the
25 IIC or of any possible successor to the IIC. The

1 IOB's review of the IIC's Final Report should ad-
2 dress the Final Report's treatment of and adequacy
3 in the following areas—

4 (i) OFF's operations from inception
5 through the transfer of power from the Coali-
6 tion Provisional Authority to the interim Iraqi
7 government;

8 (ii) claims of oil smuggling, illegal sur-
9 charges on oil and commissions on commodity
10 contracts, illegal kick-backs, use of oil alloca-
11 tions to influence foreign government officials
12 and international people of influence, and use of
13 funds for military purposes;

14 (iii) the involvement, directly or indirectly,
15 of any entity, bureau, division, department, spe-
16 cialized agency, or employee (including the Sec-
17 retary General) of the United Nations, includ-
18 ing any employee of the specialized agencies of
19 the United Nations or any employee or officer
20 of the Secretariat;

21 (iv) the IIC's findings, discovery and use of
22 evidence, and investigation practices; and

23 (v) the extent of cooperation by the United
24 Nations with requests by Congress for testi-
25 mony, interviews, documents, correspondence,

1 reports, memoranda, books, papers, accounts,
2 or records related to the Oil for Food Program.

3 (B) Subsequent to the IOB's review, the IOB
4 shall determine in a written report whether the IIC
5 investigation is incomplete or inadequate in any re-
6 spects and whether any additional investigation is
7 justified. If the IOB determines that additional in-
8 vestigation is warranted, it shall appoint, in accord-
9 ance with paragraph (5), a special investigator and
10 staff consisting of individuals who are not employees
11 of the United Nations and to identify specific areas
12 within the OFF to investigate.

13 (b) CERTIFICATION OF UNITED NATIONS REFORMS
14 OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES.—
15 In accordance with section 1171, a certification shall be
16 required that certifies that the following reforms related
17 to the Office of Internal Oversight Services (OIOS) have
18 been adopted by the United Nations:

19 (1) The OIOS is designated as an independent
20 entity within the United Nations. The OIOS shall
21 not be subject to budget authority or organizational
22 authority of any entity within the United Nations
23 except as provided in this section.

24 (2) The regular assessed budget of the United
25 Nations shall fully fund the Internal Oversight

1 Budget from existing levels of United Nations budg-
2 etary and personnel resources and shall not be de-
3 pendent upon any other entity, bureau, division, de-
4 partment, or specialized agency of the United Na-
5 tions for such funding.

6 (3) All United Nations officials, including offi-
7 cials from any entity, bureau, division, department,
8 or specialized agency of the United Nations, may—

9 (A) make a recommendation to the OIOS
10 to initiate an investigation of any aspect of the
11 United Nations; or

12 (B) report to the OIOS information or al-
13 legations of misconduct or inefficiencies within
14 the United Nations.

15 (4) The OIOS may, *sua sponte*, initiate and
16 conduct an investigation or audit of any entity, bu-
17 reau, division, department, specialized agency, em-
18 ployee (including the Secretary General) of the
19 United Nations, including any employee of the spe-
20 cialized agencies of the United Nations, or con-
21 tractor or consultant for the United Nations or its
22 specialized agencies.

23 (5) At least every three months and more fre-
24 quently when appropriate, the OIOS shall submit to

1 the IOB a report containing an inventory and status
2 of its investigations.

3 (6) The OIOS shall establish procedures for
4 providing “whistle-blower” status and employment
5 protections for all employees of the United Nations,
6 including employees of the specialized agencies of
7 the United Nations, who provide informational leads
8 and testimony related to allegations of wrongdoing.
9 Such procedures shall be adopted throughout the
10 United Nations. Such status and protection may not
11 be conferred on the Secretary General.

12 (7) The OIOS shall annually publish a public
13 report determining the proper number, distribution,
14 and expertise of auditors within the OIOS necessary
15 to carry out present and future duties of the OIOS,
16 including assessing the staffing requirements needed
17 to audit United Nations contracting activities
18 throughout the contract cycle from the bid process
19 to contract performance.

20 (8) Not later than six months after the date of
21 the enactment of this Act, the Director shall estab-
22 lish a position of Associate Director of OIOS for
23 Specialized Agencies and Funds and Programs who
24 shall be responsible for supervising the OIOS liaison
25 or oversight duties for each of the specialized agen-

1 cies and funds and programs of the United Nations.
2 With the concurrence of the Director, the Associate
3 Director of OIOS for Specialized Agencies and
4 Funds and Programs may, from existing levels of
5 United Nations budgetary and personnel resources,
6 hire and appoint necessary OIOS staff, including
7 staff serving within and located at specialized agen-
8 cies and funds and programs permanently or as
9 needed to liaison with existing audit functions within
10 each specialized agency and fund and program.

11 (9) Not later than six months after the date of
12 the enactment of this Act, the Director shall estab-
13 lish a position of Associate Director of OIOS for
14 Peacekeeping Operations, who shall be responsible
15 for the oversight and auditing of the field offices at-
16 tached to United Nations peacekeeping operations.
17 The Associate Director of OIOS for Peacekeeping
18 Operations shall receive informational leads and tes-
19 timony from any person regarding allegations of
20 wrongdoing by United Nations officials or peace-
21 keeping troops or regarding inefficiencies associated
22 with United Nations peacekeeping operations. The
23 Associate Director of OIOS for Peacekeeping Oper-
24 ations shall be responsible for initiating, conducting,

1 and overseeing investigations within peacekeeping
2 operations.

3 (10) Not later than six months after the date
4 of the enactment of this Act, the Director shall es-
5 tablish a position of Associate Director of OIOS for
6 Procurement and Contract Integrity, who shall be
7 responsible for auditing and inspecting procurement
8 and contracting within the United Nations, including
9 within the specialized agencies. The Associate Direc-
10 tor of OIOS for Procurement and Contract Integrity
11 shall receive informational leads and testimony from
12 any person regarding allegations of wrongdoing by
13 United Nations officials or regarding inefficiencies
14 associated with United Nations procurement or con-
15 tracting activities. The Associate Director of OIOS
16 for Procurement and Contract Integrity shall be re-
17 sponsible for initiating, conducting, and overseeing
18 investigations of procurement and contract activities.
19 Not later than 12 months after the establishment of
20 the position of Associate Director of OIOS for Pro-
21 curement and Contract Integrity, the Director, with
22 the assistance of the Associate Director of OIOS for
23 Procurement and Contract Integrity, shall undertake
24 a review of contract procedures to ensure that prac-
25 tices and policies are in place to ensure that—

1 (A) the United Nations has ceased issuing
2 single bid contracts except for such contracts
3 issued during an emergency situation that is
4 justified by the Under Secretary General for
5 Management;

6 (B) the United Nations has established ef-
7 fective controls to prevent conflicts of interest
8 in the award of contracts; and

9 (C) the United Nations has established ef-
10 fective procedures and policies to ensure effec-
11 tive and comprehensive oversight and moni-
12 toring of United Nations contract performance.

13 (c) CERTIFICATION OF ESTABLISHMENT OF UNITED
14 NATIONS OFFICE OF ETHICS.—In accordance with sec-
15 tion 1171, a certification shall be required that certifies
16 that the following reforms related to the establishment of
17 a United Nations Office of Ethics have been adopted by
18 the United Nations:

19 (1) A United Nations Office of Ethics (UNOE)
20 is established. The UNOE shall be an independent
21 entity within the United Nations and shall not be
22 subject to budget authority or organizational author-
23 ity of any entity within the United Nations. The
24 UNOE shall be responsible for establishing, man-
25 aging, and enforcing a code of ethics for all employ-

1 ees of United Nations and its specialized agencies.
2 The UNEO shall also be responsible for providing
3 such employees with annual training related to such
4 code. The head of the UNEO shall be a Director
5 who shall be nominated by the Secretary General
6 and who shall be subject to Security Council ap-
7 proval by majority vote. The UNOE shall promul-
8 gate ethics rules, including the following:

9 (A) No employee of any United Nations
10 entity, bureau, division, department, or special-
11 ized agency may be compensated while partici-
12 pating in the domestic politics of the country of
13 such employee, except for voting or acting as
14 part of a Security Council, General Assembly,
15 or legitimately authorized United Nations mis-
16 sion or assignment.

17 (B) No United Nations entity, bureau, di-
18 vision, department, or specialized agency may
19 hire an individual convicted in a generally rec-
20 ognized court of a democratically-elected gov-
21 ernment with an independent judiciary and an
22 extradition treaty with the United States and
23 the European Union for any crime or crimes in-
24 volving financial misfeasance, malfeasance,
25 fraud, or perjury.

1 (C) The employment of an employee of any
2 United Nations entity, bureau, division, depart-
3 ment, or specialized agency who is convicted in
4 a generally recognized court of a democrat-
5 ically-elected government with an independent
6 judiciary and an extradition treaty with the
7 United States and the European Union of any
8 crime or crimes involving financial misfeasance,
9 malfeasance, fraud, or perjury shall be subject
10 to termination.

11 (D) If an employee of any United Nations
12 entity, bureau, division, department, or special-
13 ized agency has contact regarding the disposi-
14 tion of ongoing internal United Nations oper-
15 ations or decisions with an individual who is not
16 an employee or official of the government of a
17 Member State (or a similarly situated indi-
18 vidual), with an individual who is not officially
19 employed by any United Nations entity, bureau,
20 division, department, or specialized agency, or
21 with an individual who is not a working mem-
22 ber of the media, a memorandum of such con-
23 tact shall be prepared by such employee and,
24 upon request, be made available to Member
25 States.

1 (2) The UNEO shall receive operational and
2 budgetary funding through appropriations by the
3 General Assembly from existing levels of United Na-
4 tions budgetary and personnel resources and shall
5 not be dependent upon any other entity, bureau, di-
6 vision, department, or specialized agency of the
7 United Nations for such funding.

8 (3) The Director of the UNEO shall, not later
9 than six months after the date of its establishment,
10 publish a report containing proposals for imple-
11 menting a system for the filing and review of indi-
12 vidual Annual Financial Disclosure Forms by each
13 employee of the United Nations, including by each
14 employee of its specialized agencies, at the P-5 level
15 and above and by all contractors and consultants
16 compensated at any salary level. Such system shall
17 be in place and operational not later than six
18 months after the date of the publication of the re-
19 port. Such completed forms shall be made available
20 to the Office of Internal Oversight Services at the
21 request of the Director of the Office of Internal
22 Oversight Services. Such system shall seek to iden-
23 tify and prevent conflicts of interest by United Na-
24 tions employees and shall be comparable to the sys-
25 tem used for such purposes by the United States

1 Government. Such report shall also address broader
2 reforms of the ethics program for the United Na-
3 tions, including—

4 (A) the effect of the establishment of eth-
5 ics officers throughout all organizations within
6 the United Nations;

7 (B) the effect of retention by the UNEO of
8 Annual Financial Disclosure Forms;

9 (C) proposals for making completed An-
10 nual Financial Disclosure Forms available to
11 the public on request through their Member
12 State's mission to the United Nations;

13 (D) proposals for annual disclosure to the
14 public of information related to the annual sala-
15 ries and payments, including pension payments
16 and buyouts, of employees of the United Na-
17 tions, including employees of its specialized
18 agencies, and of consultants;

19 (E) proposals for annual disclosure to the
20 public of information related to per diem rates
21 for all bureaus, divisions, departments, or spe-
22 cialized agencies within the United Nations;

23 (F) proposals for disclosure upon request
24 by the Ambassador of a Member State of infor-
25 mation related to travel and per diem payments

1 made from United Nations funds to any person;
2 and

3 (G) proposals for annual disclosure to the
4 public of information related to travel and per
5 diem rates and payments made from United
6 Nations funds to any person.

7 (d) CERTIFICATION OF UNITED NATIONS ESTAB-
8 LISHMENT OF POSITION OF CHIEF OPERATING OFFI-
9 CER.—In accordance with section 1171, a certification
10 shall be required that certifies that the following reforms
11 related to the establishment of the position of a Chief Op-
12 erating Officer have been adopted by the United Nations:

13 (1) There is established the position of Chief
14 Operating Officer (COO). The COO shall report to
15 the Secretary General.

16 (2) The COO shall be responsible for formu-
17 lating general policies and programs for the United
18 Nations in coordination with the Secretary General
19 and in consultation with the Security Council and
20 the General Assembly. The COO shall be responsible
21 for the daily administration, operation and super-
22 vision, and the direction and control of the business
23 of the United Nations. The Chief Operating Officer
24 shall also perform such other duties and may exer-

1 cise such other powers as from time to time may be
2 assigned to the COO by the Secretary General.

3 (e) CERTIFICATION OF ACCESS BY MEMBER STATES
4 TO REPORTS AND AUDITS BY BOARD OF EXTERNAL
5 AUDITORS.—In accordance with section 1171, a certifi-
6 cation shall be required that certifies that Member States
7 may, upon request, have access to all reports and audits
8 completed by the Board of External Auditors.

9 (f) WAIVER OF IMMUNITY.—The President shall di-
10 rect the United States Permanent Representative to the
11 United Nations to use the voice, vote, and influence of the
12 United States at the United Nations to ensure that the
13 Secretary General exercises the right and duty of the Sec-
14 retary General under section 20 of the Convention on the
15 Privileges and Immunities of the United Nations to waive
16 the immunity of any United Nations official in any case
17 in which such immunity would impede the course of jus-
18 tice. In exercising such waiver, the Secretary General is
19 urged to interpret the interests of the United Nations as
20 favoring the investigation or prosecution of a United Na-
21 tions official who is credibly under investigation for having
22 committed a serious criminal offense or who is credibly
23 charged with a serious criminal offense.

24 (g) CERTIFICATION OF UNITED NATIONS COOPERA-
25 TION RELATING TO OIL-FOR-FOOD PROGRAM.—

1 (1) ACTIONS.—In accordance with section
2 1171, a certification shall be required that certifies
3 that the following actions relating to the oil-for-food
4 program have been taken by the United Nations:

5 (A) The United Nations Secretary General
6 has authorized the release to a law enforcement
7 authority of any Member State (upon request
8 by the permanent representative to the United
9 Nations of such Member State on behalf of
10 such law enforcement authority) or to a na-
11 tional legislative authority authentic copies of
12 any document in the possession of the United
13 Nations, including any document in the posses-
14 sion of a person who was engaged on a contract
15 basis to provide goods or services to the United
16 Nations, that in the judgment of such request-
17 ing law enforcement authority or national legis-
18 lative authority directly or indirectly concerns
19 the oil-for-food program or a sanction imposed
20 on Iraq related to the oil-for-food program.

21 (B) The United Nations has waived any
22 immunity enjoyed by any United Nations offi-
23 cial from the judicial process in the United
24 States for any civil or criminal acts or omis-
25 sions under Federal or State law that may have

1 transpired within the jurisdiction of the United
2 States in connection with the oil-for-food pro-
3 gram.

4 (2) DEFINITION.—As used in this subsection,
5 the term “oil-for-food program” means the program
6 established and administered pursuant to United
7 Nations Security Council Resolution 986 (April 14,
8 1995) and subsequent United Nations resolutions to
9 permit the sale of petroleum products exported from
10 Iraq and to use the revenue generated from such
11 sale for humanitarian assistance.

12 **SEC. 1215. TERRORISM AND THE UNITED NATIONS.**

13 The President shall direct the United States Perma-
14 nent Representative to the United Nations to use the
15 voice, vote, and influence of the United States at the
16 United Nations to work toward adoption by the General
17 Assembly of—

18 (1) a definition of terrorism that builds upon
19 the recommendations of the Secretary General’s
20 High-Level Panel on Threats, Challenges, and
21 Change, and includes as an essential component of
22 such definition any action that is intended to cause
23 death or serious bodily harm to civilians with the
24 purpose of intimidating a population or compelling a

1 government or an international organization to do,
2 or abstain from doing, any act; and

3 (2) a comprehensive convention on terrorism
4 that includes the definition described in paragraph
5 (1).

6 **SEC. 1216. UNITED NATIONS TREATY BODIES.**

7 The United States shall withhold from United States
8 contributions to the regular assessed budget of the United
9 Nations for a biennial period amounts that are propor-
10 tional to the percentage of such budget that are expended
11 with respect to a United Nations human rights treaty
12 monitoring body or committee that was established by—

13 (1) a convention (without any protocols) or an
14 international covenant (without any protocols) to
15 which the United States is not party; or

16 (2) a convention, with a subsequent protocol, if
17 the United States is a party to neither.

18 **SEC. 1217. EQUALITY AT THE UNITED NATIONS.**

19 (a) INCLUSION OF ISRAEL IN WEOG.—

20 (1) IN GENERAL.—The President shall direct
21 the United States Permanent Representative to the
22 United Nations to use the voice, vote, and influence
23 of the United States to expand the Western Euro-
24 pean and Others Group (WEOG) in the United Na-

1 tions to include Israel as a permanent member with
2 full rights and privileges.

3 (2) NOTIFICATION TO CONGRESS.—Not later
4 than six months after the date of the enactment of
5 this Act and every six months thereafter for the next
6 six years, the Secretary of State shall notify the ap-
7 propriate congressional committees concerning the
8 treatment of Israel in the United Nations and the
9 expansion of WEOG to include Israel as a perma-
10 nent member.

11 (b) DEPARTMENT OF STATE REVIEW AND RE-
12 PORT.—

13 (1) IN GENERAL.—To avoid duplicative efforts
14 and funding with respect to Palestinian interests
15 and to ensure balance in the approach to Israeli-
16 Palestinian issues, the Secretary shall, not later than
17 60 days after the date of the enactment of this
18 Act—

19 (A) conduct an audit of the functions of
20 the entities listed in paragraph (2); and

21 (B) submit to the appropriate congress-
22 sional committees a report containing rec-
23 ommendations for the elimination of such dupli-
24 cative entities and efforts.

1 (2) ENTITIES.—The entities referred to in
2 paragraph (1) are the following:

3 (A) The United Nations Division for Pales-
4 tinian Rights.

5 (B) The Committee on the Exercise of the
6 Inalienable Rights of the Palestinian People.

7 (C) The United Nations Special Coordi-
8 nator for the Middle East Peace Process and
9 Personal Representative to the Palestine Lib-
10 eration Organization and the Palestinian Au-
11 thority.

12 (D) The NGO Network on the Question of
13 Palestine.

14 (E) The Special Committee to Investigate
15 Israeli Practices Affecting the Human Rights of
16 the Palestinian People and Other Arabs of the
17 Occupied Territories.

18 (F) Any other entity the Secretary deter-
19 mines results in duplicative efforts or funding
20 or fails to ensure balance in the approach to
21 Israeli-Palestinian issues.

22 (c) IMPLEMENTATION BY PERMANENT REPRESENTA-
23 TIVE.—

24 (1) IN GENERAL.—The President shall direct
25 the United States Permanent Representative to the

1 United Nations to use the voice, vote, and influence
2 of the United States at the United Nations to seek
3 the implementation of the recommendations con-
4 tained in the report required under subsection
5 (b)(1).

6 (2) WITHHOLDING OF FUNDS.—Until such rec-
7 ommendations have been implemented, the United
8 States shall withhold from United States contribu-
9 tions to the regular assessed budget of the United
10 Nations for a biennial period amounts that are pro-
11 portional to the percentage of such budget that are
12 expended for such entities.

13 (d) GAO AUDIT.—The Comptroller General of the
14 United States of the Government Accountability Office
15 shall conduct an audit of—

16 (1) the status of the implementation of the rec-
17 ommendations contained in the report required
18 under subsection (b)(1); and

19 (2) United States actions and achievements
20 under subsection (c).

21 **SEC. 1218. REPORT ON UNITED NATIONS REFORM.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, and one year thereafter,
24 the Secretary shall submit to the appropriate congres-

1 sional committees a report on United Nations reform since
2 1990.

3 (b) CONTENTS.—The report required under para-
4 graph (1) shall describe—

5 (1) the status of the implementation of manage-
6 ment reforms within the United Nations and its spe-
7 cialized agencies;

8 (2) the number of outputs, reports, or other
9 items generated by General Assembly resolutions
10 that have been eliminated;

11 (3) the progress of the General Assembly to
12 modernize and streamline the committee structure
13 and its specific recommendations on oversight and
14 committee outputs, consistent with the March 2005
15 report of the Secretary General entitled “In larger
16 freedom: towards development, security and human
17 rights for all”;

18 (4) the status of the review by the General As-
19 sembly of all mandates older than five years and
20 how resources have been redirected to new chal-
21 lenges, consistent with such March 2005 report of
22 the Secretary General;

23 (5) the continued utility and relevance of the
24 Economic and Financial Committee and the Social,
25 Humanitarian, and Cultural Committee, in light of

1 the duplicative agendas of those committees and the
2 Economic and Social Council; and

3 (6) whether the United Nations or any of its
4 specialized agencies has contracted with any party
5 included on the Lists of Parties Excluded from Fed-
6 eral Procurement and Nonprocurement Programs.

7 **SEC. 1219. REPORT ON UNITED NATIONS PERSONNEL.**

8 (a) IN GENERAL.—Not later than one year after the
9 date of the enactment of this Act, the Secretary of State
10 shall submit to the appropriate congressional committees
11 a report—

12 (1) concerning the progress of the General As-
13 sembly to modernize human resource practices, con-
14 sistent with the March 2005 report of the Secretary
15 General entitled “In larger freedom: towards devel-
16 opment, security and human rights for all”; and

17 (2) containing the information described in sub-
18 section (b).

19 (b) CONTENTS.—The report shall include—

20 (1) a comprehensive evaluation of human re-
21 sources reforms at the United Nations, including an
22 evaluation of—

23 (A) tenure;

24 (B) performance reviews;

25 (C) the promotion system;

1 (D) a merit-based hiring system and en-
2 hanced regulations concerning termination of
3 employment of employees; and

4 (E) the implementation of a code of con-
5 duct and ethics training;

6 (2) the implementation of a system of proce-
7 dures for filing complaints and protective measures
8 for work-place harassment, including sexual harass-
9 ment;

10 (3) policy recommendations relating to the es-
11 tablishment of a rotation requirement for non-
12 administrative positions;

13 (4) policy recommendations relating to the es-
14 tablishment of a prohibition preventing personnel
15 and officials assigned to the mission of a Member
16 State to the United Nations from transferring to a
17 position within the United Nations Secretariat that
18 is compensated at the P-5 level and above;

19 (5) policy recommendations relating to a reduc-
20 tion in travel allowances and attendant oversight
21 with respect to accommodations and airline flights;
22 and

23 (6) an evaluation of the recommendations of the
24 Secretary General relating to greater flexibility for

1 the Secretary General in staffing decisions to accom-
2 modate changing priorities.

3 **SEC. 1220. REPORT ON UNITED STATES CONTRIBUTIONS TO**
4 **THE UNITED NATIONS.**

5 Not later than one year after the date of the enact-
6 ment of this Act, the Director of the Office of Manage-
7 ment and Budget shall submit to the Committee on Inter-
8 national Relations of the House of Representatives, the
9 Committee on Foreign Relations of the Senate, the Com-
10 mittee on Appropriations of the House of Representatives,
11 and the Committee on Appropriations of the Senate a re-
12 port on United States contributions to the United Nations.
13 Such report shall examine assessed, voluntary, in-kind,
14 and all other United States contributions.

15 **SEC. 1221. UNITED NATIONS SECURITY COUNCIL AND LEB-**
16 **ANON.**

17 (a) RESOLUTION 1559.—The President shall direct
18 the United States Permanent Representative to the
19 United Nations to use the voice, vote, and influence of the
20 United States at the United Nations to make every effort
21 to ensure that the Security Council is undertaking the nec-
22 essary steps to secure the implementation of Security
23 Council Resolution 1559, including—

24 (1) deploying United Nations inspectors to
25 verify and certify to the Security Council that—

1 (A) all foreign forces, including intel-
2 ligence, security, and policing forces, have been
3 withdrawn from Lebanon; and

4 (B) all militias in Lebanon have been per-
5 manently disarmed and dismantled and their
6 weapons have been decommissioned; and

7 (2) continuing the presence of United Nations
8 elections monitoring teams in Lebanon to verify and
9 certify to the Security Council that—

10 (A) citizens of Lebanon are not being tar-
11 getted for assassination by foreign forces, in
12 particular by foreign forces of Syria, or by their
13 proxies, as a means of intimidation and coer-
14 cion in an effort to manipulate the political
15 process in Lebanon;

16 (B) elections in Lebanon are being con-
17 ducted in a fair and transparent manner and
18 are free of foreign interference; and

19 (C) that such foreign forces, or their prox-
20 ies, are not seeking to infringe upon the terri-
21 torial integrity or political sovereignty of Leb-
22 anon.

23 (b) UNITED STATES ACTION.—If the steps described
24 in paragraphs (1) and (2) of subsection (a) have not been
25 verified and certified to the Security Council by July 31,

1 2005, or by the date that is not later than 30 days after
2 the date of the enactment of this Act, whichever is sooner,
3 the President shall direct the United States Permanent
4 Representative to the United Nations to use the voice,
5 vote, and influence of the United States at the United Na-
6 tions to secure the adoption of a resolution in the Security
7 Council imposing punitive measures on the governments
8 of countries whose forces remain in Lebanon in violation
9 of Security Council Resolution 1559 and who directly, or
10 through proxies, are infringing upon the territorial integ-
11 rity or political sovereignty of Lebanon.

12 **SEC. 1222. POLICY WITH RESPECT TO EXPANSION OF THE**
13 **SECURITY COUNCIL.**

14 It shall be the policy of the United States to use the
15 voice, vote, and influence of the United States at the
16 United Nations to oppose any proposals on expansion of
17 the Security Council if such expansion would—

18 (1) diminish the influence of the United States
19 on the Security Council;

20 (2) include veto rights for any new members of
21 the Security Council; or

22 (3) undermine the effectiveness of the Security
23 Council.

1 **SEC. 1223. GENOCIDE AND THE UNITED NATIONS.**

2 (a) UNITED STATES ACTION.—The President shall
3 direct the United States Permanent Representative to the
4 United Nations to use the voice, vote, and influence of the
5 United States at the United Nations to make every effort
6 to ensure the formal adoption and implementation of
7 mechanisms to—

8 (1) suspend the membership of a Member State
9 if it is determined that the government of such
10 Member State is engaged in or complicit in, either
11 by commission or omission, acts of genocide, ethnic
12 cleansing, or crimes against humanity;

13 (2) impose an arms and trade embargo and
14 travel restrictions on, and freeze the assets of, all
15 groups and individuals responsible for committing or
16 allowing such acts of genocide, ethnic cleansing, or
17 crimes against humanity to occur;

18 (3) deploy a United Nations peacekeeping oper-
19 ation or authorize and support the deployment of a
20 peacekeeping operation from an international or re-
21 gional organization to the Member State with a
22 mandate to stop such acts of genocide, ethnic cleans-
23 ing, or crimes against humanity;

24 (4) deploy monitors from the United Nations
25 High Commissioner for Refugees to the area in the
26 Member State where such acts of genocide, ethnic

1 cleansing, or crimes against humanity are occurring;
2 and

3 (5) authorize the establishment of an inter-
4 national commission of inquiry into such acts of
5 genocide, ethnic cleansing, or crimes against human-
6 ity.

7 (b) CERTIFICATION.—In accordance with section
8 1171, a certification shall be required that certifies that
9 the mechanisms described in subsection (a) have been
10 adopted and implemented.

11 **SEC. 1224. ANTI-SEMITISM AND THE UNITED NATIONS.**

12 (a) IN GENERAL.—The President shall direct the
13 United States Permanent Representative to the United
14 Nations to use the voice, vote, and influence of the United
15 States at the United Nations to make every effort to—

16 (1) ensure the issuance and implementation of
17 a directive by the Secretary General or the Secre-
18 tariat, as appropriate, that—

19 (A) requires all employees of the United
20 Nations and its specialized agencies to officially
21 and publicly condemn anti-Semitic statements
22 made at any session of the United Nations or
23 its specialized agencies, or at any other session
24 sponsored by the United Nations;

1 (B) requires employees of the United Na-
2 tions and its specialized agencies to be subject
3 to punitive action, including immediate dis-
4 missal, for making anti-Semitic statements or
5 references;

6 (C) proposes specific recommendations to
7 the General Assembly for the establishment of
8 mechanisms to hold accountable employees and
9 officials of the United Nations and its special-
10 ized agencies, or Member States, that make
11 such anti-Semitic statements or references in
12 any forum of the United Nations or of its spe-
13 cialized agencies; and

14 (D) develops and implements education
15 awareness programs about the Holocaust and
16 anti-Semitism throughout the world, as part of
17 an effort to combat intolerance and hatred;

18 (2) work to secure the adoption of a resolution
19 by the General Assembly that establishes the mecha-
20 nisms described in paragraph (1)(C); and

21 (3) continue working toward further reduction
22 of anti-Semitic language and anti-Israel resolutions
23 in the United Nations and its specialized agencies.

24 (b) CERTIFICATION.—In accordance with section
25 1171, a certification shall be required that certifies that

1 the requirements described in subsection (a) have been
2 satisfied.

3 **Subtitle B—Human Rights and the**
4 **Economic and Social Council**
5 **(ECOSOC)**

6 **SEC. 1231. HUMAN RIGHTS.**

7 (a) STATEMENT OF POLICY.—It shall be the policy
8 of the United States to use its voice, vote, and influence
9 at the United Nations to ensure that a credible and re-
10 spectable Human Rights Council or other human rights
11 body is established within the United Nations whose par-
12 ticipating Member States uphold the values embodied in
13 the Universal Declaration of Human Rights.

14 (b) HUMAN RIGHTS REFORMS AT THE UNITED NA-
15 TIONS.—The President shall direct the United States Per-
16 manent Representative to the United Nations to ensure
17 that the following human rights reforms have been adopt-
18 ed by the United Nations:

19 (1) A Member State that fails to uphold the
20 values embodied in the Universal Declaration of
21 Human Rights shall be ineligible for membership on
22 any United Nations human rights body.

23 (2) A Member State shall be ineligible for mem-
24 bership on any United Nations human rights body
25 if such Member State is—

1 (A) subject to sanctions by the Security
2 Council; or

3 (B) under a Security Council-mandated in-
4 vestigation for human rights abuses.

5 (3) A Member State that is currently subject to
6 an adopted country specific resolution, in the prin-
7 cipal body in the United Nations for the promotion
8 and protection of human rights, relating to human
9 rights abuses perpetrated by the government of such
10 country in such country, or has been the subject of
11 such an adopted country specific resolution in such
12 principal body within the previous three years, shall
13 be ineligible for membership on any United Nations
14 human rights body. For purposes of this subsection,
15 an adopted country specific resolution shall not in-
16 clude consensus resolutions on advisory services.

17 (4) A Member State that violates the principles
18 of a United Nations human rights body to which it
19 aspires to join shall be ineligible for membership on
20 such body.

21 (5) No human rights body has a standing agen-
22 da item that relates only to one country or region.

23 (6) The practice of considering in the principal
24 body in the United Nations for the promotion and
25 protection of human rights country specific resolu-

1 tions relating to human rights abuses perpetrated by
2 the government of a Member State within such
3 Member State shall not be eliminated.

4 (c) CERTIFICATION.—In accordance with section
5 1171, a certification shall be required that certifies that
6 the human rights reforms described under subsection (b)
7 have been adopted by the United Nations.

8 (d) PREVENTION OF ABUSE OF “NO ACTION” MO-
9 TIONS.—The United States Permanent Representative
10 shall work to prevent abuse of “no action” motions, par-
11 ticularly as such motions relate to country specific resolu-
12 tions.

13 (e) OFFICE OF THE UNITED NATIONS HIGH COMMIS-
14 SIONER FOR HUMAN RIGHTS.—

15 (1) STATEMENT OF POLICY.—It shall be the
16 policy of the United States to continue to strongly
17 support the Office of the United Nations High Com-
18 missioner for Human Rights.

19 (2) CERTIFICATION.—In accordance with sec-
20 tion 1171, a certification shall be required that cer-
21 tifies that the Office of the United Nations High
22 Commissioner for Human Rights has been given
23 greater authority in field operation activities, such
24 as in the Darfur region of Sudan and in the Demo-

1 cratic Republic of Congo, in furtherance of the pur-
2 pose and mission of the United Nations.

3 (f) PROHIBITION ON CONTACT WITH MEMBER
4 STATES SUBJECT TO SANCTIONS.—An employee from of
5 any United Nations entity, bureau, division, department,
6 or specialized agency may not have unauthorized contact,
7 including business contact, with a Member State that is
8 subject to United Nations sanctions.

9 **SEC. 1232. ECONOMIC AND SOCIAL COUNCIL (ECOSOC).**

10 (a) STATEMENT OF POLICY.—It shall be the policy
11 of the United States to use its voice, vote, and influence
12 at the United Nations to—

13 (1) abolish secret voting in the Economic and
14 Social Council (ECOSOC);

15 (2) ensure that, until such time as the Commis-
16 sion on Human Rights of the United Nations is
17 abolished, only countries that are not ineligible for
18 membership on a human rights body in accordance
19 with paragraphs (1) through (4) of section 1131(b)
20 shall be considered for membership on the Commis-
21 sion on Human Rights; and

22 (3) ensure that after candidate countries are
23 nominated for membership on the Commission on
24 Human Rights, the Economic and Social Council

1 conducts a recorded vote to determine such member-
2 ship.

3 (b) CERTIFICATION.—In accordance with section
4 1171, a certification shall be required that certifies that
5 the policies described in subsection (a) have been imple-
6 mented by the Economic and Social Council.

7 **SEC. 1233. UNITED NATIONS DEMOCRACY FUND.**

8 (a) IN GENERAL.—The President shall direct the
9 United States Permanent Representative to the United
10 Nations to use the voice, vote, and influence of the United
11 States at the United Nations to make every effort to—

12 (1) establish a Democracy Fund at the United
13 Nations to be administered by Member States of the
14 United Nations Democracy Caucus;

15 (2) secure political and financial support for the
16 Democracy Fund from Member States of the United
17 Nations Democracy Caucus; and

18 (3) establish criteria that limits recipients of as-
19 sistance from the Democracy Fund to Member
20 States that—

21 (A) are not ineligible for membership on
22 any United Nations human rights body, in ac-
23 cordance with paragraphs (1) through (4) of
24 section 1131(b); and

1 (B) are determined by the Secretary of
2 State to be emerging democracies or democ-
3 racies in transition.

4 (b) POLICY RELATING TO FUNDING FOR THE DE-
5 MOCRACY FUND.—It shall be the policy of the United
6 States to shift contributions of the United States to the
7 regularly assessed budget of the United Nations for a bi-
8 ennial period to initiate and support the Democracy Fund
9 referred to in subsection (a).

10 (c) CERTIFICATION.—In accordance with section
11 1171, a certification shall be required that certifies that
12 the requirements described in subsection (a) have been
13 satisfied.

14 **Subtitle C—International Atomic** 15 **Energy Agency**

16 **SEC. 1241. INTERNATIONAL ATOMIC ENERGY AGENCY.**

17 (a) ENFORCEMENT AND COMPLIANCE.—

18 (1) OFFICE OF COMPLIANCE.—

19 (A) ESTABLISHMENT.—The President
20 shall direct the United States Permanent Rep-
21 resentative to International Atomic Energy
22 Agency (IAEA) to use the voice, vote, and influ-
23 ence of the United States at the IAEA to estab-
24 lish an Office of Compliance in the Secretariat
25 of the IAEA.

1 (B) OPERATION.—The Office of Compli-
2 ance shall—

3 (i) function as an independent body
4 composed of technical experts who shall
5 work in consultation with IAEA inspectors
6 to assess compliance by IAEA Member
7 States and provide recommendations to the
8 IAEA Board of Governors concerning pen-
9 alties to be imposed on IAEA Member
10 States that fail to fulfill their obligations
11 under IAEA Board resolutions;

12 (ii) base its assessments and rec-
13 ommendations on IAEA inspection reports;
14 and

15 (iii) shall take into consideration in-
16 formation provided by IAEA Board Mem-
17 bers that are one of the five nuclear weap-
18 ons states as recognized by the Treaty on
19 the Non-Proliferation of Nuclear Weapons
20 (21 UST 483) (commonly referred to as
21 the “Nuclear Nonproliferation Treaty” or
22 the “NPT”).

23 (C) STAFFING.—The Office of Compliance
24 shall be staffed from existing personnel in the
25 Department of Safeguards of the IAEA or the

1 Department of Nuclear Safety and Security of
2 the IAEA.

3 (2) SPECIAL COMMITTEE ON SAFEGUARDS AND
4 VERIFICATION.—

5 (A) ESTABLISHMENT.—The President
6 shall direct the United States Permanent Rep-
7 resentative to the IAEA to use the voice, vote,
8 and influence of the United States at the IAEA
9 to establish a Special Committee on Safeguards
10 and Verification.

11 (B) RESPONSIBILITIES.—The Special
12 Committee shall—

13 (i) improve the ability of the IAEA to
14 monitor and enforce compliance by Mem-
15 ber States of the IAEA with the Nuclear
16 Nonproliferation Treaty and the Statute of
17 the International Atomic Energy Agency;
18 and

19 (ii) consider which additional meas-
20 ures are necessary to enhance the ability of
21 the IAEA, beyond the verification mecha-
22 nisms and authorities contained in the Ad-
23 ditional Protocol to the Safeguards Agree-
24 ments between the IAEA and Member
25 States of the IAEA, to detect with a high

1 degree of confidence undeclared nuclear ac-
2 tivities by a Member State.

3 (3) PENALTIES WITH RESPECT TO THE IAEA.—

4 (A) IN GENERAL.—The President shall di-
5 rect the United States Permanent Representa-
6 tive to the IAEA to use the voice, vote, and in-
7 fluence of the United States at the IAEA to en-
8 sure that a Member State of the IAEA that is
9 under investigation for a breach of or non-
10 compliance with its IAEA obligations or the
11 purposes and principles of the Charter of the
12 United Nations has its privileges suspended, in-
13 cluding—

14 (i) limiting its ability to vote on its
15 case;

16 (ii) being prevented from receiving
17 any technical assistance; and

18 (iii) being prevented from hosting
19 meetings.

20 (B) TERMINATION OF PENALTIES.—The
21 penalties specified under subparagraph (A)
22 shall be terminated when such investigation is
23 concluded and such Member State is no longer
24 in such breach or noncompliance.

1 (4) PENALTIES WITH RESPECT TO THE NU-
2 CLEAR NONPROLIFERATION TREATY.—The Presi-
3 dent shall direct the United States Permanent Rep-
4 resentative to the IAEA to use the voice, vote, and
5 influence of the United States at the IAEA to en-
6 sure that a Member State of the IAEA that is found
7 to be in breach of, in noncompliance with, or has
8 withdrawn from the Nuclear Nonproliferation Treaty
9 shall return to the IAEA all nuclear materials and
10 technology received from the IAEA, any Member
11 State of the IAEA, or any Member State of the Nu-
12 clear Nonproliferation Treaty.

13 (b) UNITED STATES CONTRIBUTIONS.—

14 (1) VOLUNTARY CONTRIBUTIONS.—Voluntary
15 contributions of the United States to the IAEA
16 should primarily be used to fund activities relating
17 to Nuclear Safety and Security or activities relating
18 to Nuclear Verification.

19 (2) LIMITATION ON USE OF FUNDS.—The
20 President shall direct the United States Permanent
21 Representative to the IAEA to use the voice, vote,
22 and influence of the United States at the IAEA to—

23 (A) ensure that funds for safeguards in-
24 spections are prioritized for countries that have

1 newly established nuclear programs or are initi-
2 ating nuclear programs; and

3 (B) block the allocation of funds for any
4 other IAEA development, environmental, or nu-
5 clear science assistance or activity to a coun-
6 try—

7 (i) the government of which the Sec-
8 retary of State has determined, for pur-
9 poses of section 6(j) of the Export Admin-
10 istration Act of 1979, section 620A of the
11 Foreign Assistance Act of 1961, section 40
12 of the Arms Export Control Act, or other
13 provision of law, is a government that has
14 repeatedly provided support for acts of
15 international terrorism and the government
16 of which the Secretary has determined has
17 not dismantled and surrendered its weap-
18 ons of mass destruction programs under
19 international verification;

20 (ii) that is under investigation for a
21 breach of or noncompliance with its IAEA
22 obligations or the purposes and principles
23 of the Charter of the United Nations; or

1 (iii) that is in violation of its IAEA
2 obligations or the purposes and principles
3 of the Charter of the United Nations.

4 (3) **DETAIL OF EXPENDITURES.**—The Presi-
5 dent shall direct the United States Permanent Rep-
6 resentative to the IAEA to use the voice, vote, and
7 influence of the United States at the IAEA to se-
8 cure, as part of the regular budget presentation of
9 the IAEA to Member States of the IAEA, a detailed
10 breakdown by country of expenditures of the IAEA
11 for safeguards inspections and nuclear security ac-
12 tivities.

13 (c) **MEMBERSHIP.**—

14 (1) **IN GENERAL.**—The President shall direct
15 the United States Permanent Representative to the
16 IAEA to use the voice, vote, and influence of the
17 United States at the IAEA to block the membership
18 on the Board of Governors of the IAEA for a Mem-
19 ber State of the IAEA that has not signed and rati-
20 fied the Additional Protocol and—

21 (A) is under investigation for a breach of
22 or noncompliance with its IAEA obligations or
23 the purposes and principles of the Charter of
24 the United Nations; or

1 (B) that is in violation of its IAEA obliga-
2 tions or the purposes and principles of the
3 Charter of the United Nations.

4 (2) CRITERIA.—The United States Permanent
5 Representative to the IAEA shall make every effort
6 to modify the criteria for Board membership to re-
7 flect the principles described in paragraph (1).

8 (d) SMALL QUANTITIES PROTOCOL.—The President
9 shall direct the United States Permanent Representative
10 to the IAEA to use the voice, vote, and influence of the
11 United States at the IAEA to make every effort to ensure
12 that the IAEA changes the policy regarding the Small
13 Quantities Protocol in order to—

14 (1) rescind and eliminate the Small Quantities
15 Protocol;

16 (2) require that any IAEA Member State that
17 has previously signed a Small Quantities Protocol to
18 sign, ratify, and implement the Additional Protocol,
19 provide immediate access for IAEA inspectors to its
20 nuclear-related facilities, and agree to the strongest
21 inspections regime of its nuclear efforts; and

22 (3) require that any IAEA Member State that
23 does not comply with paragraph (2) to be ineligible
24 to receive nuclear material, technology, equipment,
25 or assistance from any IAEA Member State and

1 subject to the penalties described in subsection
2 (a)(3).

3 (e) NUCLEAR PROGRAM OF IRAN.—

4 (1) UNITED STATES ACTION.—The President
5 shall direct the United States Permanent Represent-
6 ative to the IAEA to use the voice, vote, and influ-
7 ence of the United States at the IAEA to make
8 every effort to ensure the adoption of a resolution by
9 the IAEA Board of Governors that makes Iran ineli-
10 gible to receive any nuclear material, technology,
11 equipment, or assistance from any IAEA Member
12 State and ineligible for any IAEA assistance not re-
13 lated to safeguards inspections or nuclear security
14 until the IAEA Board of Governors determines that
15 Iran—

16 (A) is providing full access to IAEA in-
17 spectors to its nuclear-related facilities;

18 (B) has fully implemented and is in com-
19 pliance with the Additional Protocol; and

20 (C) has permanently ceased and disman-
21 tled all activities and programs related to nu-
22 clear-enrichment and reprocessing.

23 (2) PENALTIES.—If an IAEA Member State is
24 determined to have violated the prohibition on as-
25 sistance to Iran described in paragraph (1) before

1 the IAEA Board of Governors determines that Iran
2 has satisfied the conditions described in subpara-
3 graphs (A) through (C) of such paragraph, such
4 Member State shall be subject to the penalties de-
5 scribed in subsection (a)(3), shall be ineligible to re-
6 ceive nuclear material, technology, equipment, or as-
7 sistance from any IAEA Member State, and shall be
8 ineligible to receive any IAEA assistance not related
9 to safeguards inspections or nuclear security until
10 such time as the IAEA Board of Governors makes
11 such determination with respect to Iran.

12 (f) REPORT.—Not later than six months after the
13 date of the enactment of this Act and annually for two
14 years thereafter, the President shall submit to the appro-
15 priate congressional committees a report on the implemen-
16 tation of this section.

17 **SEC. 1242. SENSE OF CONGRESS REGARDING THE NUCLEAR**
18 **SECURITY ACTION PLAN OF THE IAEA.**

19 It is the sense of Congress that the national security
20 interests of the United States are enhanced by the Nuclear
21 Security Action Plan of the IAEA and the Board of Gov-
22 ernors should recommend, and the General Conference
23 should adopt, a resolution incorporating the Nuclear Secu-
24 rity Action Plan into the regular budget of the IAEA.

1 **Subtitle D—Peacekeeping**

2 **SEC. 1251. SENSE OF CONGRESS REGARDING REFORM OF**
3 **UNITED NATIONS PEACEKEEPING OPER-**
4 **ATIONS.**

5 It is the sense of Congress that—

6 (1) although United Nations peacekeeping oper-
7 ations have contributed greatly toward the pro-
8 motion of peace and stability for the past 57 years
9 and the majority of peacekeeping personnel who
10 have served under the United Nations flag have
11 done so with honor and courage, the record of
12 United Nations peacekeeping has been severely tar-
13 nished by operational failures and unconscionable
14 acts of misconduct; and

15 (2) if the reputation of and confidence in
16 United Nations peacekeeping operations is to be re-
17 stored, fundamental and far-reaching reforms, par-
18 ticularly in the areas of planning, management,
19 training, conduct, and discipline, must be imple-
20 mented without delay.

1 **SEC. 1252. STATEMENT OF POLICY RELATING TO REFORM**
2 **OF UNITED NATIONS PEACEKEEPING OPER-**
3 **ATIONS.**

4 It shall be the policy of the United States to pursue
5 reform of United Nations peacekeeping operations in the
6 following areas:

7 (1) PLANNING AND MANAGEMENT.—

8 (A) GLOBAL AUDIT.—As the size, cost,
9 and number of United Nations peacekeeping
10 operations have increased substantially over the
11 past decade, an independent audit of each such
12 operation, with a view toward “right-sizing” op-
13 erations and ensuring that such operations are
14 cost effective, should be conducted and its find-
15 ings reported to the Security Council.

16 (B) REVIEW OF MANDATES AND CLOSING
17 OPERATIONS.—In conjunction with the audit
18 described in subparagraph (A), the United Na-
19 tions Department of Peacekeeping Operations
20 should conduct a comprehensive review of all
21 United Nations peacekeeping operation man-
22 dates, with a view toward identifying objectives
23 that are practical and achievable, and report its
24 findings to the Security Council. In particular,
25 the review should consider the following:

1 (i) Activities that fall beyond the
2 scope of traditional peacekeeping activities
3 should be delegated to a new Peacebuilding
4 Commission, described in paragraph (3).

5 (ii) Long-standing operations that are
6 static and cannot fulfill their mandate
7 should be downsized or closed.

8 (iii) Where there is legitimate concern
9 that the withdrawal from a country of an
10 otherwise static United Nations peace-
11 keeping operation would result in the re-
12 sumption of major conflict, a burden-shar-
13 ing arrangement that reduces the level of
14 assessed contributions, similar to that cur-
15 rently supporting the United Nations
16 Peacekeeping Force in Cyprus, should be
17 explored and instituted.

18 (C) LEADERSHIP.—As peacekeeping oper-
19 ations become larger and increasingly complex,
20 the Secretariat should adopt a minimum stand-
21 ard of qualifications for senior leaders and
22 managers, with particular emphasis on specific
23 skills and experience, and current senior leaders
24 and managers who do not meet those standards
25 should be removed or reassigned.

1 (D) PRE-DEPLOYMENT TRAINING.—Pre-
2 deployment training on interpretation of the
3 mandate of the operation, specifically in the
4 areas of use of force, civilian protection and
5 field conditions, the Code of Conduct, HIV/
6 AIDS, and human rights should be mandatory,
7 and all personnel, regardless of category or
8 rank, should be required to sign an oath that
9 each has received and understands such train-
10 ing as a condition of participation in the oper-
11 ation.

12 (E) GRATIS MILITARY PERSONNEL.—The
13 General Assembly should lift restrictions on the
14 utilization at the headquarters in New York,
15 the United States, of the Department of Peace-
16 keeping Operations of gratis military personnel
17 by the Department so that the Department may
18 accept secondments from Member States of
19 military personnel with expertise in mission
20 planning, logistics, and other operational spe-
21 cialties.

22 (2) CONDUCT AND DISCIPLINE.—

23 (A) ADOPTION OF A UNIFORM CODE OF
24 CONDUCT.—A single, uniform Code of Conduct
25 that has the status of a binding rule and ap-

1 plies equally to all personnel serving in United
2 Nations peacekeeping operations, regardless of
3 category or rank, should be promulgated, adopt-
4 ed, and enforced.

5 (B) UNDERSTANDING THE CODE OF CON-
6 DUCT.—All personnel, regardless of category or
7 rank, should receive training on the Code of
8 Conduct prior to deployment with a peace-
9 keeping operation, in addition to periodic fol-
10 low-on training. In particular—

11 (i) all personnel, regardless of cat-
12 egory or rank, should be provided with a
13 personal copy of the Code of Conduct that
14 has been translated into the national lan-
15 guage of such personnel, regardless of
16 whether such language is an official lan-
17 guage of the United Nations;

18 (ii) all personnel, regardless of cat-
19 egory or rank, should sign an oath that
20 each has received a copy of the Code of
21 Conduct, that each pledges to abide by the
22 Code of Conduct, and that each under-
23 stands the consequences of violating the
24 Code of Conduct, including immediate ter-
25 mination of the participation of such per-

1 sonnel in the peacekeeping operation to
2 which such personnel is assigned as a con-
3 dition of appointment to such operation;
4 and

5 (iii) peacekeeping operations should
6 conduct educational outreach programs to
7 reach local communities where peace-
8 keeping personnel of such operations are
9 based, including explaining prohibited acts
10 on the part of United Nations peace-
11 keeping personnel and identifying the indi-
12 vidual to whom the local population may
13 direct complaints or file allegations of ex-
14 ploitation, abuse, or other acts of mis-
15 conduct.

16 (C) MONITORING MECHANISMS.—Dedi-
17 cated monitoring mechanisms, such as the Per-
18 sonnel Conduct Units already deployed to sup-
19 port United Nations peacekeeping operations in
20 Haiti, Liberia, Burundi, and the Democratic
21 Republic of Congo, should be present in each
22 operation to monitor compliance with the Code
23 of Conduct, and—

24 (i) should report simultaneously to the
25 Head of Mission, the United Nations De-

1 partment of Peacekeeping Operations, and
2 the Associate Director of OIOS for Peace-
3 keeping Operations (established under sec-
4 tion 1114(b)(9)); and

5 (ii) should be tasked with designing
6 and implementing mission-specific meas-
7 ures to prevent misconduct, conduct follow-
8 on training for personnel, coordinate com-
9 munity outreach programs, and assist in
10 investigations, as OIOS determines nec-
11 essary and appropriate.

12 (D) INVESTIGATIONS.—A permanent, pro-
13 fessional, and independent investigative body
14 should be established and introduced into
15 United Nations peacekeeping operations. In
16 particular—

17 (i) the investigative body should in-
18 clude professionals with experience in in-
19 vestigating sex crimes, as well as experts
20 who can provide guidance on standards of
21 proof and evidentiary requirements nec-
22 essary for any subsequent legal action;

23 (ii) provisions should be included in a
24 Model Memorandum of Understanding
25 that obligate Member States that con-

1 tribute troops to a peacekeeping operation
2 to designate a military prosecutor who will
3 participate in any investigation into an al-
4 legation of misconduct brought against an
5 individual of such Member State, so that
6 evidence is collected and preserved in a
7 manner consistent with the military law of
8 such Member State;

9 (iii) the investigative body should be
10 regionally based to ensure rapid deploy-
11 ment and should be equipped with modern
12 forensics equipment for the purpose of
13 positively identifying perpetrators and,
14 where necessary, for determining paternity;
15 and

16 (iv) the investigative body should re-
17 port directly to the Associate Director of
18 OIOS for Peacekeeping Operations, while
19 providing copies of any reports to the De-
20 partment of Peacekeeping Operations, the
21 Head of Mission, and the Member State
22 concerned.

23 (E) FOLLOW-UP.—A dedicated unit, simi-
24 lar to the Personnel Conduct Units, staffed and
25 funded through existing resources, should be es-

1 tablished within the headquarters of the United
2 Nations Department of Peacekeeping Oper-
3 ations and tasked with—

4 (i) promulgating measures to prevent
5 misconduct;

6 (ii) coordinating allegations of mis-
7 conduct, and reports received by field per-
8 sonnel; and

9 (iii) gathering follow-up information
10 on completed investigations, particularly by
11 focusing on disciplinary actions against the
12 individual concerned taken by the United
13 Nations or by the Member State that is
14 contributing troops to which such indi-
15 vidual belongs, and sharing such informa-
16 tion with the Security Council, the Head of
17 Mission, and the community hosting the
18 peacekeeping operation.

19 (F) FINANCIAL LIABILITY AND VICTIMS
20 ASSISTANCE.—Although peacekeeping oper-
21 ations should provide immediate medical assist-
22 ance to victims of sexual abuse or exploitation,
23 the responsibility for providing longer-term
24 treatment, care, or restitution lies solely with
25 the individual found guilty of the misconduct.

1 In particular, the following reforms should be
2 implemented:

3 (i) The United Nations should not as-
4 sume responsibility for providing long-term
5 treatment or compensation by creating a
6 “Victims Trust Fund”, or any other such
7 similar fund, financed through assessed
8 contributions to United Nations peace-
9 keeping operations, thereby shielding indi-
10 viduals from personal liability and rein-
11 forcing an atmosphere of impunity.

12 (ii) If an individual responsible for
13 misconduct has been repatriated, reas-
14 signed, redeployed, or is otherwise unable
15 to provide assistance, responsibility for
16 providing assistance to a victim should be
17 assigned to the Member State that contrib-
18 uted the troops to which such individual
19 belonged or to the manager concerned.

20 (iii) In the case of misconduct by a
21 member of a military contingent, appro-
22 priate funds shall be withheld from the
23 troop contributing country concerned.

24 (iv) In the case of misconduct by a ci-
25 vilian employee or contractor of the United

1 Nations, appropriate wages shall be gar-
2 nished from such individual or fines shall
3 be imposed against such individual, con-
4 sistent with existing United Nations Staff
5 Rules.

6 (G) MANAGERS AND COMMANDERS.—The
7 manner in which managers and commanders
8 handle cases of misconduct by those serving
9 under them should be included in their indi-
10 vidual performance evaluations, so that man-
11 agers and commanders who take decisive action
12 to deter and address misconduct are rewarded,
13 while those who create a permissive environ-
14 ment or impede investigations are penalized or
15 relieved of duty, as appropriate.

16 (H) DATA BASE.—A centralized data base
17 should be created and maintained within the
18 United Nations Department of Peacekeeping
19 Operations to track cases of misconduct, includ-
20 ing the outcome of investigations and subse-
21 quent prosecutions, to ensure that personnel
22 who have engaged in misconduct or other crimi-
23 nal activities, regardless of category or rank,
24 are permanently barred from participation in
25 future peacekeeping operations.

1 (I) WELFARE.—Peacekeeping operations
2 should assume responsibility for maintaining a
3 minimum standard of welfare for mission per-
4 sonnel to ameliorate conditions of service, while
5 adjustments are made to the discretionary wel-
6 fare payments currently provided to Member
7 States that contribute troops to offset the cost
8 of operation-provided recreational facilities.

9 (3) PEACEBUILDING COMMISSION.—

10 (A) ESTABLISHMENT.—Consistent with
11 the recommendations of the High Level Panel
12 Report, the United Nations should establish a
13 Peacebuilding Commission, supported by a
14 Peacebuilding Support Office, to marshal the
15 efforts of the United Nations, international fi-
16 nancial institutions, donors, and non-govern-
17 mental organizations to assist countries in tran-
18 sition from war to peace.

19 (B) STRUCTURE AND MEMBERSHIP.—The
20 Commission should—

21 (i) be a subsidiary body of the United
22 Nations Security Council, limited in size to
23 ensure efficiency;

24 (ii) include members of the United
25 Nations Security Council, major donors,

1 major troop contributing countries, appro-
2 priate United Nations organizations, the
3 World Bank, and the International Mone-
4 tary Fund; and

5 (iii) invite the President of ECOSOC,
6 regional actors, Member States that con-
7 tribute troops, regional development banks,
8 and other concerned parties that are not
9 already members, as determined appro-
10 priate, to consult or participate in meet-
11 ings as observers.

12 (C) RESPONSIBILITIES.—The Commission
13 should seek to ease the demands currently
14 placed upon the Department of Peacekeeping
15 Operations to undertake tasks that fall beyond
16 the scope of traditional peacekeeping, by—

17 (i) developing and integrating coun-
18 try-specific and system-wide conflict pre-
19 vention, post-conflict reconstruction, and
20 long-term development policies and strate-
21 gies; and

22 (ii) serving as the key coordinating
23 body for the design and implementation of
24 military, humanitarian, and civil adminis-
25 tration aspects of complex missions.

1 (D) RESOURCES.—The establishment of
2 the Peacebuilding Commission and the related
3 Peacebuilding Support Office, should be staffed
4 within existing resources.

5 **SEC. 1253. CERTIFICATION.**

6 (a) NEW OR EXPANDED PEACEKEEPING OPER-
7 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-
8 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

9 (1) NO NEW OR EXPANDED PEACEKEEPING OP-
10 ERATIONS.—

11 (A) CERTIFICATION.—Except as provided
12 in subparagraph (B), until the Secretary of
13 State certifies that the requirements described
14 in paragraph (2) have been satisfied, the Presi-
15 dent shall direct the United States Permanent
16 Representative to the United Nations to use the
17 voice, vote, and influence of the United States
18 at the United Nations to oppose the creation of
19 new, or expansion of existing, United Nations
20 peacekeeping operations.

21 (B) EXCEPTION AND NOTIFICATION.—The
22 requirements described under subparagraphs
23 (F) and (G) of paragraph (2) may be waived
24 until January 1, 2007, if the President deter-
25 mines that such is in the national interest of

1 the United States. If the President makes such
2 a determination, the President shall, not later
3 than 15 days before the exercise of such waiver,
4 notify the appropriate congressional committees
5 of such determination and resulting waiver.

6 (2) CERTIFICATION OF PEACEKEEPING OPER-
7 ATIONS REFORMS.—The certification referred to in
8 paragraph (1) is a certification made by the Sec-
9 retary to the appropriate congressional committees
10 that the following reforms, or an equivalent set of
11 reforms, related to peacekeeping operations have
12 been adopted by the United Nations Department of
13 Peacekeeping Operations or the General Assembly,
14 as appropriate:

15 (A) A single, uniform Code of Conduct
16 that has the status of a binding rule and ap-
17 plies equally to all personnel serving in United
18 Nations peacekeeping operations, regardless of
19 category or rank, has been adopted by the Gen-
20 eral Assembly and mechanisms have been estab-
21 lished for training such personnel concerning
22 the requirements of the Code and enforcement
23 of the Code.

24 (B) All personnel, regardless of category or
25 rank, serving in a peacekeeping operation have

1 been trained concerning the requirements of the
2 Code of Conduct and each has been given a per-
3 sonal copy of the Code, translated into the na-
4 tional language of such personnel.

5 (C) All personnel, regardless of category or
6 rank, are required to sign an oath that each has
7 received a copy of the Code of Conduct, that
8 each pledges to abide by the Code, and that
9 each understands the consequences of violating
10 the Code, including the immediate termination
11 of the participation of such personnel in the
12 peacekeeping operation to which such personnel
13 is assigned as a condition of the appointment to
14 such operation.

15 (D) All peacekeeping operations have de-
16 signed and implemented educational outreach
17 programs to reach local communities where
18 peacekeeping personnel of such operations are
19 based to explain prohibited acts on the part of
20 United Nations peacekeeping personnel and to
21 identify the individual to whom the local popu-
22 lation may direct complaints or file allegations
23 of exploitation, abuse, or other acts of mis-
24 conduct.

1 (E) A centralized data base has been cre-
2 ated and is being maintained in the United Na-
3 tions Department of Peacekeeping Operations
4 that tracks cases of misconduct, including the
5 outcomes of investigations and subsequent pros-
6 ecutions, to ensure that personnel, regardless of
7 category or rank, who have engaged in mis-
8 conduct or other criminal activities are perma-
9 nently barred from participation in future
10 peacekeeping operations.

11 (F) A Model Memorandum of Under-
12 standing between the United Nations and each
13 Member State that contributes troops to a
14 peacekeeping operation has been adopted by the
15 United Nations Department of Peacekeeping
16 Operations that specifically obligates each such
17 Member State to—

18 (i) designate a competent legal au-
19 thority, preferably a prosecutor with exper-
20 tise in the area of sexual exploitation and
21 abuse, to participate in any investigation
22 into an allegation of misconduct brought
23 against an individual of such Member
24 State;

1 (ii) refer to its competent national or
2 military authority for possible prosecution,
3 if warranted, any investigation of a viola-
4 tion of the Code of Conduct or other crimi-
5 nal activity by an individual of such Mem-
6 ber State;

7 (iii) report to the Department of
8 Peacekeeping Operations on the outcome
9 of any such investigation;

10 (iv) undertake to conduct on-site court
11 martial proceedings relating to allegations
12 of misconduct alleged against an individual
13 of such Member State; and

14 (v) assume responsibility for the pro-
15 vision of appropriate assistance to a victim
16 of misconduct committed by an individual
17 of such Member State.

18 (G) A professional and independent inves-
19 tigative and audit function has been established
20 within the United Nations Department of
21 Peacekeeping Operations and the OIOS to mon-
22 itor United Nations peacekeeping operations.

1 **SEC. 1254. RULE OF CONSTRUCTION RELATING TO PROTEC-**
2 **TION OF UNITED STATES OFFICIALS AND**
3 **MEMBERS OF THE ARMED FORCES.**

4 Nothing in this subtitle shall be construed as super-
5 seding the Uniform Code of Military Justice or operating
6 to effect the surrender of United States officials or mem-
7 bers of the Armed Forces to a foreign country or inter-
8 national tribunal, including the International Criminal
9 Court, for prosecutions arising from peacekeeping oper-
10 ations or other similar United Nations-related activity,
11 and nothing in this subtitle shall be interpreted in a man-
12 ner inconsistent with the American Servicemembers' Pro-
13 tection Act of 2002 (title II of the 2002 Supplemental Ap-
14 propriations Act for Further Recovery From and Re-
15 sponse To Terrorist Attacks on the United States; Public
16 Law 107–206).

17 **Subtitle E—Department of State**
18 **and Government Accountability**
19 **Office**

20 **SEC. 1261. POSITIONS FOR UNITED STATES CITIZENS AT**
21 **INTERNATIONAL ORGANIZATIONS.**

22 The Secretary of State shall make every effort to re-
23 cruit United States citizens for positions within inter-
24 national organizations.

1 **SEC. 1262. BUDGET JUSTIFICATION FOR REGULAR AS-**
2 **SESSED BUDGET OF THE UNITED NATIONS.**

3 (a) DETAILED ITEMIZATION.—The annual congres-
4 sional budget justification shall include a detailed itemized
5 request in support of the assessed contribution of the
6 United States to the regular assessed budget of the United
7 Nations.

8 (b) CONTENTS OF DETAILED ITEMIZATION.—The
9 detailed itemization required under subsection (a) shall—

10 (1) contain information relating to the amounts
11 requested in support of each of the various sections
12 and titles of the regular assessed budget of the
13 United Nations; and

14 (2) compare the amounts requested for the cur-
15 rent year with the actual or estimated amounts con-
16 tributed by the United States in previous fiscal years
17 for the same sections and titles.

18 (c) ADJUSTMENTS AND NOTIFICATION.—If the
19 United Nations proposes an adjustment to its regular as-
20 sessed budget, the Secretary of State shall, at the time
21 such adjustment is presented to the Advisory Committee
22 on Administrative and Budgetary Questions (ACABQ),
23 notify and consult with the appropriate congressional com-
24 mittees.

1 **SEC. 1263. REVIEW AND REPORT.**

2 Not later than six months after the date of the enact-
3 ment of this Act, the Secretary of State shall conduct a
4 review of programs of the United Nations that are funded
5 through assessed contributions and submit to the appro-
6 priate congressional committees a report containing—

7 (1) the findings of such review; and

8 (2) recommendations relating to—

9 (A) the continuation of such programs;

10 and

11 (B) which of such programs should be vol-
12 untarily funded, other than those specified in
13 subparagraphs (A) through (R) of subsection
14 (c)(2) of section 11 of the United Nations Par-
15 ticipation Act of 1945, as amended by section
16 1111(c) of this title.

17 **SEC. 1264. GOVERNMENT ACCOUNTABILITY OFFICE.**

18 (a) REPORT ON UNITED NATIONS REFORMS.—Not
19 later than 12 months after the date of the enactment of
20 this Act and again 12 months thereafter, the Comptroller
21 General of the United States of the Government Account-
22 ability Office shall submit to the appropriate congressional
23 committees a report on the status of the 1997, 2002, and
24 2005 management reforms initiated by the Secretary Gen-
25 eral and on the reforms mandated by this title.

1 (b) REPORT ON DEPARTMENT OF STATE CERTIFI-
2 CATIONS.—Not later than six months after each certifi-
3 cation submitted by the Secretary of State to the appro-
4 priate congressional committees under this title and sub-
5 section (d)(3) of section 11 of the United Nations Partici-
6 pation Act of 1945 (as amended by section 1111(c) of this
7 title), the Comptroller General shall submit to the appro-
8 priate congressional committees a report on each such cer-
9 tification. The Secretary shall provide the Comptroller
10 General with any information required by the Comptroller
11 General to submit any such report.

12 (c) UNITED NATIONS CONSTRUCTION AND CON-
13 TRACTING.—Not later than six months after the date of
14 the enactment of this Act, the Comptroller General shall
15 submit to the Committee on International Relations of the
16 House of Representatives, the Committee on Foreign Re-
17 lations of the Senate, the Committee on Appropriations
18 of the House of Representatives, and the Committee on
19 Appropriations of the Senate a report describing the costs
20 associated with the contracting for and construction of the
21 Geneva, Switzerland, buildings of the World Meteorolog-
22 ical Organization (WMO) and the World Intellectual Prop-
23 erty Organization (WIPO). The report shall include anal-
24 yses of the procurement procedures for each such building
25 and shall specifically address issues of any corrupt con-

1 tracting practices that are discovered, such as rigged bids
2 and kickbacks, as well as other improprieties. The report
3 shall also include an identification of other credible allega-
4 tions of corrupt contracting at United Nations construc-
5 tion projects that involve major construction on a scale
6 comparable to the WMO and WIPO construction projects,
7 and a description of the results of an investigation into
8 each such credible allegation.

9 **Subtitle F—Certifications and**
10 **Withholding of Contributions**

11 **SEC. 1271. CERTIFICATIONS AND WITHHOLDING OF CON-**
12 **TRIBUTIONS.**

13 (a) CERTIFICATIONS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (3), the certifications required under sub-
16 section (d)(3) of section 11 of the United Nations
17 Participation Act of 1945 (as amended by section
18 1111(c) of this title) and section 1113, sections
19 1114(a) through 1114(e), section 1114(g), section
20 1123, section 1124, sections 1131(c) and 1131(e),
21 section 1132, and section 1133 of this title are cer-
22 tifications submitted to the appropriate congress-
23 sional committees by the Secretary of State that the
24 requirements of each such section have been satis-
25 fied with respect to reform of the United Nations.

1 (2) ALTERNATE CERTIFICATION MECHANISM.—

2 (A) IN GENERAL.—Except as provided in
3 paragraph (3), in the event that the Secretary
4 is unable to submit a certification in accordance
5 with paragraph (1), the Secretary may submit
6 to the appropriate congressional committees, in
7 accordance with subparagraph (B), an alternate
8 certification that certifies that the requirements
9 of the section to which the original certification
10 applies have been implemented through reforms
11 that are substantially similar to the require-
12 ments of such section or accomplish the same
13 purposes as the requirements of such section.

14 (B) EQUIVALENCY.—Reforms are substan-
15 tially similar or accomplish the same purposes
16 if—

17 (i) such reforms are formally adopted
18 in written form by the entity or committee
19 of the United Nations or of its specialized
20 agency that has authority to enact or im-
21 plement such reforms or are issued by the
22 Secretariat or the appropriate entity or
23 committee in written form; and

24 (ii) such reforms are not identical to
25 the reforms required by a particular cer-

1 tification but in the determination of the
2 Secretary will have the same, or nearly the
3 same effect, as such reforms.

4 (C) WRITTEN JUSTIFICATION AND CON-
5 SULTATION.—

6 (i) WRITTEN JUSTIFICATION.—Not
7 later than 30 days before submitting an al-
8 ternate certification in accordance with
9 subparagraph (A), the Secretary shall sub-
10 mit to the appropriate congressional com-
11 mittees a written justification explaining in
12 detail the basis for such alternate certifi-
13 cation.

14 (ii) CONSULTATION.—After the Sec-
15 retary has submitted the written justifica-
16 tion under clause (i), but no later than 15
17 days before the Secretary exercises the al-
18 ternate certification mechanism described
19 under subparagraph (A), the Secretary
20 shall consult with the appropriate congress-
21 sional committees regarding such exercise.

22 (3) LIMITED EXCEPTION FOR SUBSTANTIAL
23 COMPLIANCE.—

24 (A) SUBSTANTIAL COMPLIANCE.—Subject
25 to subparagraph (B), if at least 32 of the 46

1 reforms represented by the 14 certifications
2 specified under paragraph (1) have been imple-
3 mented, all such reforms (including the
4 unimplemented reforms) so represented shall be
5 deemed to have been implemented for the year
6 in which the Secretary submits such certifi-
7 cations.

8 (B) MANDATORY IMPLEMENTATION OF
9 CERTAIN REFORMS.—

10 (i) IN GENERAL.—The provisions of
11 subparagraph (A) shall not apply unless
12 the reforms under the following sections
13 have been implemented for the year to
14 which subparagraph (A) applies:

15 (I) Subsection (d)(3) of section
16 11 of the United Nations Participa-
17 tion Act of 1945 (as amended by sec-
18 tion 1111(c) of this title).

19 (II) Section 1113(b)(1)(A).

20 (III) Section 1113(b)(2)(D).

21 (IV) Section 1114(a)(1).

22 (V) Section 1114(a)(6).

23 (VI) Section 1114(b)(1).

24 (VII) Section 1114(b)(2).

25 (VIII) Section 1114(c)(1).

1 (IX) Section 1131(b)(1).

2 (X) Section 1131(b)(2).

3 (XI) Section 1131(b)(3).

4 (XII) Section 1131(b)(5).

5 (XIII) Section 1131(b)(6).

6 (XIV) Section 1132(a)(1).

7 (XV) Section 1132(a)(2).

8 (ii) FULL COMPLIANCE IN SUC-
9 CEEDING YEAR.—If the unimplemented re-
10 forms under subparagraph (A) are not im-
11 plemented in the year succeeding the year
12 to which subparagraph (A) applies, the
13 provisions of subsection (b) shall apply for
14 such succeeding year.

15 (b) WITHHOLDING OF UNITED STATES CONTRIBU-
16 TIONS TO REGULAR ASSESSED BUDGET OF THE UNITED
17 NATIONS.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (4) and in accordance with paragraph (2),
20 until such time as all certifications (or alternate cer-
21 tifications) are submitted in accordance with sub-
22 section (a), the United States shall appropriate, but
23 withhold from expenditure, 50 percent of the con-
24 tributions of the United States to the regular as-

1 sessed budget of the United Nations for a biennial
2 period.

3 (2) AVAILABLE UNTIL EXPENDED.—The con-
4 tributions appropriated but withheld from expendi-
5 ture under paragraph (1) are authorized to remain
6 available until expended.

7 (3) APPLICATION WITH RESPECT TO SECTION
8 11(B) OF THE UNITED NATION PARTICIPATION ACT
9 OF 1945.—Until such time as all certifications (or al-
10 ternate certifications) are submitted in accordance
11 with subsection (a), subsection (b) of section 11 of
12 the United Nations Participation Act of 1945 (as
13 amended by section 1111(c) of this title) shall be ad-
14 ministered as though such section reads as follows:
15 “The Secretary may not make a contribution to a
16 regularly assessed biennial budget of the United Na-
17 tions in an amount greater than 11 percent of the
18 amount calculable under subsection (c).”.

19 (4) SECTION 11(D)(3) OF UNITED NATIONS PAR-
20 TICIPATION ACT OF 1945.—

21 (A) SPECIAL RULE.—A certification under
22 subsection (d)(3) of section 11 of the United
23 Nations Participation Act of 1945 (as amended
24 by section 1111(c) of this title) (relating to the
25 2008–2009 biennial period and subsequent bi-

1 ennial periods) shall not be required until such
2 time as the United Nations makes its formal
3 budget presentation for the 2008–2009 biennial
4 period.

5 (B) APPLICATION.—If the Secretary does
6 not submit a certification under such section,
7 the 50 percent withholding described under
8 paragraph (1) shall apply.

9 (c) RELEASE OF FUNDS.—At such time as all certifi-
10 cations (or alternate certifications) are submitted in ac-
11 cordance with subsection (a), the United States shall
12 transfer to the United Nations amounts appropriated but
13 withheld from expenditure under subsection (b).

14 (d) ANNUAL REVIEWS.—

15 (1) IN GENERAL.—The Secretary shall conduct
16 annual reviews, beginning one year after the date on
17 which the Secretary submits the final certification
18 (or alternate certification) in accordance with sub-
19 section (a), to determine if the United Nations con-
20 tinues to remain in compliance with all such certifi-
21 cations (or alternate certifications). Not later than
22 30 days after the completion of each such review,
23 the Secretary shall submit to the appropriate con-
24 gressional committees a report containing the find-
25 ings of each such review.

1 (2) ACTION.—If during the course of any such
2 review the Secretary determines that the United Na-
3 tions has failed to remain in compliance with a cer-
4 tification (or an alternate certification) that was
5 submitted in accordance with subsection (a), the 50
6 percent withholding described under subsection (b)
7 shall re-apply with respect to United States con-
8 tributions each fiscal year to the regular assessed
9 budget of the United Nations beginning with the fis-
10 cal year immediately following such review and sub-
11 sequent fiscal years until such time as all certifi-
12 cations (or alternate certifications) under subsection
13 (a) have been submitted.

14 (e) EFFECTIVE DATE.—The certifications (or alter-
15 nate certifications) specified under subsection (a) shall be
16 required with respect to United States contributions to-
17 wards payment of regular assessed dues of the United Na-
18 tions for 2007 and subsequent years.

19 **TITLE XIII—OPENING DOORS** 20 **FOR FOREIGN STUDENTS**

21 **SEC. 1301. SHORT TITLE.**

22 This title may be cited as the “Opening Doors for
23 Foreign Students Act of 2005”.

24 **SEC. 1302. FINDINGS.**

25 Congress finds the following:

1 (1) Opening doors to well-intentioned foreign
2 students and exchange visitors has wide-ranging
3 benefits to the United States.

4 (2) Upon their return to their countries of ori-
5 gin, foreign students and exchange visitors dissemi-
6 nate the core values of the United States as they re-
7 late their positive experiences with the democratic
8 form of governance, the dynamic multicultural soci-
9 ety, and the entrepreneurial spirit of the United
10 States.

11 (3) The United States earns approximately
12 \$13,000,000,000 a year in tuition and living ex-
13 penses paid by foreign students, making higher edu-
14 cation the United States' fifth largest service export.

15 (4) Since the terrorist attacks on America on
16 September 11, 2001, the United States institutions
17 of higher education and nongovernmental exchange
18 sponsors have faced great challenges in retaining
19 their competitive position in the market for foreign
20 students.

21 (A) During the 2002–2003 academic year,
22 the first year after the 9/11 attacks, the growth
23 of overall international student enrollment in
24 the United States slowed to 0.6 percent after
25 having increased by 6.4 percent in the two pre-

1 vious academic years. During the 2003–2004
2 academic year, according to the Institute of
3 International Education, the number of inter-
4 national students studying in the United States
5 declined 2.4 percent to 572,509. This was the
6 first overall decline in international students
7 studying in the United States since the 1971–
8 72 school year.

9 (B) Community Colleges have been par-
10 ticularly hard-hit by overall declines in enroll-
11 ments of foreign students. During the 2003–
12 2004 academic year, the number of foreign stu-
13 dents enrolled a public two-year schools fell by
14 10 percent, according to the Institute of Inter-
15 national Education.

16 (5) Some foreign students have expressed anx-
17 iety and alarm about the new visa processes. A sur-
18 vey conducted in 2004 at the University of Cali-
19 fornia of 1,700 foreign students found that 60 per-
20 cent reported that they had to endure “unreasonable
21 delays” to obtain student visas.

22 (6) Competitors in the marketplace for higher
23 education, including Canada, Australia, New Zea-
24 land, Germany and the United Kingdom, are aggres-

1 sively recruiting students to take advantage of
2 changed perceptions of the United States.

3 (7) If the United States is to regain its com-
4 petitive advantage in attracting foreign students and
5 exchange visitors, it will be essential for the Depart-
6 ment of State to work to ensure that new visa proce-
7 dures are administered in the most efficient and
8 user-friendly possible manner. Furthermore the De-
9 partment must continue to engage in public outreach
10 designed to dispel negative perceptions about study
11 in the United States.

12 **SEC. 1303. DEVELOPMENT OF A COMPREHENSIVE STRAT-**
13 **EGY TO ATTRACT FOREIGN STUDENTS TO**
14 **STUDY IN THE UNITED STATES.**

15 (a) DEVELOPMENT OF STRATEGY.—Not later than
16 one year after the date of the enactment of this Act, the
17 Secretary of State, in consultation with the Secretary of
18 Homeland Security, the Secretary of Education, and the
19 Secretary of Commerce, shall develop a comprehensive
20 strategy to counter widespread perceptions among foreign
21 students that the United States no longer welcomes them
22 to study in the United States or to participate in exchange
23 programs, and to increase applications by foreign students
24 to come to the United States for study and exchange. Not
25 later than 180 days after the date of the enactment of

1 this Act, the Secretary shall submit to the appropriate
2 congressional committees a written account of this strat-
3 egy.

4 (b) CONSULTATIONS WITH STAKEHOLDERS.—Begin-
5 ning not later than 180 days after date of the enactment
6 of this Act, the Secretary of State shall undertake annual
7 consultations with individuals and organizations involved
8 in international education, including consultations with
9 nongovernmental institutions concerned with the recruit-
10 ment of foreign students to the United States; officials
11 from United States educational institutions concerned
12 with the recruitment of foreign students, foreign student
13 representatives, nongovernmental organizations des-
14 igned by the Department of State as sponsors in the
15 Exchange Visitor Program, and other concerned parties
16 for the purpose of discussing and seeking input on the
17 development of the comprehensive strategy described in
18 subsection (a).

19 **SEC. 1304. IDENTIFICATION OF PRIORITY MISSIONS AND**
20 **MISSIONS EMPLOYING BEST PRACTICES FOR**
21 **ATTRACTING STUDENT VISA APPLICANTS.**

22 (a) REVIEW OF STUDENT VISA APPLICATIONS.—The
23 Secretary of State shall review the application and
24 issuance rates for F-1 and J-1 nonimmigrant visas
25 (issued under subparagraphs (F) and (J) of section

1 101(a)(15) of the Immigration and Nationality Act (8
2 U.S.C. 1101(a)(15)) at every diplomatic or consular mis-
3 sion of the United States providing consular services. Such
4 review shall encompass the five-year period immediately
5 preceding the date of the enactment of this Act and shall
6 be used to identify missions that have experienced signifi-
7 cant declines in such visa applications, the issuance of
8 such visas, or both, and shall also identify diplomatic or
9 consular missions that have experienced recovery in the
10 rate of such applications or such issuances after experi-
11 encing significant declines in such applications, such
12 issuances, or both.

13 (b) OBTAINING INFORMATION ON BEST PRACTICES
14 FOR GAINING INCREASES.—Upon identifying diplomatic
15 or consular missions that have experienced recoveries in
16 the rates of such visa applications, issuances, or both, the
17 Secretary shall direct the chiefs of mission of such mis-
18 sions to submit to the Secretary a report concerning con-
19 sular, public diplomacy, public outreach, or other practices
20 that may have contributed to such recoveries.

21 (c) CORRECTIVE MEASURES.—Upon identifying dip-
22 lomatic or consular missions in key foreign policy coun-
23 tries that have suffered significant declines in the rates
24 of such applications, issuances, or both without experi-
25 encing recovery in either or both of such rates in accord-

1 ance with the review required under subsection (a), the
2 Secretary shall direct the chiefs of mission of such mis-
3 sions to develop a plan appropriate to each such mission
4 to attract additional F-1 and J-1 visa applicants and to
5 address any inefficiencies in processing visa applications
6 specific to each such mission.

7 (d) REPORT.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of the enactment of this Act, and one
10 year thereafter, the Secretary shall submit to the ap-
11 propriate congressional committees a report con-
12 cerning trends in the application and issuance rates
13 for F-1 and J-1 visas at all diplomatic and consular
14 missions of the United States providing consular
15 services.

16 (2) REPORT ELEMENTS.—

17 (A) STATISTICAL INFORMATION.—The
18 first report submitted pursuant to this section
19 shall contain data from the five-year period im-
20 mediately preceding the date of the enactment
21 of this Act. The second report shall contain up-
22 dated data covering the calendar year preceding
23 the issuance of the report and comparisons with
24 previous data.

1 (B) BEST PRACTICES.—Each report shall
2 contain a “Best Practices” section identifying
3 diplomatic or consular missions that have expe-
4 rienced a recovery in the rates of such applica-
5 tions, such issuances, or both after experiencing
6 declines in the rates for such applications, such
7 issuances, or both. For each diplomatic or con-
8 sular mission so identified, the report shall in-
9 clude post activities that may have contributed
10 to such recovery.

11 (C) PRIORITY POSTS.—Each report shall
12 also contain a section entitled “Priority Posts”
13 that identifies critical diplomatic and consular
14 missions from key foreign policy countries that
15 have experienced declines in the rates of such
16 applications, such issuances, or both without ex-
17 perienceing a significant recovery in any of such
18 rates. For each diplomatic or consular mission
19 so identified, the report shall contain an action
20 plan that describes new initiatives, such as con-
21 sular services, public diplomacy, and public out-
22 reach, that are designed to improve the rates of
23 such applications and such issuances.

1 **SEC. 1305. ENHANCED TRAINING IN PROCESSING AND FA-**
2 **CILITATING STUDENT VISAS.**

3 (a) TRAINING PROGRAMS.—Chapter 7 of the Foreign
4 Service Act of 1980 (22 U.S.C. 3901 et seq.) (relating
5 to career development, training, and orientation) is
6 amended by adding at the end the following new section:

7 **“SEC. 708. TRAINING IN PROCESSING AND FACILITATING**
8 **VISA APPLICATIONS FOR STUDENTS AND EX-**
9 **CHANGE VISITORS FOR STUDY IN THE**
10 **UNITED STATES.**

11 “The Secretary shall establish a training program for
12 members of the Service who have responsibilities related
13 to the issuance of visas to prepare such members for the
14 unique challenges that visa applicants face in completing
15 the F–1 and J–1 nonimmigrant visa application process
16 and to provide such members with proven tools, including
17 in the area of consular services, public diplomacy, outreach
18 to non-governmental institutions and educational institu-
19 tions, and public outreach to combat perceptions that the
20 United States is no longer a welcoming place for foreign
21 citizens to study or to participate in exchange programs.”.

1 **SEC. 1306. ENHANCED DIPLOMATIC EFFORTS TO NEGOTIATE FAVORABLE RECIPROCAL AGREEMENTS WITH FOREIGN GOVERNMENTS CONCERNING STUDENT VISA TERM LIMITS.**

2
3
4
5 The Secretary of State should undertake a sustained
6 diplomatic dialogue with key foreign governments, including the Government of the People's Republic of China and
7 the Government of the Russian Federation, aimed at re-
8 negotiating the terms of existing reciprocal agreements to
9 provide for extended validity of student and exchange visas
10 in order to reduce the need for frequent renewals of F-
11 1 and J-1 nonimmigrant visas by foreign students.

12
13 **TITLE XIV—MISCELLANEOUS**
14 **PROVISIONS**

15 **Subtitle A—General Provisions**

16 **SEC. 1401. STATEMENT OF POLICY RELATING TO DEMOCRACY IN IRAN.**

17
18 (a) FINDINGS.—Congress finds the following:

19 (1) Iran is neither free nor democratic. Men
20 and women are not treated equally in Iran, women
21 are legally deprived of internationally recognized
22 human rights, and religious freedom is not respected
23 under the laws of Iran. Undemocratic institutions,
24 such as the Guardians Council, thwart the decisions
25 of elected leaders.

1 (2) The April 2005 report of the Department of
2 State states that Iran remained the most active
3 state sponsor of terrorism in 2004.

4 (3) That report also states that Iran continues
5 to provide funding, safe-haven, training, and weap-
6 ons to known terrorist groups, including Hizballah,
7 Hamas, the Palestine Islamic Jihad, al-Aqsa Mar-
8 tyrs Brigade, and the Popular Front for the Libera-
9 tion of Palestine, and has harbored senior members
10 of al-Qaeda.

11 (b) POLICY.—It is the policy of the United States
12 that—

13 (1) currently, there is not a free and fully
14 democratic government in Iran;

15 (2) the United States supports transparent, full
16 democracy in Iran;

17 (3) the United States supports the rights of the
18 Iranian people to choose their system of government;
19 and

20 (4) the United States condemns the brutal
21 treatment, imprisonment, and torture of Iranian ci-
22 vilians who express political dissent.

23 **SEC. 1402. IRANIAN NUCLEAR ACTIVITIES.**

24 (a) FINDINGS.—Congress finds the following:

1 (1) Iran remains the world's leading sponsors of
2 international terrorism and is on the Department of
3 State's list of countries that provide support for acts
4 of international terrorism.

5 (2) Iran has repeatedly called for the destruc-
6 tion of Israel, and Iran supports organizations, such
7 as Hizballah, Hamas, and the Palestine Islamic
8 Jihad, that deny Israel's right to exist and are re-
9 sponsible for terrorist attacks against Israel.

10 (3) The Ministry of Defense of the Government
11 of Iran confirmed in July 2003 that it had success-
12 fully conducted the final test of the Shahab-3 mis-
13 sile, giving Iran an operational intermediate-range
14 ballistic missile capable of striking both Israel and
15 United States troops throughout the Middle East
16 and Afghanistan.

17 (4) Inspections by the International Atomic En-
18 ergy Agency (IAEA) in Iran have revealed signifi-
19 cant undeclared activities, including plutonium re-
20 processing efforts.

21 (5) Plutonium reprocessing is a necessary step
22 in a nuclear weapons program that uses plutonium
23 created in a reactor.

24 (6) Iran continues to assert its right to pursue
25 nuclear power and related technology, continues con-

1 structing a heavy water reactor that is ideal for
2 making plutonium for weapons, and has not fully co-
3 operated with the ongoing investigation by the IAEA
4 of its nuclear activities.

5 (7) The United States has publicly opposed the
6 completion of reactors at the Bushehr nuclear power
7 plant because the transfer of civilian nuclear tech-
8 nology and training could help to advance Iran's nu-
9 clear weapons program.

10 (8) Russia, in spite of strong international con-
11 cern that Iran intended to use civilian nuclear en-
12 ergy plants to develop nuclear weapons, provided
13 Iran with support to complete the Bushehr nuclear
14 facility.

15 (9) Russia intends to begin supplying the
16 Bushehr nuclear facility with fuel in June 2005, and
17 the Bushehr nuclear plant is expected to begin oper-
18 ation at the beginning of 2006.

19 (10) The Iranian parliament has ratified a bill
20 supporting the construction of 20 new nuclear power
21 plants.

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

1 (1) Russia's provision of assistance to Iran on
2 the Bushehr nuclear reactor is inconsistent with the
3 nonproliferation goals of the United States;

4 (2) Iran's stated plans to construct 20 new nu-
5 clear facilities and its development of nuclear tech-
6 nologies, coupled with acknowledged and
7 unacknowledged ties to terrorist groups, constitute a
8 threat to global peace and security; and

9 (3) the national security interests of the United
10 States will best be served if the United States devel-
11 ops and implements a long-term strategy to halt all
12 foreign nuclear cooperation with Iran.

13 (c) STATEMENT OF CONGRESS.—Congress calls upon
14 the leaders of the governments of the G–8 to—

15 (1) insist that the Government of Russia termi-
16 nate all assistance, including fuel shipments, to the
17 Bushehr nuclear facility in Iran; and

18 (2) condition Russia's continued membership in
19 the G–8 on Russia's termination of all assistance,
20 including fuel shipments, to the Bushehr facility and
21 to any other nuclear plants in Iran.

22 **SEC. 1403. LOCATION OF INTERNATIONAL INSTITUTIONS IN**
23 **AFRICA.**

24 (a) STATEMENT OF CONGRESS.—Congress declares
25 that, for the purpose of maintaining regional balances with

1 respect to the location of international organizations and
2 institutions in Africa, such organizations or institutions,
3 such as the African Development Bank, that move their
4 headquarters offices from their original locations for rea-
5 sons of security should return once those security issues
6 have been resolved or should relocate to another country
7 in the region in which the organization or institution was
8 originally headquartered.

9 (b) CONSULTATIONS REGARDING RETURN.—The
10 Secretary of State is authorized to begin consultations
11 with appropriate parties to determine the feasibility of re-
12 turning such organizations and institutions to the regions
13 in which they were originally headquartered.

14 **SEC. 1404. BENJAMIN GILMAN INTERNATIONAL SCHOLAR-**
15 **SHIP PROGRAM.**

16 Section 305 of the International Academic Oppor-
17 tunity Act of 2000, (title III of the Microenterprise for
18 Self-Reliance and International Anti-Corruption Act of
19 2000) (Public Law 106–309; 22 U.S.C. 2462 note) is
20 amended by striking “\$1,500,000” and inserting
21 “\$4,000,000”.

22 **SEC. 1405. PROHIBITION ON COMMEMORATIONS RELATING**
23 **TO LEADERS OF IMPERIAL JAPAN.**

24 The Department of State, both in Washington and
25 at United States diplomatic missions and facilities in for-

1 eign countries, shall not engage in any activity, including
2 the celebration of the recently enacted Showa holiday,
3 which may, in any manner, serve to commemorate or be
4 construed as serving to commemorate leaders of Imperial
5 Japan who were connected to the attack on the United
6 States Fleet at Pearl Harbor, Oahu, Hawaii, on December
7 7, 1941.

8 **SEC. 1406. UNITED STATES POLICY REGARDING WORLD**
9 **BANK GROUP LOANS TO IRAN.**

10 (a) **UNITED STATES POLICY.**—The Secretary of
11 State, in consultation with the Secretary of the Treasury,
12 shall work to secure the support of the governments of
13 countries represented on the decisionmaking boards and
14 councils of the international financial institutions of the
15 World Bank Group to oppose any further activity in Iran
16 by the international financial institutions of the World
17 Bank Group until Iran abandons its program to develop
18 nuclear weapons.

19 (b) **NOTIFICATION.**—Not later than 30 days after the
20 Secretary initiates efforts to carry out subsection (a), the
21 Secretary shall notify the appropriate congressional com-
22 mittees of such efforts.

23 (c) **WORLD BANK GROUP DEFINED.**—As used in this
24 section, the term “World Bank Group” means the Inter-
25 national Bank for Reconstruction and Development, the

1 International Development Association, the International
2 Financial Corporation, and the Multilateral Investment
3 Guaranty Agency.

4 **SEC. 1407. STATEMENT OF POLICY REGARDING SUPPORT**
5 **FOR SECI REGIONAL CENTER FOR COM-**
6 **BATING TRANS-BORDER CRIME.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) The Southeast European Cooperative Initia-
9 tive (SECI) Regional Center for Combating Trans-
10 Border Crime, located in Bucharest, Romania, is
11 composed of police and customs officers from each
12 of the 12 member states of SECI: Albania, Bosnia
13 and Herzegovina, Bulgaria, Croatia, Greece, Hun-
14 gary, Macedonia, Moldova, Romania, Slovenia, Ser-
15 bia and Montenegro and Turkey.

16 (2) The SECI Regional Center supports joint
17 trans-border crime fighting efforts through the es-
18 tablishment of task forces, including task forces re-
19 lating to trafficking in human beings, anti-drugs, fi-
20 nancial and computer crimes, stolen vehicles, anti-
21 smuggling and anti-fraud, and terrorism.

22 (b) STATEMENT OF POLICY.—It is the policy of the
23 United States to continue to support the activities of the
24 SECI Regional Center for Combating Trans-border
25 Crime.

1 **SEC. 1408. STATEMENT OF POLICY URGING TURKEY TO RE-**
2 **SPECT THE RIGHTS AND RELIGIOUS FREE-**
3 **DOMS OF THE ECUMENICAL PATRIARCH.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Turkey is scheduled to begin accession ne-
6 gotiations with the European Union on October 3,
7 2005.

8 (2) In 1993 the European Union defined the
9 membership criteria for accession to the European
10 Union at the Copenhagen European Council, obli-
11 gating candidate countries to have achieved certain
12 levels of reform, including stability of institutions
13 guaranteeing democracy, the rule of law, and human
14 rights, and respect for and protection of minorities.

15 (3) The Government of Turkey refuses to rec-
16 ognize the Ecumenical Patriarch's international sta-
17 tus.

18 (4) The Government of Turkey has limited to
19 Turkish nationals the candidates available to the
20 Holy Synod for selection as the Ecumenical Patri-
21 arch and has refused to reopen the Theological
22 School at Halki, thus impeding training for the cler-
23 gy.

24 (b) STATEMENT OF POLICY.—Congress—

1 (1) calls on Turkey to continue to demonstrate
2 its willingness to adopt and uphold European stand-
3 ards for the protection of human rights;

4 (2) based on the ideals associated with the Eu-
5 ropean Union and its member states, calls on Tur-
6 key to eliminate all forms of discrimination, particu-
7 larly those based on race or religion, and imme-
8 diately—

9 (A) grant the Ecumenical Patriarch appro-
10 priate international recognition and ecclesiastic
11 succession;

12 (B) grant the Ecumenical Patriarchate the
13 right to train clergy of all nationalities, not just
14 Turkish nationals; and

15 (C) respect property rights and human
16 rights of the Ecumenical Patriarchate; and

17 (3) calls on Turkey to pledge to uphold and
18 safeguard religious and human rights without com-
19 promise.

20 **SEC. 1409. STATEMENT OF POLICY REGARDING THE MUR-**

21 **DER OF UNITED STATES CITIZEN JOHN M.**

22 **ALVIS.**

23 (a) FINDINGS.—Congress finds the following:

1 (1) On November 30, 2000, United States cit-
2 izen John M. Alvis was brutally murdered in Baku,
3 Azerbaijan.

4 (2) John M. Alvis was serving his final two
5 weeks of a two year full-time commitment to the
6 International Republican Institute, a United States
7 nongovernmental organization carrying out assist-
8 ance projects for the Government of the United
9 States to help promote democracy and strengthen
10 the rule of law in Azerbaijan.

11 (3) The United States is committed to ensuring
12 that the truth of the murder of John M. Alvis is de-
13 termined and the individual or individuals who are
14 responsible for this heinous act are brought to jus-
15 tice.

16 (b) STATEMENT OF POLICY.—Congress—

17 (1) appreciates the efforts of the Government of
18 Azerbaijan to find the individual or individuals who
19 are responsible for the murder of United States cit-
20 izen John M. Alvis and urges the Government of
21 Azerbaijan to continue to make these efforts a high
22 priority; and

23 (2) urges the Secretary of State to continue to
24 raise the issue of the murder of United States cit-
25 izen John M. Alvis with the Government of Azer-

1 bajjan and to make this issue a priority in relations
2 between the Government of the United States and
3 the Government of Azerbaijan.

4 **SEC. 1410. STATEMENT OF CONGRESS AND POLICY WITH**
5 **RESPECT TO THE DISENFRANCHISEMENT OF**
6 **WOMEN.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) Following the May 16, 2005, decision of the
9 Kuwaiti parliament to enfranchise its female citi-
10 zens, Saudi Arabia is now the only country in world
11 that restricts the franchise and the right to hold
12 elected office to men only.

13 (2) Only men were allowed to vote and run for
14 office in Saudi Arabia’s municipal elections held ear-
15 lier this year, the first elections of any kind that
16 Saudi Arabia has held since 1963.

17 (b) STATEMENTS OF CONGRESS.—Congress—

18 (1) strongly condemns the disenfranchisement
19 of women, including restrictions that prevent women
20 from holding office; and

21 (2) calls on the Government of Saudi Arabia to,
22 at the earliest possible time, promulgate a law that
23 grants women the right to vote and to run for office
24 in all future Saudi elections, whether local, provin-
25 cial, or national.

1 (c) POLICY.—The President is encouraged to take
2 such action as the President considers appropriate, includ-
3 ing a downgrading of diplomatic relations, to encourage
4 countries that disenfranchise only women to grant women
5 the rights to vote and hold office.

6 **SEC. 1411. ACQUISITION OF MARITIME REFUELING SUP-**
7 **PORT VESSEL FOR UNITED STATES DRUG**
8 **INTERDICTION EFFORTS IN THE EASTERN**
9 **PACIFIC MARITIME TRANSIT ZONE.**

10 (a) FINDINGS.—Congress finds the following:

11 (1) The Department of Defense and Depart-
12 ment of Homeland Security report that narcotics
13 smuggling organizations continue to avoid United
14 States drug interdiction efforts by transiting deep
15 into the Eastern Pacific, well beyond the capabilities
16 of United States ships.

17 (2) Drug trafficking organizations have already
18 adapted to these long transit routes by employing
19 logistical support vessels (LSVs) to refuel drug laden
20 boats on the high seas.

21 (3) United States drug interdiction forces cur-
22 rently do not have this at-sea refueling capability.

23 (4) On June 29, 2005, the Subcommittee on
24 Criminal Justice, Drug Policy and Human Re-
25 sources of the Committee on Government Reform of

1 the House of Representatives held a hearing entitled
2 “Interrupting Narco-Terrorist Threats on the High
3 Seas: Do We Have Enough Wind in Our Sails?”.

4 (5) During the hearing, the acting United
5 States Interdiction Coordinator (USIC), Ralph
6 Utley, spoke of the substantial benefits to be gained
7 if a maritime “oiler” ship were employed to support
8 interdiction activities in the Eastern Pacific mari-
9 time transit zone.

10 (6) The Subcommittee was very interested to
11 see that all witnesses representing the Department
12 of Defense, the Office of National Drug Control Pol-
13 icy (ONDCP), the United States Coast Guard, Cus-
14 toms and Border Protection, and the Drug Enforce-
15 ment Administration testified that they believe the
16 employment of a maritime oiler vessel would be an
17 immediate improvement to United States interdic-
18 tion operations in the transit zone.

19 (7) On any given day, United States and Allied
20 forces seize an average of 100 kilograms of cocaine
21 per ship when patrolling in the Eastern Pacific mar-
22 itime transit zone.

23 (8) Each year, the United States Coast Guard
24 estimates it loses 100 “ship-days” due to lengthy re-
25 fueling trips to Central and South American coun-

1 tries. The United States Navy also faces similar re-
2 fueling challenges.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated \$25,000,000 for fiscal
5 year 2006 and \$25,000,000 for fiscal year 2007 for the
6 Bureau for International Narcotics and Law Enforcement
7 Affairs (INL) of the Department of State to purchase or
8 lease a maritime refueling support vessel that is capable
9 of refueling United States and allied warships and vessels
10 employed in support of United States drug interdiction
11 duties in the Eastern Pacific maritime transit zone.

12 **SEC. 1412. STATEMENT OF POLICY RELATING TO INTER-**
13 **NATIONAL TAXATION.**

14 (a) POLICY.—It is the policy of the United States to
15 use the voice, vote, and influence of the United States to
16 vigorously oppose any international or global tax that is
17 or may be considered or promoted by the United Nations,
18 its specialized or affiliated agencies, its Member States,
19 or United Nations-recognized nongovernmental organiza-
20 tions.

21 (b) EFFORTS.—United States representatives at the
22 United Nations shall—

23 (1) use the voice, vote, and influence of the
24 United States to vigorously oppose any effort by the
25 United Nations or any of its specialized or affiliated

1 agencies to fund, approve, advocate, or promote any
2 proposal concerning the imposition of a tax or fee on
3 any United States person in order to raise revenue
4 for the United Nations or any such agency; and

5 (2) declare that a United States person shall
6 not be subject to any international tax and shall not
7 be required to pay such tax if such tax is levied
8 against such person.

9 (c) EXCEPTION.—The policy described in subsection
10 (a) shall not apply to fees for publications or other kinds
11 of fees that are not tantamount to a tax on a United
12 States person.

13 (d) PERSON DEFINED.—For purposes of this section,
14 the term “person” has the meaning given such term in
15 section 7701(a)(1) of the Internal Revenue Code of 1986
16 (26 U.S.C. 7701(a)(1)).

17 **SEC. 1413. DECLARATION OF HEADS OF STATE OF THE**
18 **SHANGHAI COOPERATION ORGANIZATION.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) The Shanghai Cooperation Organization
21 (SCO) is made up of Kazakhstan, Kyrgyzstan, the
22 People’s Republic of China, Russia, Tajikistan, and
23 Uzbekistan.

1 (2) al Qaeda and Taliban fighters remain active
2 in Afghanistan and antiterrorist operations led by
3 the international coalition are still ongoing.

4 (3) The Heads of State of the SCO declared
5 that they supported the Global War on Terrorism
6 and would strengthen their efforts to combat and
7 prevent terrorism.

8 (4) The Heads of State of the SCO called for
9 the relevant State parties of the anti-terrorist coali-
10 tion to set a deadline for the temporary use of the
11 infrastructure facilities of the SCO Member States
12 and for their military presence in these countries.

13 (b) STATEMENT OF CONGRESS.—Congress—

14 (1) commends the Heads of State of the SCO
15 for their declaration of support of the Global War on
16 Terrorism and for strengthening their efforts to
17 combat and prevent terrorism;

18 (2) commends the support of the anti-terrorist
19 efforts of the international coalition in Afghanistan;

20 (3) expresses its concern about language in the
21 declaration of the Heads of State of the SCO calling
22 for the relevant State parties of the anti-terrorist co-
23 alition to set a deadline for the temporary use of the
24 infrastructure facilities of the SCO Member States

1 and for their military presence in these countries;
2 and

3 (4) calls on the President, the Secretary of
4 State, and the Secretary of Defense to open a dia-
5 logue with the appropriate Member States in the
6 SCO concerning the importance of the use of bases
7 in the SCO Member States and report to Congress
8 on the outcome of such dialogue.

9 **SEC. 1414. PREVENTION OF SMUGGLING OF METHAMPHET-**
10 **AMINE INTO THE UNITED STATES FROM MEX-**
11 **ICO.**

12 (a) IN GENERAL.—The Secretary of State, acting
13 through the Assistant Secretary of the Bureau for Inter-
14 national Narcotics and Law Enforcement Affairs, shall
15 take such actions as are necessary to prevent the smug-
16 gling of methamphetamine into the United States from
17 Mexico.

18 (b) SPECIFIC ACTIONS.—In carrying out subsection
19 (a), the Secretary shall—

20 (1) improve bilateral efforts at the United
21 States-Mexico border to prevent the smuggling of
22 methamphetamine into the United States from Mex-
23 ico;

24 (2) seek to work with Mexican law enforcement
25 authorities to improve the ability of such authorities

1 to combat the production and trafficking of meth-
2 amphetamine, including by providing equipment and
3 technical assistance, as appropriate; and

4 (3) encourage the Government of Mexico to
5 take immediate action to reduce the diversion of
6 pseudoephedrine by drug trafficking organizations
7 for the production and trafficking of methamphet-
8 amine.

9 (c) REPORT.—Not later than one year after the date
10 of the enactment of this Act, and annually thereafter, the
11 Secretary shall submit to the appropriate congressional
12 committees a report on the implementation of this section
13 for the prior year.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to the Secretary to carry
16 out this section not less than \$4,000,000 for each of the
17 fiscal years 2006 and 2007.

18 **SEC. 1415. STATEMENT OF POLICY REGARDING THE AT-**
19 **TACKS ON UNITED STATES CITIZENS BY PAL-**
20 **ESTINIAN TERRORISTS.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) Since the late Yasser Arafat renounced vio-
23 lence in the Oslo Peace Accords on September 13,
24 1993, at least 53 United States citizens, including

1 one unborn child, have been murdered by Pales-
2 tinian terrorists.

3 (2) On December 1, 1993, in a drive-by shoot-
4 ing north of Jerusalem, Hamas killed United States
5 citizen Yitzhak Weinstock, 19, whose family came
6 from Los Angeles.

7 (3) On October 9, 1994, Hamas kidnapped and
8 murdered United States citizen Nachshon
9 Wachsmann, 19, whose family came from New York
10 City.

11 (4) On April 9, 1995, an Islamic Jihad bomb
12 attack on a bus near Kfar Darom killed United
13 States citizen Alisa Flatow, 20, from West Orange,
14 New Jersey.

15 (5) On August 21, 1995, in a Hamas bus
16 bombing in Jerusalem, United States citizen Joan
17 Davenny, from New Haven, Connecticut, was killed.

18 (6) On September 9, 1995, Mara Frey of Chi-
19 cago was stabbed in Ma“ale Michmash resulting in
20 her unborn child’s death.

21 (7) On February 25, 1996, three United States
22 citizens, Sara Duker of Teaneck, New Jersey, Mat-
23 thew Eisenfeld of West Hartford, Connecticut, and
24 Ira Weinstein of New York City, were killed in a
25 Hamas bus bombing in Jerusalem.

1 (8) On May 13, 1996, United States citizen
2 David Boim, 17, of New York City, was killed in a
3 drive-by shooting near Beit El, north of Jerusalem.

4 (9) On June 9, 1996, United States citizen
5 Yaron Ungar was killed in a drive-by shooting near
6 Beit Shemesh.

7 (10) On July 30, 1997, United States citizen
8 Leah Stern of Passaic, New Jersey, was killed in a
9 Hamas bombing in Jerusalem's Mahane Yehuda
10 market.

11 (11) On September 4, 1997, a Hamas bombing
12 on Ben-Yehuda Street, Jerusalem, killed Yael
13 Botwin, 14, of Los Angeles.

14 (12) On April 19, 1998, an attack near the
15 Israeli town of Maon killed United States citizen
16 Dov Dribben, 28.

17 (13) On October 8, 2000, Rabbi Hillel
18 Lieberman, 36, of New York City, was stabbed and
19 killed near Nablus.

20 (14) On October 30, 2000, United States cit-
21 izen Esh-Kodesh Gilmore, 25, was shot in Jeru-
22 salem.

23 (15) On December 31, 2000, Rabbi Binyamin
24 Kahane, 34, and his wife, Talia Hertzlich Kahane,

1 both formerly of New York City, were killed in a
2 drive-by shooting near Ofra.

3 (16) On May 9, 2001, Jacob “Koby” Mandell,
4 13, of Silver Spring, Maryland, was killed in an at-
5 tack near Tekoah.

6 (17) On May 29, 2001, Sarah Blaustein, 53, of
7 Lawrence, New York, was killed in a drive-by shoot-
8 ing near Efrat.

9 (18) On August 9, 2001, two United States
10 citizens, Judith L. Greenbaum, 31, and Malka Roth,
11 15, were killed in the Jerusalem Sbarro pizzeria
12 bombing.

13 (19) On November 4, 2001, Shoshana Ben-
14 Yishai, 16, of New York City, was shot and killed
15 during an attack on a Jerusalem bus.

16 (20) On January 15, 2002, Avraham Boaz, 72,
17 of New York City, was killed in a shooting near
18 Bethlehem.

19 (21) On January 18, 2002, United States cit-
20 izen Aaron Elis, 32, was killed in a shooting in
21 Hadera.

22 (22) On February 8, 2002, United States cit-
23 izen Moranne Amit, 25, was killed in a stabbing in
24 Abu Tor Peace Forest, Jerusalem.

1 (23) On February 15, 2002, United States citi-
2 izen Lee Akunis, was shot and killed near Ramallah.

3 (24) On February 16, 2002, Keren Shatsky,
4 14, of New York City and Maine, and Rachel
5 Thaler, 16, of Baltimore, Maryland, were killed in a
6 bombing in Karnei Shomron.

7 (25) On March 24, 2002, Esther Kleinman, 23,
8 formerly of Chicago, was shot and killed near Ofra.

9 (26) On March 27, 2002, United States citizen
10 Hannah Rogen, 90, was killed in a bombing at a
11 hotel Passover seder in Netanya.

12 (27) On June 18, 2002, Moshe Gottlieb, 70, of
13 Los Angeles, was killed in a bus bombing in Jeru-
14 salem.

15 (28) On June 19, 2002, United States citizen
16 Gila Sara Kessler, 19, was killed in a bombing at a
17 Jerusalem bus stop.

18 (29) On July 31, 2002, five United States citi-
19 zens were killed in a bombing of a Hebrew Univer-
20 sity cafeteria: Marla Bennett, 24, of San Diego,
21 Benjamin Blutstein, 25, of Susquehanna Township,
22 Pennsylvania, Janis Ruth Coulter, 36, of Massachu-
23 setts, David Gritz, 24, of Peru, Massachusetts (and
24 of dual French-United States citizenship), and Dina
25 Carter, 37, of North Carolina.

1 (30) On March 5, 2003, Abigail Leitel, 14, who
2 was born in Lebanon, New Hampshire, died in a bus
3 bombing in Haifa.

4 (31) On March 7, 2003, a shooting occurred in
5 the home of United States citizens Rabbi Eli Horowitz,
6 52, who grew up in Chicago, and Dina Horowitz,
7 50, who grew up in Florida, and both were
8 killed.

9 (32) On June 11, 2003, Alan Beer, 47, who
10 grew up in Cleveland, was killed in a bus bombing
11 in Jerusalem.

12 (33) On June 20, 2003, a shooting attack on
13 a car driving through the West Bank killed United
14 States citizen Tzvi Goldstein, 47, who grew up in
15 the State of New York.

16 (34) On August 19, 2003, Mordechai Reinitz,
17 49, Yitzhak Reinitz, 9, Tehilla Nathanson, 3, of
18 Monsey, New York, Goldie Taubefeld, 43, of New
19 Square, New York, and Shmuel Taubefeld, 3
20 months, of New Square, New York, were killed in a
21 homicide bombing on a bus in Jerusalem.

22 (35) On September 9, 2003, a homicide bomber
23 killed United States citizens David Applebaum, 51,
24 originally of Cleveland, and Nava Applebaum, 20,
25 originally of Cleveland, in a cafe in Jerusalem.

1 (36) On October 15, 2003, United States citi-
2 zens John Branchizio, 36, of San Antonio, Texas,
3 John Martin Linde, Jr., 30, of Washington, Mis-
4 souri, and Mark T. Parson, 31, of the State of New
5 York were killed in a car bombing in Gaza.

6 (37) On September 24, 2004, a mortar strike
7 on a housing community killed Tiferet Tratner, 24,
8 a dual United States-Israeli citizen.

9 (38) At least another 83 United States citizens
10 have been injured in Palestinian terrorist attacks.

11 (39) Palestinian terrorism continues to happen
12 as demonstrated by the bombing in Tel Aviv on Feb-
13 ruary 25, 2005, despite the recent elections and a
14 new sense of optimism in the region.

15 (40) The United States is willing to continue to
16 work with Palestinian leaders under the condition
17 that the newly elected Palestinian leadership reject
18 and take verifiable steps to prevent terrorism.

19 (b) STATEMENT OF POLICY.—Congress—

20 (1) condemns the attacks on United States citi-
21 zens by Palestinian terrorists and demands that the
22 Palestinian Authority work with Israel to protect all
23 innocent individuals, regardless of citizenship, from
24 terrorist atrocities; and

1 (2) offers its condolences to the families and
2 loved ones of United States citizens who were killed
3 by Palestinian terrorist attacks.

4 **SEC. 1416. STATEMENT OF POLICY REGARDING TRANSFER**
5 **OF CHARLES TAYLOR FOR TRIAL FOR WAR**
6 **CRIMES.**

7 It shall be the policy of the United States Govern-
8 ment to seek the expeditious transfer of Charles Ghankay
9 Taylor, former President of the Republic of Liberia, to the
10 jurisdiction of the Special Court for Sierra Leone to un-
11 dergo a fair and open trial for war crimes, crimes against
12 humanity, and other serious violations of international hu-
13 manitarian law.

14 **SEC. 1417. UNITED STATES COMMITMENT TO IRAQ.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) The men and women of the United States
17 Armed Forces fighting in Iraq are serving with brav-
18 ery, distinction, and high morale.

19 (2) The men and women of the United States
20 Armed Forces fighting in Iraq need and deserve the
21 full support of the American people.

22 (3) The men and women of the United States
23 Armed Forces fighting in Iraq are part of a large,
24 multinational coalition, and are serving side-by-side

1 with Iraqi national forces who have been trained by
2 that coalition.

3 (4) Coalition and Iraqi forces, Iraqi civilians,
4 foreign diplomats, and individuals from around the
5 world who have come to the aid of the Iraqi people
6 are under attack from terrorists who deliberately at-
7 tack children, worshippers, and law enforcement fig-
8 ures, attack civilians at random, sabotage essential
9 services, and otherwise attempt to terrorize the Iraqi
10 people, the American people, and the citizens of
11 other coalition countries.

12 (5) The terrorists will be emboldened to “wait
13 out” the United States if a target date for with-
14 drawal is established and announced, especially if
15 the terrorists perceive such withdrawal date has
16 been established and announced as a result of their
17 terrorist campaign against the coalition and the
18 Iraqi people.

19 (b) SENSE OF CONGRESS.— It is the sense of Con-
20 gress that—

21 (1) given the nature of the adversary the
22 United States and its coalition partners face in Iraq
23 and the difficult conditions under which the United
24 States Armed Forces, coalition forces, and Iraqi
25 forces find themselves, calls for an early withdrawal

1 of United States and coalition forces are counter-
2 productive to security aims of the United States and
3 the hopes of the Iraqi people; and

4 (2) such calls for an early withdrawal embolden
5 the terrorists and undermine the morale of the
6 United States Armed Forces, coalition forces, and
7 Iraqi forces, and put their security at risk.

8 (c) POLICY.—It shall be the policy of the United
9 States—

10 (1) to pursue a transfer of responsibility for
11 Iraqi security to Iraqi forces; and

12 (2) not to withdraw prematurely the United
13 States Armed Forces from Iraq, but to do so only
14 when it is clear that United States national security
15 and foreign policy goals relating to a free and stable
16 Iraq have been or are about to be achieved.

17 **Subtitle B—Sense of Congress**
18 **Provisions**

19 **SEC. 1421. KOREAN FULBRIGHT PROGRAMS.**

20 It is the sense of Congress that Fulbright program
21 activities for the Republic of Korea (commonly referred
22 to as “South Korea”) should—

23 (1) include participation by students from
24 throughout South Korea, including proportional rep-
25 resentation from areas outside of Seoul;

1 (2) attempt to include Korean students from a
2 broad range of educational institutions, including
3 schools other than elite universities;

4 (3) broaden the Korean student emphasis be-
5 yond degree-seeking graduate students to include op-
6 portunities for one-year nondegree study at United
7 States colleges and universities by pre-doctoral Ko-
8 rean students; and

9 (4) include a significant number of Korean stu-
10 dents planning to work or practice in areas other
11 than advanced research and university teaching,
12 such as in government service, media, law, and busi-
13 ness.

14 **SEC. 1422. UNITED STATES RELATIONS WITH TAIWAN.**

15 It is the sense of Congress that—

16 (1) it is in the national interests of the United
17 States to communicate directly with democratically
18 elected and appointed officials of Taiwan, including
19 the President of Taiwan, the Vice-President of Tai-
20 wan, the Foreign Minister of Taiwan, and the De-
21 fense Minister of Taiwan;

22 (2) the Department of State should, in accord-
23 ance with Public Law 103–416, admit such high
24 level officials of Taiwan to the United States to dis-

1 cuss issues of mutual concern with United States of-
2 ficials; and

3 (3) the Department of State should, in coopera-
4 tion with the Ministry of Foreign Affairs of Taiwan,
5 facilitate high level meetings between such high level
6 officials of Taiwan and their counterparts in the
7 United States.

8 **SEC. 1423. NUCLEAR PROLIFERATION AND A. Q. KHAN.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) Dr. Abdul Qadeer Khan, former director of
11 the A.Q. Khan Research Laboratory in Pakistan and
12 Special Adviser to the Prime Minister on the Stra-
13 tegic Programme, had the status of a federal min-
14 ister and established and operated an illegal inter-
15 national network which sold nuclear weapons and re-
16 lated technologies to a variety of countries.

17 (2) China provided Dr. Khan with nuclear
18 weapons designs, and the illegal international nu-
19 clear proliferation network established by Dr. Khan
20 may have provided other countries with these de-
21 signs.

22 (3) The illegal international nuclear prolifera-
23 tion network established by Dr. Khan assisted Iran
24 with its nuclear program by supplying Iran with

1 uranium-enrichment technology, including centrifuge
2 equipment and designs.

3 (4) The illegal international nuclear prolifera-
4 tion network established by Dr. Khan assisted North
5 Korea with its nuclear weapons program by pro-
6 viding centrifuge technology, including designs and
7 complete centrifuges.

8 (5) The illegal international nuclear prolifera-
9 tion network established by Dr. Khan assisted Libya
10 with its nuclear program by providing blueprints of
11 centrifuge parts and thousands of assembled cen-
12 trifuge parts.

13 (6) There is concern that the illegal inter-
14 national nuclear proliferation network created by Dr.
15 Khan may be still in existence and its work still on-
16 going.

17 (7) Defense cooperation and technology transfer
18 between China and Pakistan have been recently
19 strengthened, including the codevelopment and man-
20 ufacturing of a minimum of 400 J-17 “Thunder”
21 fighter aircraft, with a minimum of 250 going to
22 China. This and other Chinese-Pakistani technology
23 sharing provides an expanded basis for further Paki-
24 stani proliferation of advanced military technology.

1 (8) The illegal international nuclear prolifera-
2 tion network established by Dr. Khan is a threat to
3 United States national security.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the United States—

6 (1) should continue efforts to—

7 (A) dismantle the illegal international nu-
8 clear proliferation network created by Dr.
9 Abdul Qadeer Khan; and

10 (B) counter, through diplomacy and nego-
11 tiation, the proliferation of weapons of mass de-
12 struction from Pakistan to other countries;

13 (2) should request and Pakistan should grant
14 access to interview Dr. Khan and his top associates
15 to determine in greater detail what technology his
16 network provided or received from Iran, North
17 Korea, Libya, and China; and

18 (3) should take the steps necessary to ensure
19 that Pakistan has verifiably halted any cooperation
20 with any country in the development of nuclear or
21 missile technology, material, or equipment, or any
22 other technology, material, or equipment that is use-
23 ful for the development of weapons of mass destruc-
24 tion, including exports of such technology, material,
25 or equipment.

1 **SEC. 1424. PALESTINIAN TEXTBOOKS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Since 1993, the United States has provided
4 more than \$1,400,000,000 to assist the Palestinian
5 people, including to assist with the process of
6 strengthening the Palestinian education system.

7 (2) Since 1950, the United States has provided
8 more than \$3,200,000,000 in assistance to United
9 Nations Relief and Works Agency (UNRWA), which
10 operates schools in camps housing Palestinians.

11 (3) The Palestinian Authority has undertaken a
12 reform of its textbooks, a process which will be com-
13 pleted in 2006.

14 (4) These new textbooks, while an improvement
15 over past texts, fail in many respects to foster atti-
16 tudes amongst the Palestinian people conducive to
17 peace with Israel, including references to the infa-
18 mous Protocols of the Elders of Zion, failure to ac-
19 knowledge the State of Israel, and failure to discuss
20 Jews in sections dealing with religious tolerance.

21 (b) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that the Secretary of State should express in the
23 strongest possible terms United States opposition to the
24 inclusion in Palestinian textbooks of materials which fos-
25 ter anti-Semitism and rejection of peace with Israel, and
26 to express the unwillingness of the United States to con-

1 tinue to support educational programs of the Palestinian
2 Authority, whether directly or indirectly, should the Pales-
3 tinian Authority continue to include material which does
4 not foster tolerance and peace.

5 **SEC. 1425. INTERNATIONAL CONVENTION AFFIRMING THE**
6 **HUMAN RIGHTS AND DIGNITY OF PERSONS**
7 **WITH DISABILITIES.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) There are more than 600,000,000 people
10 who have a disability and more than two-thirds of all
11 persons with disabilities live in developing countries.

12 (2) Only two percent of children with disabili-
13 ties in developing countries receive any education or
14 rehabilitation.

15 (3) A substantial shift has occurred globally
16 from an approach of charity toward persons with
17 disabilities to the recognition of the inherent uni-
18 versal human rights of persons with disabilities.

19 (4) A clearly defined international standard ad-
20 dressing the rights of persons with disabilities would
21 assist developing countries in the creation and imple-
22 mentation of national laws protecting those rights.

23 (5) To better protect and promote the rights of
24 persons with disabilities and to establish inter-
25 national norms, the United Nations General Assem-

1 bly adopted Resolution 56/168 (December 19, 2001)
2 which established an ad hoc committee to consider
3 proposals for a comprehensive and integral inter-
4 national convention that affirms the human rights
5 and dignity of persons with disabilities.

6 (6) With the strong commitment and leadership
7 of the United States and the vast domestic experi-
8 ence of the United States in the advancement of dis-
9 ability rights, the world community can benefit from
10 United States participation in the drafting of an
11 international convention that affirms the human
12 rights and dignity of persons with disabilities.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the United States should play a leading role
16 in the drafting of an international convention that
17 affirms the human rights and dignity of persons
18 with disabilities and which is consistent with the
19 Constitution of the United States, the Americans
20 with Disabilities Act of 1990, and other rights en-
21 joyed by United States citizens with disabilities;

22 (2) for this purpose, the President should au-
23 thorize the Secretary of State to send to the Sixth
24 Session of the United Nations Ad Hoc Committee on
25 a Comprehensive and Integral International Conven-

1 tion on the Protection and Promotion of the Rights
2 and Dignity of Persons with Disabilities to be held
3 in August 2005 and to subsequent sessions of the
4 Ad Hoc Committee a United States delegation which
5 includes individuals with disabilities who are recog-
6 nized leaders in the United States disability rights
7 movement; and

8 (3) the United States delegation referred to in
9 paragraph (2) should seek the input and advice of
10 the Department of State's Advisory Committee on
11 Persons with Disabilities with respect to matters
12 considered at the Sixth Session of the United Na-
13 tions Ad Hoc Committee and subsequent sessions.

14 **SEC. 1426. FULBRIGHT SCHOLARSHIPS FOR EAST ASIA AND**
15 **THE PACIFIC.**

16 (a) FINDINGS.—Congress finds the following:

17 (1) From 1949–2003, the Department of State
18 awarded 13,176 Fulbright Scholarships to students
19 from East Asia and the Pacific, but only 31 went to
20 Pacific Island students.

21 (2) In 2003–2004, the Department of State
22 awarded 315 scholarships to students from East
23 Asia and the Pacific, but none were awarded to Pa-
24 cific Island students.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Department of State should conduct a re-
3 view and submit to the appropriate congressional commit-
4 tees a report regarding the marginalization of Pacific Is-
5 lands students in the awarding of Fulbright Scholarships.

6 **SEC. 1427. BAKU-TBILISI-CEYHAN ENERGY PIPELINE.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) It has been the long-standing policy of the
9 United States to support the independence, security,
10 and economic development of the newly independent
11 states of the Caspian Sea region.

12 (2) The growth and stability of the newly inde-
13 pendent states of the Caspian Sea region will be
14 greatly enhanced by the development of their exten-
15 sive oil and natural gas resources and the export of
16 these resources unhindered along an east-west en-
17 ergy transportation corridor.

18 (3) The establishment of an east-west energy
19 transportation corridor would enhance the energy se-
20 curity of the United States, Turkey, and other
21 United States allies by ensuring an unhindered flow
22 of energy from the Caspian Sea region to world mar-
23 kets.

24 (4) The centerpiece of the proposed east-west
25 energy transportation corridor is the Baku-Tbilisi-

1 Ceyhan (BTC) pipeline, which was first endorsed by
2 the relevant regional governments in 1998 and
3 which will carry one million barrels of Caspian Sea
4 oil per day from Baku, Azerbaijan, to Ceyhan, Tur-
5 key, via a route that passes through Tbilisi, Georgia.

6 (5) The BTC pipeline was inaugurated on May
7 25, 2005, and Caspian Sea oil exports from the port
8 of Ceyhan, Turkey, will begin later this year.

9 (6) The BTC pipeline project has received
10 strong bipartisan support during the administrations
11 of both Presidents Bill Clinton and George W. Bush.

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

14 (1) the governments and peoples of Turkey and
15 the newly independent states of the Caspian Sea re-
16 gion should be congratulated for the successful com-
17 pletion of the Baku-Tbilisi-Ceyhan pipeline;

18 (2) the policy of the United States to support
19 the independence, security, and economic develop-
20 ment of the newly independent states of the Caspian
21 Sea region should be reaffirmed; and

22 (3) projects should be encouraged that would
23 further develop the east-west energy transportation
24 corridor between the newly independent states of the
25 Caspian Sea region and Europe and that advance

1 the strategic goals of the United States, especially
2 the promotion of appropriate multiple routes for the
3 transportation to world markets of oil and gas from
4 the Caspian Sea region.

5 **SEC. 1428. LEGISLATION REQUIRING THE FAIR, COM-**
6 **PREHENSIVE, AND NONDISCRIMINATORY**
7 **RESTITUTION OF PRIVATE PROPERTY CON-**
8 **FISCATED IN POLAND.**

9 (a) FINDINGS.—Congress find the following:

10 (1) The protection of and respect for property
11 rights is a basic tenet for all democratic govern-
12 ments that operate according to the rule of law.

13 (2) Private properties were seized and con-
14 fiscated by the Nazis in occupied Poland or by the
15 Communist Polish government after World War II.

16 (3) Some post-Communist countries in Europe
17 have taken steps toward compensating individuals
18 whose property was seized and confiscated by the
19 Nazis during World War II and by Communist gov-
20 ernments after World War II.

21 (4) Poland has continuously failed to enact leg-
22 islation that requires realistically achievable restitu-
23 tion or compensation for those individuals who had
24 their private property seized and confiscated.

1 (5) Although President Aleksander
2 Kwasniewski of Poland later exercised his veto
3 power, in March 2001 the Polish Parliament passed
4 a bill that would have provided compensation for
5 seized and confiscated property, but only to individ-
6 uals who were registered as Polish citizens as of De-
7 cember 31, 1999, thereby excluding all those individ-
8 uals who emigrated from Poland during and after
9 World War II.

10 (6) President Kwasniewski met in 2002 with
11 congressional leaders of the United States Helsinki
12 Commission and stated that he intended to draft a
13 new law requiring the restitution of previously seized
14 and confiscated private property that would not dis-
15 criminate based on the residency or citizenship of an
16 individual, and which would be ready to take effect
17 by the beginning of 2003.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that—

20 (1) Poland should develop a final and complete
21 settlement for those individuals who had their pri-
22 vate property seized and confiscated by the Nazis
23 during World War II or by the Communist Polish
24 government after the war;

1 (2) restitution should be made in a timely man-
2 ner if they are to be of any benefit to the many Hol-
3 ocaust survivors who are in their eighties or older;
4 and

5 (3) the President and the Secretary of State
6 should engage, as appropriate—

7 (A) in an open dialogue with the Govern-
8 ment of Poland supporting the adoption of leg-
9 islation requiring the fair, comprehensive, and
10 nondiscriminatory restitution of or compensa-
11 tion for private property that was seized and
12 confiscated; and

13 (B) in follow-up discussions with the Gov-
14 ernment of Poland regarding the status and im-
15 plementation of such legislation.

16 **SEC. 1429. CHILD LABOR PRACTICES IN THE COCOA SEC-**
17 **TORS OF COTE D'IVOIRE AND GHANA.**

18 It is the sense of Congress that—

19 (1) the Government of the Republic of Cote
20 d'Ivoire and the Government of the Republic of
21 Ghana should be commended for the tangible steps
22 they have taken to address the situation of child
23 labor in the cocoa sector;

1 (2) the Government of Cote d'Ivoire and the
2 Government of Ghana should consider child labor
3 and forced labor issues top priorities;

4 (3) the chocolate industry signatories to the
5 September 19, 2001, voluntary Protocol for the
6 Growing and Processing of Cocoa Beans and their
7 Derivative Products in a Manner that Complies with
8 ILO Convention 182 Concerning the Prohibition and
9 Immediate Action for the Elimination of the Worst
10 Forms of Child Labor should meet the sixth and
11 final pillar of the Protocol, to “develop and imple-
12 ment credible, mutually-acceptable, voluntary, indus-
13 try-wide standards of public certification, consistent
14 with applicable federal law, that cocoa beans and
15 their derivative products have been grown and/or
16 processed without any of the worst forms of child
17 labor” by July 1, 2005;

18 (4) the chocolate industry, nongovernmental or-
19 ganizations, and the Government of Cote d'Ivoire
20 and the Government of Ghana should continue their
21 efforts in full force beyond July 1, 2005, to develop
22 and implement a system to monitor child labor in
23 the cocoa industry of Cote d'Ivoire and Ghana;

24 (5) the Office to Monitor and Combat Traf-
25 ficking in Persons of the Department of State

1 should include information on the association be-
2 tween trafficking in persons and the cocoa industries
3 of Cote d'Ivoire, Ghana, and other cocoa producing
4 regions in the annual trafficking in persons report to
5 Congress; and

6 (6) the Department of State should assist the
7 Government of Cote d'Ivoire and the Government of
8 Ghana in preventing the trafficking of persons into
9 the cocoa fields and other industries in West Africa.

10 **SEC. 1430. CONTRIBUTIONS OF IRAQI KURDS.**

11 (a) FINDINGS.—Congress finds the following:

12 (1) Iraqi Kurdish forces played a unique and
13 significant role in the fight to liberate Iraq for all
14 Iraqis in 2003.

15 (2) Since Iraq's liberation, Iraqi Kurdish lead-
16 ers have played prominent and constructive roles in
17 the drafting and passage of the Transitional Admin-
18 istrative Law and, more generally, in seeking to
19 achieve a free, stable, and democratic Iraq.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) Iraqi Kurds should be commended for their
23 many contributions and sacrifices made in the cause
24 of creating a free, stable, and democratic Iraq; and

1 (2) the Iraqi Transitional Government and the
2 Kurdistan Regional Government are expected to ad-
3 here to the highest standards of democratic govern-
4 ance, including through enforcement of full equality
5 and rights for all religious and ethnic minorities,
6 such as Assyrians and Turcomans.

7 **SEC. 1431. PROLIFERATION SECURITY INITIATIVE.**

8 It is the sense of Congress that—

9 (1) the Secretary of State should strive to ex-
10 pand and strengthen the Proliferation Security Ini-
11 tiative announced on May 31, 2003, by President
12 George W. Bush, placing particular emphasis on in-
13 cluding countries outside of the North Atlantic Trea-
14 ty Organization (NATO); and

15 (2) the United States should seek an inter-
16 national instrument, in the form of a United Na-
17 tions Security Council resolution, multilateral treaty,
18 or other agreement, to enhance international co-
19 operation with the Proliferation Security Initiative
20 regarding the interdiction, seizure, and impound-
21 ment in international waters and airspace of illicit
22 shipments of weapons of mass destruction and their
23 delivery systems and of related materials, equipment,
24 and technology.

1 **SEC. 1432. SECURITY OF NUCLEAR WEAPONS AND MATE-**
2 **RIALS.**

3 It is the sense of Congress that the President should
4 seek to devise and implement standards to improve the
5 security of nuclear weapons and materials by—

6 (1) establishing with other willing nations a set
7 of guidelines containing performance-based stand-
8 ards for the security of nuclear weapons and mate-
9 rials;

10 (2) negotiating with those nations agreements
11 to adopt guidelines containing performance-based
12 standards and implement appropriate verification
13 measures to assure ongoing compliance;

14 (3) coordinating with those nations and the
15 International Atomic Energy Agency to strongly en-
16 courage other nations to adopt and verifiably imple-
17 ment the standards; and

18 (4) encouraging all nations to work with the
19 International Atomic Energy Agency to complete the
20 negotiation, adoption, and implementation of its pro-
21 posed series of documents related to the security of
22 nuclear materials.

23 **SEC. 1433. INTERNATIONAL CRIMINAL COURT AND GENO-**
24 **CIDE IN DARFUR, SUDAN.**

25 Based upon the adoption of resolutions on July 22,
26 2004, by both the House of Representatives and the Sen-

1 ate and the declaration on September 9, 2004, by former
2 Secretary of State Colin Powell that the atrocities unfold-
3 ing in Darfur, Sudan, are genocide, it is the sense of Con-
4 gress that, notwithstanding the American
5 Servicemembers' Protection Act of 2002 (title II of the
6 2002 Supplemental Appropriations Act for Further Re-
7 covery From and Response To Terrorist Attacks on the
8 United States; Public Law 107–206), the United States
9 should render assistance to the efforts of the International
10 Criminal Court to bring to justice persons accused of
11 genocide, war crimes, or crimes against humanity in
12 Darfur, Sudan, provided that legally binding assurances
13 have been received from the United Nations Security
14 Council or the International Criminal Court that no cur-
15 rent or former United States Government official, em-
16 ployee (including any contractor), member of the United
17 States Armed Forces, or United States national will be
18 subject to prosecution by the International Criminal Court
19 in connection with those efforts.

20 **SEC. 1434. ACTION AGAINST AL-MANAR TELEVISION.**

21 (a) FINDINGS.—Congress finds that—

22 (1) in 1996, the Secretary of State designated
23 Hizballah as a foreign terrorist organization (FTO)
24 under section 219 of the Immigration and Nation-
25 ality Act;

1 (2) al-Manar television is owned and controlled
2 by Hizballah and acts on behalf of Hizballah, as
3 openly acknowledged by Hizballah leader Hasan
4 Nasrallah;

5 (3) al-Manar's programming, in accordance
6 with Hizballah's policy, openly promotes hatred of
7 and graphically glorifies and incites violence, includ-
8 ing suicide bombings, against Americans, Israelis,
9 and Jews;

10 (4) in December 2004, the Secretary of State
11 placed al-Manar on its Terrorist Exclusion List, im-
12 mediately after which the sole satellite company that
13 broadcast al-Manar in North America pulled al-
14 Manar off the air;

15 (5) in recent months, several European Union
16 (EU) countries and EU-based satellite companies
17 have taken actions that severely limit al-Manar's
18 broadcasting reach in Europe; and

19 (6) al-Manar continues to broadcast to all of
20 the Arab world, much of non-Arab Asia, most of
21 Central and South America, and parts of Europe,
22 with the cooperation of companies headquartered in
23 Europe and the Arab world.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that—

1 (1) all countries that host satellite companies
2 that broadcast al-Manar, on whose territory al-
3 Manar may be viewed over media subject to govern-
4 ment regulation, or where advertising or other finan-
5 cial support for al-Manar originates, should take ac-
6 tion, by the strongest and most comprehensive ap-
7 propriate means available, to suppress al-Manar's
8 terroristic programming; and

9 (2) the Arab States Broadcasting Union, which
10 is part of the Arab League, should revoke al-
11 Manar's membership status because of al-Manar's
12 promotion of hatred and incitement to violence, in-
13 cluding suicide bombings, directed toward Ameri-
14 cans, Israelis, and Jews.

15 **SEC. 1435. STABILITY AND SECURITY IN IRAQ.**

16 It is the sense of Congress that the President should
17 transmit to the appropriate congressional committees as
18 soon as possible after the date of the enactment of this
19 Act the plan to provide for a stable and secure government
20 of Iraq and an Iraqi military and police force that will
21 allow the United States military presence in Iraq to be
22 diminished.

1 **SEC. 1436. PROPERTY EXPROPRIATED BY THE GOVERN-**
2 **MENT OF ETHIOPIA.**

3 It is the sense of the Congress that the Government
4 of Ethiopia should account for, compensate for, or return
5 to United States citizens, and entities not less than 50
6 percent beneficially owned by United States citizens, prop-
7 erty of such citizens and entities that has been national-
8 ized, expropriated, or otherwise seized by the Government
9 of Ethiopia before the date of the enactment of this Act
10 in contravention of international law.

11 **SEC. 1437. UNITED STATES-CHINA RELATIONS.**

12 It is the sense of Congress that—

13 (1) the comments by Chinese General Zhu
14 Chenghu advocating the use of nuclear weapons
15 against the United States are both damaging to
16 United States-China relations and a violation of Chi-
17 na's commitment to resolve its differences with Tai-
18 wan peacefully; and

19 (2) the Government of China should renounce
20 the use of force against Taiwan, disavow General
21 Zhu's statements, and relieve General Zhu from his
22 command.

23 **SEC. 1438. CAPTURE, DETENTION, AND INTERROGATION OF**
24 **TERRORISTS AT GUANTANAMO BAY, CUBA.**

25 (a) FINDINGS.—Congress finds the following:

1 (1) Usama bin Laden declared war on the
2 United States in 1996.

3 (2) International terrorists, including al Qaida
4 and its affiliated terrorists, have repeatedly attacked
5 the United States and its coalition partners through-
6 out the world and have killed and wounded thou-
7 sands of innocent United States citizens and citizens
8 from these coalition partners.

9 (3) The United States is exercising its rights to
10 self-defense and to protect United States citizens
11 both at home and abroad by waging war alongside
12 its coalition partners against al Qaida and affiliated
13 terrorists.

14 (4) International terrorists continue to pose an
15 extraordinary threat to the national security and for-
16 eign policy of the United States and its coalition
17 partners.

18 (5) International terrorists continue to commit
19 and plan terrorist attacks around the world against
20 the United States and its coalition partners.

21 (6) In order to protect the United States and
22 its citizens, the United States must identify terror-
23 ists and those individuals who support them, disrupt
24 their activities, and eliminate their ability to conduct

1 or support attacks against the United States, its
2 citizens, and its coalition partners.

3 (7) Identifying, disrupting, and eliminating ter-
4 rorist threats against the United States requires ef-
5 fective gathering, dissemination, and analysis of
6 timely intelligence.

7 (8) The collection of information from detainees
8 at Guantanamo Bay, Cuba, by the United States
9 has improved the security of the United States and
10 its coalition partners and is essential in fighting the
11 Global War on Terrorism.

12 (9) The loss of interrogation-derived informa-
13 tion would have a disastrous effect on the United
14 States' intelligence collection and counterterrorism
15 efforts and would constitute a damaging reversal in
16 the Global War on Terrorism.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) the capture, detention, and interrogation of
20 international terrorists are essential to the successful
21 prosecution of the Global War on Terrorism and to
22 the defense of the United States, its citizens, and its
23 coalition partners from future terrorist attacks;

24 (2) the detention and lawful, humane interroga-
25 tion by the United States of detainees at Guanta-

1 namo Bay, Cuba, is essential to the defense of the
2 United States and its coalition partners and to the
3 successful prosecution of the Global War on Ter-
4 rorism;

5 (3) the detention facilities and interrogations at
6 Guantanamo Bay, Cuba, plays an essential role in
7 the security of the United States and should not be
8 closed or ended while the United States is waging
9 the Global War of Terrorism.

Passed the House of Representatives July 20, 2005.

Attest:

JEFF TRANDAHL,

Clerk.

By GERASIMOS C. VANS,

Deputy Clerk.

Calendar No. 172

109TH CONGRESS
1ST Session

H. R. 2601

AN ACT

To authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes.

JULY 22, 2005

Received; read twice and placed on the calendar