

**THE FOREIGN RELATIONS AUTHORIZATION ACT  
FOR FISCAL YEARS 2004 AND 2005  
(STATE DEPARTMENT AUTHORIZATION); AND  
THE SENSE OF CONGRESS THAT THE U.N.  
SHOULD REMOVE THE ECONOMIC SANCTIONS  
AGAINST IRAQ COMPLETELY AND WITHOUT  
CONDITION**

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**MARKUP**

BEFORE THE

**COMMITTEE ON  
INTERNATIONAL RELATIONS  
HOUSE OF REPRESENTATIVES**

ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

ON

**H.R. 1950 and H. Con. Res. 160**

MAY 7 AND 8, 2003

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**FOREIGN RELATIONS AUTHORIZATION ACT  
FOR FISCAL YEARS 2004 AND 2005  
(STATE DEPARTMENT AUTHORIZATION); AND  
THE SENSE OF CONGRESS THAT THE  
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SANCTIONS AGAINST IRAQ  
COMPLETELY AND WITHOUT CONDITION**

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**WEDNESDAY, MAY 7, 2003**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Committee met, pursuant to call, at 10:45 a.m. in Room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order. Pursuant to notice, I now call up H.R. 1950, the Foreign Relations Act for fiscal years 2004 and 2005 for purposes of markup and move its favorable recommendation to the House.

[H.R. 1950 follows:]

108TH CONGRESS  
1ST SESSION

# H. R. 1950

To authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 5, 2003

Mr. HYDE (for himself, Mr. LANTOS, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, 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 2004 and 2005”.

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

3 (a) ORGANIZATION OF ACT INTO DIVISIONS.—This  
4 Act is organized into two divisions as follows:

5 (1) DIVISION A.—Department of State Author-  
6 ization Act, Fiscal Years 2004 and 2005.

7 (2) DIVISION B.—Defense Trade and Security  
8 Assistance Reform Act of 2003.

9 (b) The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Organization of act into divisions; table of contents.
- Sec. 3. Definitions.

DIVISION A—DEPARTMENT OF STATE AUTHORIZATION ACT,  
FISCAL YEARS 2004 AND 2005

Sec. 101. Short title.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

- Sec. 111. Administration of foreign affairs.
- Sec. 112. United States educational and cultural programs.
- Sec. 113. Contributions to international organizations.
- Sec. 114. International commissions.
- Sec. 115. Migration and refugee assistance.
- Sec. 116. Voluntary contributions to international organizations.
- Sec. 117. Voluntary contributions for international peacekeeping activities.
- Sec. 118. Grants to the Asia Foundation.

Subtitle B—United States International Broadcasting Activities

Sec. 121. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND  
ACTIVITIES

Subtitle A—United States Public Diplomacy

- Sec. 201. Findings and purposes.
- Sec. 202. Public diplomacy responsibilities of the Department of State.
- Sec. 203. Annual plan on public diplomacy strategy.
- Sec. 204. Public diplomacy training.
- Sec. 205. United States Advisory Commission on Public Diplomacy.
- Sec. 206. Library program.

Sec. 207. Sense of Congress concerning public diplomacy efforts in sub-Saharan Africa.

Subtitle B—Basic Authorities and Activities

Sec. 221. United States policy with respect to Jerusalem as the capital of Israel.

Sec. 222. Continuation of reporting requirements.

Sec. 223. Report concerning efforts to promote Israel's diplomatic relations with other countries.

Sec. 224. Reimbursement rate for airlift services provided to the Department of State.

Sec. 225. Sense of Congress regarding additional United States consular posts.

Sec. 226. Validity of United States passports for travel to countries receiving United States foreign assistance.

Sec. 227. Security capital cost sharing.

Sec. 228. Authority to issue administrative subpoenas.

Subtitle C—Educational and Cultural Authorities

Sec. 251. Establishment of initiatives for predominantly Muslim countries.

Sec. 252. Database of American and foreign participants in exchange programs.

Sec. 253. Report on inclusion of freedom and democracy advocates in educational and cultural exchange programs.

Sec. 254. Sense of the Congress concerning educational and cultural exchange program for foreign journalists.

Sec. 255. Sense of Congress regarding Korean Fulbright programs.

Subtitle D—Consular Authorities

Sec. 271. Machine readable visas.

Sec. 272. Processing of visa applications.

Sec. 273. Staffing at diplomatic missions.

TITLE III—ORGANIZATION AND PERSONNEL OF THE  
DEPARTMENT OF STATE

Sec. 301. Fellowship of Hope Program.

Sec. 302. Claims for lost pay.

Sec. 303. Ombudsman for the Department of State.

Sec. 304. Repeal of recertification requirement for senior foreign service.

Sec. 305. Report concerning status of employees of State Department.

Sec. 306. Home leave.

Sec. 307. Increased limits applicable to post differentials and danger pay allowances.

Sec. 308. Regulations regarding retirement credit for government service performed abroad.

Sec. 309. Minority recruitment.

TITLE IV—INTERNATIONAL ORGANIZATIONS

Subtitle A—Basic Authorities and Activities

Sec. 401. Raising the cap on peacekeeping contributions.

Sec. 402. Regarding the reentry of the United States in UNESCO.

Sec. 403. UNESCO national commission.

Sec. 404. Organization of American States (OAS) emergency fund.

5

4

Sec. 405. United States efforts regarding the status of Israel in the Western European and Others Group at the United Nations.

Subtitle B—United States International Leadership

- Sec. 431. Short title.
- Sec. 432. Findings.
- Sec. 433. Establishment of a democracy caucus.
- Sec. 434. Annual diplomatic missions on multilateral issues.
- Sec. 435. Leadership and membership of international organizations.
- Sec. 436. Increased training in multilateral diplomacy.
- Sec. 437. Promoting assignments to international organizations.
- Sec. 438. Implementation and establishment of office on multilateral negotiations.
- Sec. 439. Synchronization of United States contributions to international organizations.

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING  
ACTIVITIES

Subtitle A—Basic Authorities and Activities

- Sec. 501. Mideast Radio and Television Network, Inc.
- Sec. 502. Improving signal delivery to Cuba.
- Sec. 503. Report concerning efforts to counter jamming of broadcasts of Radio Marti and TV Marti.

Subtitle B—Global Internet Freedom

- Sec. 521. Short title.
- Sec. 522. Findings.
- Sec. 523. Purposes.
- Sec. 524. Development and deployment of technologies to defeat Internet jamming and censorship.

Subtitle C—Reorganization of United States International Broadcasting

- Sec. 531. Establishment of United States International Broadcasting Agency.
- Sec. 532. Authorities and functions of the agency.
- Sec. 533. Role of the Secretary of State.
- Sec. 534. Administrative provisions.
- Sec. 535. Broadcasting Board of Governors and International Broadcasting Bureau.
- Sec. 536. Transition.
- Sec. 537. Conforming amendments.
- Sec. 538. References.
- Sec. 539. Broadcasting standards.
- Sec. 540. Effective date.

TITLE VI—INTERNATIONAL FREE MEDIA ACT OF 2003

- Sec. 601. Short title.
- Sec. 602. Definitions.
- Sec. 603. Findings.
- Sec. 604. Statements of policy.
- Sec. 605. Coordinator for International Free Media.
- Sec. 606. United States Advisory Commission on Public Diplomacy and International Media.

- Sec. 607. International Free Media Fund.
- Sec. 608. Free media promotion activity of the Broadcasting Board of Governors.

#### TITLE VII—MISCELLANEOUS PROVISIONS

##### Subtitle A—Reporting Requirements

- Sec. 701. Reports on benchmarks for Bosnia.
- Sec. 702. Reports to Committee on International Relations.
- Sec. 703. Reports concerning the capture and prosecution of paramilitary and other terrorist leaders in Colombia.
- Sec. 704. Reports relating to Magen David Adom Society.
- Sec. 705. Report concerning the return of portraits of Holocaust victims to the artist Dina Babbitt.
- Sec. 706. Report to Congress on use of vested assets.
- Sec. 707. Report concerning the conflict in Uganda.

##### Subtitle B—Other Matters

- Sec. 721. Sense of Congress relating to East Timor, justice, and rehabilitation.
- Sec. 722. Sense of Congress concerning human rights and justice in Indonesia.
- Sec. 723. Amendment to the International Religious Freedom Act of 1998.
- Sec. 724. Sense of Congress with respect to human rights in Central Asia.
- Sec. 725. Technical correction to authorization of appropriations for fiscal year 2003 for Center for Cultural and Technical Interchange Between East and West.

#### DIVISION B—DEFENSE TRADE AND SECURITY ASSISTANCE REFORM ACT OF 2003

##### TITLE X—GENERAL PROVISIONS

- Sec. 1001. Short title.
- Sec. 1002. Definitions.
- Sec. 1003. References to Arms Export Control Act.

##### TITLE XI—TERRORIST-RELATED PROHIBITIONS AND ENFORCEMENT MEASURES

- Sec. 1101. Eligibility provisions.
- Sec. 1102. Weapons transfers to foreign persons in the United States.
- Sec. 1103. Coordination of license exemptions with United States law enforcement agencies.
- Sec. 1104. Mechanisms to identify persons in violation of certain provisions of law.
- Sec. 1105. Comprehensive nature of United States arms embargoes.
- Sec. 1106. Transactions with countries supporting acts of international terrorism.
- Sec. 1107. Amendments to control of arms exports and imports.
- Sec. 1108. High risk exports and end use verification.
- Sec. 1109. Concurrent jurisdiction of the Federal Bureau of Investigation.
- Sec. 1110. Report on foreign-supplied defense articles, defense services, and dual use goods and technology discovered in Iraq.

##### TITLE XII—STRENGTHENING MUNITIONS EXPORT CONTROLS

- Sec. 1201. Control of items on Missile Technology Control Regime Annex.

- Sec. 1202. Certifications relating to export of certain defense articles and services.
- Sec. 1203. Notification requirements for technical assistance and manufacturing licensing agreements with NATO member countries, Australia, New Zealand, and Japan.
- Sec. 1204. Strengthening defense cooperation with Australia and the United Kingdom.
- Sec. 1205. Training and liaison for small businesses.
- Sec. 1206. Study and report relating to co-locating munitions control functions of the Departments of State, Defense, and Homeland Security.

#### TITLE XIII—SECURITY ASSISTANCE AND RELATED PROVISIONS

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

- Sec. 1301. Authorization of appropriations.
- Sec. 1302. Provision of cataloging data and services.
- Sec. 1303. Annual estimate and justification for sales program.
- Sec. 1304. Adjustment to advance notification requirement for transfer of certain excess defense articles.

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

- Sec. 1311. Authorization of appropriations.
- Sec. 1312. Annual foreign military training reporting.

##### Subtitle C—Assistance for Select Countries

- Sec. 1321. Assistance for Israel.
- Sec. 1322. Assistance for Egypt.

##### Subtitle D—International Narcotics Control Assistance

- Sec. 1331. Additional authorities relating to international narcotics control assistance.
- Sec. 1332. United States opium eradication program in Colombia.

##### Subtitle E—Miscellaneous Provisions

- Sec. 1341. United States War Reserve Stockpiles for Allies.
- Sec. 1342. Transfer to Israel of certain defense articles in the United States War Reserve Stockpiles for Allies.
- Sec. 1343. Expansion of authorities for loan of material, supplies, and equipment for research and development purposes.
- Sec. 1344. Assistance for demining and related activities.
- Sec. 1345. Cooperative Development Program.
- Sec. 1346. West Bank and Gaza program.
- Sec. 1347. Annual human rights country reports on incitement to acts of discrimination.
- Sec. 1348. Assistance to East Timor.
- Sec. 1349. Support for democracy-building efforts for Cuba.
- Sec. 1350. Amendment to the Afghanistan Freedom Support Act of 2002.
- Sec. 1351. Congo Basin Forest Partnership.
- Sec. 1352. Combatting the piracy of United States copyrighted materials.
- Sec. 1353. Reports relating to Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.

Sec. 1354. Statement of House of Representatives regarding the Treaty Between the United States and the Russian Federation on Strategic Offensive Reductions.

Sec. 1355. Nonproliferation and Disarmament Fund.

Sec. 1356. Maritime interdiction patrol boats for Mozambique.

TITLE XIV—MISSILE THREAT REDUCTION ACT OF 2003

Sec. 1401. Short title.

Subtitle A—Strengthening International Missile Nonproliferation Law

Sec. 1411. Findings.

Sec. 1412. Policy of the United States.

Sec. 1413. Sense of Congress.

Subtitle B—Strengthening United States Missile Nonproliferation Law

Sec. 1421. Probationary period for foreign persons.

Sec. 1422. Strengthening United States missile proliferation sanctions on foreign persons.

Sec. 1423. Comprehensive United States missile proliferation sanctions on all responsible persons.

Subtitle C—Incentives for Missile Threat Reduction

Sec. 1431. Foreign assistance.

Sec. 1432. Authorization of appropriations.

Sec. 1433. Authorization of technical assistance in missile disarmament.

**1 SEC. 3. DEFINITIONS.**

2 In this Act:

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

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

8 (3) SECRETARY.—Except as otherwise provided,  
9 the term “Secretary” means the Secretary of State.  
10  
11

1 **DIVISION A—DEPARTMENT OF**  
2 **STATE AUTHORIZATION ACT,**  
3 **FISCAL YEARS 2004 AND 2005**

4 **SEC. 101. SHORT TITLE.**

5 This division may be cited as the “Department of  
6 State Authorization Act, Fiscal Years 2004 and 2005”.

7 **TITLE I—AUTHORIZATIONS OF**  
8 **APPROPRIATIONS**

9 **Subtitle A—Department of State**

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

11 (a) IN GENERAL.—The following amounts are au-  
12 thorized to be appropriated for the Department under  
13 “Administration of Foreign Affairs” to carry out the au-  
14 thorities, functions, duties, and responsibilities in the con-  
15 duct of the foreign affairs of the United States, and for  
16 other purposes authorized by law, including public diplo-  
17 macy activities and the diplomatic security program:

18 (1) DIPLOMATIC AND CONSULAR PROGRAMS.—

19 (A) AUTHORIZATION OF APPROPRIA-  
20 TIONS.—For “Diplomatic and Consular Pro-  
21 grams”, \$4,187,544,000 for the fiscal year  
22 2004 and \$4,438,796,000 for the fiscal year  
23 2005.

24 (B) PUBLIC DIPLOMACY.—

1 (i) IN GENERAL.—Of the amounts au-  
2 thorized to be appropriated by subpara-  
3 graph (A), \$320,930,000 for the fiscal  
4 year 2004 and \$329,838,000 for the fiscal  
5 year 2005 is authorized to be appropriated  
6 for public diplomacy.

7 (ii) IMPROVEMENTS IN PUBLIC DIPLO-  
8 MACY PROGRAMS.—Of the amounts author-  
9 ized to be appropriated under clause (i)  
10 \$20,000,000 for the fiscal year 2004 and  
11 \$20,000,000 for the fiscal year 2005 is au-  
12 thorized to be available for improvements  
13 and modernization of public diplomacy pro-  
14 grams and activities of the Department of  
15 State.

16 (iii) TRANSLATION SERVICES.—Of the  
17 amounts authorized to be appropriated  
18 under clause (i), \$4,000,000 for the fiscal  
19 year 2004 and \$4,000,000 for the fiscal  
20 year 2005 is authorized to be available for  
21 translation services available to public af-  
22 fairs officers in overseas posts.

23 (C) WORLDWIDE SECURITY UPGRADES.—  
24 Of the amounts authorized to be appropriated  
25 by subparagraph (A), \$646,701,000 for the fis-

1 cal year 2004 and \$679,036,000 for the fiscal  
2 year 2005 is authorized to be appropriated for  
3 worldwide security upgrades.

4 (D) BUREAU OF DEMOCRACY, HUMAN  
5 RIGHTS, AND LABOR.—Of the amounts author-  
6 ized to be appropriated by subparagraph (A),  
7 \$20,000,000 for the fiscal year 2004 and  
8 \$20,000,000 for the fiscal year 2005 is author-  
9 ized to be appropriated for salaries and ex-  
10 penses of the Bureau of Democracy, Human  
11 Rights, and Labor.

12 (E) RECRUITMENT OF MINORITY  
13 GROUPS.—Of the amount authorized to be ap-  
14 propriated by subparagraph (A), \$2,000,000 for  
15 the fiscal year 2004 and \$2,000,000 for the fis-  
16 cal year 2005 is authorized to be appropriated  
17 for the recruitment of members of minority  
18 groups for careers in the Foreign Service and  
19 international affairs.

20 (2) CAPITAL INVESTMENT FUND.—For “Cap-  
21 ital Investment Fund”, \$157,000,000 for the fiscal  
22 year 2004 and \$161,710,000 for the fiscal year  
23 2005.

24 (3) EMBASSY SECURITY, CONSTRUCTION AND  
25 MAINTENANCE.—

1 (A) IN GENERAL.—For “Embassy Security,  
2 Construction and Maintenance”,  
3 \$653,000,000 for the fiscal year 2004 and  
4 \$784,000,000 for the fiscal year 2005, in addition  
5 to amounts otherwise authorized to be appropriated  
6 for such purpose by section 604 of the Admiral James W. Nance and Meg Donovan  
7 Foreign Relations Authorization Act, Fiscal  
8 Years 2000 and 2001 (as enacted into law by  
9 section 1000(a)(7) of Public Law 106–113 and  
10 contained in appendix G of that Act; 113 Stat.  
11 1501A–470).

13 (B) AMENDMENT OF THE NANCE-DONOVAN  
14 FOREIGN RELATIONS AUTHORIZATION  
15 ACT.—Section 604(a) of the Admiral James W.  
16 Nance and Meg Donovan Foreign Relations Authorization  
17 Act, Fiscal Years 2000 and 2001  
18 (113 Stat. 1501A–453) is amended—

19 (i) at the end of paragraph (4) by  
20 striking “and”;

21 (ii) in paragraph (5) by striking  
22 “\$900,000,000.” and inserting  
23 “\$1,000,000,000; and”; and

24 (iii) by inserting after paragraph (5)  
25 the following:

1           “(6) for fiscal year 2005,  
2           \$1,000,000,000.”.

3           (4) REPRESENTATION ALLOWANCES.—For  
4           “Representation Allowances”, \$9,000,000 for the  
5           fiscal year 2004 and \$9,000,000 for the fiscal year  
6           2005.

7           (5) PROTECTION OF FOREIGN MISSIONS AND  
8           OFFICIALS.—For “Protection of Foreign Missions  
9           and Officials”, \$10,000,000 for the fiscal year 2004  
10          and \$10,000,000 for the fiscal year 2005.

11          (6) EMERGENCIES IN THE DIPLOMATIC AND  
12          CONSULAR SERVICE.—For “Emergencies in the Dip-  
13          lomatic and Consular Service”, \$1,000,000 for the  
14          fiscal year 2004 and such sums as may be necessary  
15          for the fiscal year 2005.

16          (7) REPATRIATION LOANS.—For “Repatriation  
17          Loans”, \$1,219,000 for the fiscal year 2004 and  
18          \$1,219,000 for the fiscal year 2005.

19          (8) PAYMENT TO THE AMERICAN INSTITUTE IN  
20          TAIWAN.—For “Payment to the American Institute  
21          in Taiwan”, \$19,773,000 for the fiscal year 2004  
22          and \$20,761,000 for the fiscal year 2005.

23          (9) OFFICE OF THE INSPECTOR GENERAL.—  
24          For “Office of the Inspector General”, \$31,703,000

1 for the fiscal year 2004 and \$32,654,000 for the fis-  
2 cal year 2005.

3 (b) AVAILABILITY OF FUNDS FOR PROTECTION OF  
4 FOREIGN MISSIONS AND OFFICIALS.—The amount appro-  
5 priated pursuant to subsection (a)(5) is authorized to re-  
6 main available through September 30, 2006.

7 **SEC. 112. UNITED STATES EDUCATIONAL AND CULTURAL**  
8 **PROGRAMS.**

9 (a) IN GENERAL.—Amounts in this section are au-  
10 thorized to be appropriated for the Department of State  
11 to carry out educational and cultural programs of the De-  
12 partment of State under the United States Information  
13 and Educational Exchange Act of 1948, the Mutual Edu-  
14 cational and Cultural Exchange Act of 1961, Reorganiza-  
15 tion Plan Number 2 of 1977, the Foreign Affairs Reform  
16 and Restructuring Act of 1998, the Center for Cultural  
17 and Technical Interchange Between East and West Act  
18 of 1960, the Dante B. Fascell North-South Center Act  
19 of 1991, and the National Endowment for Democracy Act,  
20 and to carry out other authorities in law consistent with  
21 such purposes.

22 (b) EDUCATIONAL AND CULTURAL EXCHANGE PRO-  
23 GRAMS.—

24 (1) AUTHORIZATION OF APPROPRIATIONS.—For  
25 “Educational and Cultural Exchange Programs”,

1       \$393,000,000 for the fiscal year 2004 and  
2       \$405,000,000 for the fiscal year 2005.

3           (2) PROGRAMS IN EASTERN EUROPE AND  
4       FORMER SOVIET UNION.—Of the amounts author-  
5       ized to be appropriated under paragraph (1),  
6       \$150,000,000 for the fiscal year 2004 and  
7       \$150,000,000 for the fiscal year 2005 is authorized  
8       to be available for programs in Eastern Europe and  
9       countries of the former Soviet Union.

10          (3) ACADEMIC EXCHANGE PROGRAMS.—

11           (A) IN GENERAL.—Of the amounts author-  
12       ized to be appropriated under paragraph (1),  
13       \$142,000,000 for the fiscal year 2004 and  
14       \$142,000,000 for the fiscal year 2005 is au-  
15       thorized to be available for the “Academic Ex-  
16       change Programs” (other than programs de-  
17       scribed in paragraph (4)).

18           (B) HIV/AIDS INITIATIVE.—Of the  
19       amounts authorized to be available under sub-  
20       paragraph (A), \$1,000,000 for the fiscal year  
21       2004 and \$1,000,000 for the fiscal year 2005  
22       is authorized to be available for HIV/AIDS re-  
23       search and mitigation strategies.

24           (C) FULBRIGHT ENGLISH TEACHING AS-  
25       SISTANT PROGRAM IN KOREA.—Of the amounts

1 authorized to be available by subparagraph (A),  
2 \$750,000 for the fiscal year 2004 and  
3 \$750,000 for the fiscal year 2005 is authorized  
4 to be available for the Fulbright English Teach-  
5 ing Assistant Program in Korea, which sends  
6 United States citizen students to serve as  
7 English language teaching assistants at Korean  
8 colleges and high schools.

9 (D) DANTE B. FASCELL NORTH-SOUTH  
10 CENTER.—Of the amounts authorized to be  
11 available by subparagraph (A), \$1,025,000 for  
12 the fiscal year 2004 and \$1,025,000 for the fis-  
13 cal year 2005 is authorized to be available for  
14 the “Dante B. Fascell North-South Center”.

15 (4) OTHER EDUCATIONAL AND CULTURAL EX-  
16 CHANGE PROGRAMS.—

17 (A) IN GENERAL.—Of the amounts author-  
18 ized to be appropriated under paragraph (1),  
19 \$110,000,000 for the fiscal year 2004 and  
20 \$110,000,000 for the fiscal year 2005 is au-  
21 thorized to be available for other educational  
22 and cultural exchange programs authorized by  
23 law.

24 (B) INITIATIVES FOR PREDOMINANTLY  
25 MUSLIM COUNTRIES.—Of the amounts author-

1            ized to be available under subparagraph (A),  
2            \$35,000,000 for the fiscal year 2004 and  
3            \$35,000,000 for the fiscal year 2005 is author-  
4            ized to be available for initiatives for predomi-  
5            nantly Muslim countries established under sec-  
6            tion 251.

7            (C) TIBETAN EXCHANGES.—Of the  
8            amounts authorized to be available under sub-  
9            paragraph (A), \$500,000 for the fiscal year  
10          2004 and \$500,000 for the fiscal year 2005 is  
11          authorized to be available for “Ngawang  
12          Choephel Exchange Programs” (formerly  
13          known as “programs of educational and cul-  
14          tural exchange between the United States and  
15          the people of Tibet”) under section 103(a) of  
16          the Human Rights, Refugee, and Other Foreign  
17          Relations Provisions Act of 1996 (Public Law  
18          104–319).

19          (D) EAST TIMORESE SCHOLARSHIPS.—Of  
20          the amounts authorized to be available under  
21          subparagraph (A), \$500,000 for the fiscal year  
22          2004 and \$500,000 for the fiscal year 2005 is  
23          authorized to be available for “East Timorese  
24          Scholarships”.

1           (E) SOUTH PACIFIC EXCHANGES.—Of the  
2 amounts authorized to be available under sub-  
3 paragraph (A), \$750,000 for the fiscal year  
4 2004 and \$750,000 for the fiscal year 2005 is  
5 authorized to be available for “South Pacific  
6 Exchanges”.

7           (F) SUDANESE SCHOLARSHIPS.—Of the  
8 amounts authorized to be available under sub-  
9 paragraph (A), \$500,000 for the fiscal year  
10 2004 and \$500,000 for the fiscal year 2005 is  
11 authorized to be available for scholarships for  
12 students from southern Sudan for secondary or  
13 postsecondary education in the United States,  
14 to be known as “Sudanese Scholarships”.

15           (G) SUMMER INSTITUTES FOR KOREAN  
16 STUDENTS.—Of the amounts authorized to be  
17 available under subparagraph (A), \$750,000 for  
18 the fiscal year 2004 and \$750,000 for the fiscal  
19 year 2005 is authorized to be available for sum-  
20 mer academic study programs in the United  
21 States (focusing on United States political sys-  
22 tems, government institutions, society, and  
23 democratic culture) for college and university  
24 students from the Republic of Korea, to be

1 known as the “United States Summer Insti-  
2 tutes for Korean Student Leaders”.

3 (H) SCHOLARSHIPS FOR INDIGENOUS PEO-  
4 PLES OF MEXICO AND CENTRAL AND SOUTH  
5 AMERICA.—Of the amounts authorized to be  
6 available under subparagraph (A), \$400,000 for  
7 the fiscal year 2004 and \$400,000 for the fiscal  
8 year 2005 is authorized to be available for  
9 scholarships for secondary and postsecondary  
10 education in the United States for students  
11 from Mexico and the countries of Central and  
12 South America who are from the indigenous  
13 peoples of the region.

14 (c) NATIONAL ENDOWMENT FOR DEMOCRACY.—

15 (1) IN GENERAL.—For the “National Endow-  
16 ment for Democracy”, \$45,000,000 for the fiscal  
17 year 2004 and \$47,000,000 for the fiscal year 2005.

18 (2) INITIATIVES FOR PREDOMINANTLY MUSLIM  
19 COUNTRIES.—Of the amounts authorized to be ap-  
20 propriated under paragraph (1), \$5,000,000 for the  
21 fiscal year 2004 and \$5,000,000 for the fiscal year  
22 2005 is authorized to be available for the National  
23 Endowment for Democracy to fund programs that  
24 promote democracy, good governance, the rule of  
25 law, independent media, religious tolerance, the

1 rights of women, and strengthening of civil society  
2 in countries of predominantly Muslim population  
3 within the jurisdiction of the Bureau of Near East-  
4 ern Affairs of the Department of State.

5 (d) CENTER FOR CULTURAL AND TECHNICAL INTER-  
6 CHANGE BETWEEN EAST AND WEST.—For the “Center  
7 for Cultural and Technical Interchange between East and  
8 West”, \$14,280,000 for the fiscal year 2004 and  
9 \$14,280,000 for the fiscal year 2005.

10 (e) REAGAN-FASCELL DEMOCRACY FELLOWS.—For  
11 the “Reagan-Fascell Democracy Fellows”, for fellowships  
12 for democracy activists and scholars from around the  
13 world at the International Forum for Democratic Studies  
14 in Washington, D.C., to study, write, and exchange views  
15 with other activists and scholars and with Americans,  
16 \$1,000,000 for the fiscal year 2004 and \$1,000,000 for  
17 the fiscal year 2005.

18 (f) BENJAMIN GILMAN INTERNATIONAL SCHOLAR-  
19 SHIP PROGRAM.—Section 305 of the Microenterprise for  
20 Self-Reliance and International Anti-Corruption Act of  
21 2000 (22 U.S.C. 2462 note) is amended by striking  
22 “\$1,500,000” and inserting “\$2,500,000”.

1 **SEC. 113. CONTRIBUTIONS TO INTERNATIONAL ORGANIZA-**  
2 **TIONS.**

3 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL  
4 ORGANIZATIONS.—There is authorized to be appropriated  
5 under the heading “Contributions to International Organi-  
6 zations” \$1,010,463,000 for the fiscal year 2004 and  
7 \$1,040,776,000 for the fiscal year 2005 for the Depart-  
8 ment to carry out the authorities, functions, duties, and  
9 responsibilities in the conduct of the foreign affairs of the  
10 United States with respect to international organizations  
11 and to carry out other authorities in law consistent with  
12 such purposes.

13 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-  
14 KEEPING ACTIVITIES.—There is authorized to be appro-  
15 priated under the heading “Contributions for Inter-  
16 national Peacekeeping Activities” \$550,200,000 for the  
17 fiscal year 2004 and such sums as may be necessary for  
18 the fiscal year 2005 for the Department to carry out the  
19 authorities, functions, duties, and responsibilities in the  
20 conduct of the foreign affairs of the United States with  
21 respect to international peacekeeping activities and to  
22 carry out other authorities in law consistent with such  
23 purposes.

24 (c) FOREIGN CURRENCY EXCHANGE RATES.—

25 (1) AUTHORIZATION OF APPROPRIATIONS.—In  
26 addition to the amounts authorized to be appro-

1        priated by subsection (a), there is authorized to be  
2        appropriated such sums as may be necessary for the  
3        fiscal years 2004 and 2005 to offset adverse fluctua-  
4        tions in foreign currency exchange rates.

5            (2) AVAILABILITY OF FUNDS.—Amounts appro-  
6        priated under this subsection may be available for  
7        obligation and expenditure only to the extent that  
8        the Director of the Office of Management and Budg-  
9        et determines and certifies to the appropriate con-  
10       gressional committees that such amounts are nec-  
11       essary due to such fluctuations.

12        (d) REFUND OF EXCESS CONTRIBUTIONS.—The  
13       United States shall continue to insist that the United Na-  
14       tions and its specialized and affiliated agencies shall credit  
15       or refund to each member of the organization or agency  
16       concerned its proportionate share of the amount by which  
17       the total contributions to the organization or agency ex-  
18       ceed the expenditures of the regular assessed budget of  
19       the organization or agency.

20       **SEC. 114. INTERNATIONAL COMMISSIONS.**

21        The following amounts are authorized to be appro-  
22       priated under “International Commissions” for the De-  
23       partment to carry out the authorities, functions, duties,  
24       and responsibilities in the conduct of the foreign affairs

1 of the United States with respect to international commis-  
2 sions, and for other purposes authorized by law:

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

7 (A) for “Salaries and Expenses”,  
8 \$31,562,000 for the fiscal year 2004 and  
9 \$31,562,000 for the fiscal year 2005; and

10 (B) for “Construction”, \$8,901,000 for the  
11 fiscal year 2004 and \$8,901,000 for the fiscal  
12 year 2005.

13 (2) INTERNATIONAL BOUNDARY COMMISSION,  
14 UNITED STATES AND CANADA.—For “International  
15 Boundary Commission, United States and Canada”,  
16 \$1,261,000 for the fiscal year 2004 and \$1,261,000  
17 for the fiscal year 2005.

18 (3) INTERNATIONAL JOINT COMMISSION.—For  
19 “International Joint Commission”, \$7,810,000 for  
20 the fiscal year 2004 and \$7,810,000 for the fiscal  
21 year 2005.

22 (4) INTERNATIONAL FISHERIES COMMIS-  
23 SIONS.—For “International Fisheries Commissions”,  
24 \$20,043,000 for the fiscal year 2004 and  
25 \$20,043,000 for the fiscal year 2005.

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

2 (a) IN GENERAL.—There is authorized to be appro-  
3 priated for the Department for “Migration and Refugee  
4 Assistance” for authorized activities, \$760,197,000 for the  
5 fiscal year 2004 and \$813,197,000 for the fiscal year  
6 2005.

7 (b) REFUGEES RESETTLING IN ISRAEL.—Of the  
8 amount authorized to be appropriated by subsection (a),  
9 \$50,000,000 for the fiscal year 2004 and \$50,000,000 for  
10 the fiscal year 2005 is authorized to be available for the  
11 resettlement of refugees in Israel.

12 (c) TIBETAN REFUGEES IN INDIA AND NEPAL.—Of  
13 the amount authorized to be appropriated by subsection  
14 (a), \$2,000,000 for the fiscal year 2004 and \$2,000,000  
15 for the fiscal year 2005 is authorized to be available for  
16 humanitarian assistance, including food, medicine, cloth-  
17 ing, and medical and vocational training, to Tibetan refu-  
18 gees in India and Nepal who have fled Chinese-occupied  
19 Tibet.

20 (d) HUMANITARIAN ASSISTANCE FOR DISPLACED  
21 BURMESE.—Of the amount authorized to be appropriated  
22 by subsection (a), \$2,000,000 for the fiscal year 2004 and  
23 \$2,000,000 for the fiscal year 2005 is authorized to be  
24 available for humanitarian assistance (including food,  
25 medicine, clothing, and medical and vocational training)

1 to persons displaced as a result of civil conflict in Burma,  
2 including persons still within Burma.

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

6 **SEC. 116. VOLUNTARY CONTRIBUTIONS TO INTER-**  
7 **NATIONAL ORGANIZATIONS.**

8 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated for the Department of State  
10 for “Voluntary Contributions to International Organiza-  
11 tions”, \$317,550,000 for the fiscal year 2004 and  
12 \$320,000,000 for the fiscal year 2005.

13 (b) UNITED NATIONS VOLUNTARY FUND FOR VIC-  
14 TIMS OF TORTURE.—Of the amounts authorized to be ap-  
15 propriated under subsection (a), \$6,000,000 for the fiscal  
16 year 2004 and \$7,000,000 for the fiscal year 2005 is au-  
17 thorized to be available for a United States voluntary con-  
18 tribution to the United Nations Voluntary Fund for Vic-  
19 tims of Torture.

20 (c) ORGANIZATION OF AMERICAN STATES.—Of the  
21 amounts authorized to be appropriated under subsection  
22 (a) \$2,000,000 for fiscal years 2004 and 2005 is author-  
23 ized to be available for a United States voluntary contribu-  
24 tion to the Organization of American States for the Inter-  
25 American Committee Against Terrorism (CICTE) to iden-

1 tify and develop a port in the Latin American and Carib-  
2 bean region into a model of best security practices and  
3 appropriate technologies for improving port security in the  
4 Western Hemisphere. Amounts authorized to be available  
5 by the preceding sentence are authorized to remain avail-  
6 able until expended and are in addition to amounts other-  
7 wise available to carry out section 301 of the Foreign As-  
8 sistance Act of 1961 (22 U.S.C. 2221).

9 (d) RESTRICTIONS ON UNITED STATES CONTRIBU-  
10 TIONS TO UNITED NATIONS DEVELOPMENT PROGRAM.—

11 (1) LIMITATION.—Of the amounts made avail-  
12 able under subsection (a) for each of the fiscal years  
13 2004 and 2005 for United States contributions to  
14 the United Nations Development Program an  
15 amount equal to the amount the United Nations De-  
16 velopment Program will spend in Burma during each  
17 fiscal year shall be withheld unless during such fiscal  
18 year the Secretary of State submits to the appro-  
19 priate congressional committees the certification de-  
20 scribed in paragraph (2).

21 (2) CERTIFICATION.—The certification referred  
22 to in paragraph (1) is a certification by the Sec-  
23 retary of State that all programs and activities of  
24 the United Nations Development Program (including

1 United Nations Development Program—Adminis-  
2 tered Funds) in Burma—

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

5 (B) are undertaken only through inter-  
6 national or private voluntary organizations that  
7 have been deemed independent of the State  
8 Peace and Development Council (SPDC) (for-  
9 merly known as the State Law and Order Res-  
10 toration Council (SLORC)), after consultation  
11 with the leadership of the National League for  
12 Democracy and the leadership of the National  
13 Coalition Government of the Union of Burma;  
14 (C) provide no financial, political, or mili-  
15 tary benefit to the SPDC; and  
16 (D) are carried out only after consultation  
17 with the leadership of the National League for  
18 Democracy and the leadership of the National  
19 Coalition Government of the Union of Burma.

20 **SEC. 117. VOLUNTARY CONTRIBUTIONS FOR INTER-**  
21 **NATIONAL PEACEKEEPING ACTIVITIES.**

22 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated for the Department of State  
24 for “Voluntary Contributions for International Peace-

1 keeping”, \$110,000,000 for the fiscal year 2004 and  
2 \$110,000,000 for the fiscal year 2005.

3 (b) PEACEKEEPING IN AFRICA.—Of the amounts au-  
4 thorized to be appropriated under subsection (a),  
5 \$40,000,000 for the fiscal year 2004 and \$40,000,000 for  
6 the fiscal year 2005 is authorized to be appropriated for  
7 peacekeeping activities in Africa.

8 **SEC. 118. GRANTS TO THE ASIA FOUNDATION.**

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

12 “SEC. 404. There is authorized to be appropriated  
13 to the Secretary of State \$18,000,000 for the fiscal year  
14 2004 and \$18,000,000 for the fiscal year 2005 for grants  
15 to The Asia Foundation pursuant to this title.”.

16 **Subtitle B—United States Inter-**  
17 **national Broadcasting Activities**

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

19 The following amounts are authorized to be appro-  
20 priated to carry out United States Government broad-  
21 casting activities under the United States Information and  
22 Educational Exchange Act of 1948, the United States  
23 International Broadcasting Act of 1994, the Radio Broad-  
24 casting to Cuba Act, the Television Broadcasting to Cuba  
25 Act, and the Foreign Affairs Reform and Restructuring

1 Act of 1998, and to carry out other authorities in law con-  
2 sistent with such purposes:

3 (1) INTERNATIONAL BROADCASTING OPER-  
4 ATIONS.—

5 (A) IN GENERAL.—For “International  
6 Broadcasting Operations”, \$618,854,000 for  
7 the fiscal year 2004 and \$612,146,000 for the  
8 fiscal year 2005.

9 (B) ALLOCATION OF FUNDS.—Of the  
10 amounts authorized to be appropriated by sub-  
11 paragraph (A), there is authorized to be avail-  
12 able for Radio Free Asia \$30,000,000 for the  
13 fiscal year 2004 and \$30,000,000 for the fiscal  
14 year 2005.

15 (C) OFFICE OF GLOBAL INTERNET FREE-  
16 DOM.—Of the amounts authorized to be appro-  
17 priated by subparagraph (A), there is author-  
18 ized to be available for the Broadcasting Board  
19 of Governors for the establishment and oper-  
20 ations of the Office of Global Internet Freedom  
21 under section 524(a) \$8,000,000 for the fiscal  
22 year 2004 and \$8,000,000 for the fiscal year  
23 2005.

24 (2) BROADCASTING CAPITAL IMPROVEMENTS.—  
25 For “Broadcasting Capital Improvements”,

1       \$11,395,000 for the fiscal year 2004 and  
2       \$11,395,000 for the fiscal year 2005.

3             (3) BROADCASTING TO CUBA.—For “Broad-  
4       casting to Cuba”, \$26,901,000 for the fiscal year  
5       2004 and \$27,439,000 for the fiscal year 2005.

6       **TITLE II—DEPARTMENT OF**  
7       **STATE AUTHORITIES AND AC-**  
8       **TIVITIES**

9       **Subtitle A—United States Public**  
10       **Diplomacy**

11       **SEC. 201. FINDINGS AND PURPOSES.**

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

14             (1) The United States possesses strong and  
15       deep connections with the peoples of the world sepa-  
16       rate from its relations with their governments. These  
17       connections can be a major asset in the promotion  
18       of United States interests and foreign policy.

19             (2) Misinformation and hostile propaganda in  
20       these countries regarding the United States and its  
21       foreign policy endanger the interests of the United  
22       States. Existing efforts to counter such misinforma-  
23       tion and propaganda are inadequate and must be  
24       greatly enhanced in both scope and substance.



1 **“SEC. 59. PUBLIC DIPLOMACY RESPONSIBILITIES OF THE**  
2 **DEPARTMENT OF STATE.**

3 “(a) IN GENERAL.—The Secretary of State shall  
4 make public diplomacy an integral component in the plan-  
5 ning and execution of United States foreign policy. The  
6 Department of State, in coordination with the United  
7 States International Broadcasting Agency, shall develop a  
8 comprehensive strategy for the use of public diplomacy re-  
9 sources and assume a prominent role in coordinating the  
10 efforts of all Federal agencies involved in public diplo-  
11 macy. Public diplomacy efforts shall be addressed to devel-  
12 oped and developing countries, to select and general audi-  
13 ences, and shall utilize all available media to ensure that  
14 the foreign policy of the United States is properly ex-  
15 plained and understood not only by the governments of  
16 countries but also by their peoples, with the objective of  
17 enhancing support for United States foreign policy. The  
18 Secretary shall ensure that the public diplomacy strategy  
19 of the United States is cohesive and coherent and shall  
20 aggressively and through the most effective mechanisms  
21 counter misinformation and propaganda concerning the  
22 United States. The Secretary shall endeavor to articulate  
23 the importance in American foreign policy of the guiding  
24 principles and doctrines of the United States, particularly  
25 freedom and democracy. The Secretary, in coordination  
26 with the Board of Governors of the United States Inter-

1 national Broadcasting Agency, shall develop and articulate  
2 long-term measurable objectives for United States public  
3 diplomacy. The Secretary is authorized to produce and  
4 distribute public diplomacy programming for distribution  
5 abroad in order to achieve public diplomacy objectives, in-  
6 cluding through satellite communication, the Internet, and  
7 other established and emerging communications tech-  
8 nologies.

9 “(b) INFORMATION CONCERNING UNITED STATES  
10 ASSISTANCE.—

11 “(1) IDENTIFICATION OF ASSISTANCE.—In co-  
12 operation with the United States Agency for Inter-  
13 national Development (USAID) and other public  
14 and private assistance organizations and agencies,  
15 the Secretary shall ensure that information con-  
16 cerning foreign assistance provided by the United  
17 States Government, United States nongovernmental  
18 organizations and private entities, and the American  
19 people is disseminated widely and prominently, par-  
20 ticularly, to the extent practicable, within countries  
21 and regions that receive such assistance. The Sec-  
22 retary shall ensure that, to the extent practicable,  
23 projects funded by the United States Agency for  
24 International Development (USAID) that do not in-  
25 volve commodities, including projects implemented

1 by private voluntary organizations, are identified as  
2 being supported by the United States of America, as  
3 American Aid or provided by the American people.

4 “(2) REPORT TO CONGRESS.—Not later than  
5 120 days after the end of each fiscal year, the Sec-  
6 retary shall submit a report to the Committee on  
7 International Relations of the House of Representa-  
8 tives and the Committee on Foreign Relations of the  
9 Senate on efforts to disseminate information con-  
10 cerning assistance described in paragraph (1) during  
11 the preceding fiscal year. Each such report shall in-  
12 clude specific information concerning all instances in  
13 which the United States Agency for International  
14 Development has not identified projects in the man-  
15 ner prescribed in paragraph (1) because such identi-  
16 fication was not practicable. Any such report shall  
17 be submitted in unclassified form, but may include  
18 a classified appendix.

19 “(c) AUTHORITY.— Subject to the availability of ap-  
20 propriations, the Secretary may contract with and com-  
21 pensate government and private agencies or persons for  
22 property and services to carry out this section.”.

23 (b) ESTABLISHMENT OF PUBLIC DIPLOMACY RE-  
24 SERVE CORPS.—

1           (1) The Secretary of State shall establish a  
2 public diplomacy reserve corps to augment the public  
3 diplomacy capacity and capabilities of the Depart-  
4 ment in emergency and critical circumstances world-  
5 wide. The Secretary shall develop a contingency plan  
6 for the use of the corps to bolster public diplomacy  
7 resources and expertise. To the extent necessary and  
8 appropriate, the Secretary may recruit experts in  
9 public diplomacy and related fields from the private  
10 sector.

11           (2) While actively serving with the reserve  
12 corps, individuals are prohibited from engaging in  
13 activities directly or indirectly intended to influence  
14 public opinion within the United States to the same  
15 degree that employees of the Department engaged in  
16 public diplomacy are so prohibited.

17           (c) FUNCTIONS OF THE UNDER SECRETARY FOR  
18 PUBLIC DIPLOMACY.—

19           (1) Section 1(b)(3) of the State Department  
20 Basic Authorities Act of 1956 (22 U.S.C.  
21 2651a(b)(3)) is amended by striking “formation”  
22 and all that follows through the period at the end  
23 and inserting “formation, supervision, and imple-  
24 mentation of United States public diplomacy poli-  
25 cies, programs, and activities, including the provision

1 of guidance to Department personnel in the United  
2 States and overseas who conduct or implement such  
3 policies, programs, and activities. The Under Sec-  
4 retary for Public Diplomacy shall assist the United  
5 States Agency for International Broadcasting in pre-  
6 senting the policies of the United States clearly and  
7 effectively, shall submit statements of United States  
8 policy and editorial material to the Agency for  
9 broadcast consideration in addition to material pre-  
10 pared by the Agency, and shall ensure that editorial  
11 material created by the Agency for broadcast is re-  
12 viewed expeditiously by the Department.”.

13 (2) The Under Secretary for Public Diplomacy,  
14 in carrying out the functions under the last sentence  
15 of section 1(b)(3) of the State Department Basic  
16 Authorities Act of 1956 (as added by paragraph (1)),  
17 shall consult with public diplomacy officers operating  
18 at United States overseas posts and in the regional  
19 bureaus of the Department of State.

20 **SEC. 203. ANNUAL PLAN ON PUBLIC DIPLOMACY STRAT-**  
21 **EGY.**

22 The Secretary of State, in coordination with all ap-  
23 propriate Federal agencies, shall prepare an annual review  
24 and analysis of the impact of public diplomacy efforts on  
25 target audiences. Each review shall assess the United

1 States public diplomacy strategy worldwide and by region,  
2 including the allocation of resources and an evaluation and  
3 assessment of the progress in, and barriers to, achieving  
4 the goals set forth under previous plans submitted under  
5 this section. On the basis of such review, the Secretary  
6 of State, in coordination with all appropriate Federal  
7 agencies shall develop and submit, as part of the annual  
8 budget submission, a public diplomacy strategy which  
9 specifies goals, agency responsibilities, and necessary re-  
10 sources and mechanisms for achieving such goals during  
11 the next fiscal year. The plan may be submitted in classi-  
12 fied form.

13 **SEC. 204. PUBLIC DIPLOMACY TRAINING.**

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

16 (1) The Foreign Service should recruit individ-  
17 uals with expertise and professional experience in  
18 public diplomacy.

19 (2) Ambassadors should have a prominent role  
20 in the formulation of public diplomacy strategies for  
21 the countries and regions to which they are assigned  
22 and be accountable for the operation and success of  
23 public diplomacy efforts at their posts.

24 (3) Initial and subsequent training of Foreign  
25 Service officers should be enhanced to include infor-

1 mation and training on public diplomacy and the  
2 tools and technology of mass communication.

3 (b) PERSONNEL.—

4 (1) In the recruitment, training, and assign-  
5 ment of members of the Foreign Service, the Sec-  
6 retary shall emphasize the importance of public di-  
7 plomacy and of applicable skills and techniques. The  
8 Secretary shall consider the priority recruitment into  
9 the Foreign Service, at middle-level entry, of individ-  
10 uals with expertise and professional experience in  
11 public diplomacy, mass communications, or jour-  
12 nalism, especially individuals with language facility  
13 and experience in particular countries and regions.

14 (2) The Secretary of State shall seek to in-  
15 crease the number of Foreign Service officers pro-  
16 ficient in languages spoken in predominantly Muslim  
17 countries. Such increase shall be accomplished  
18 through the recruitment of new officers and incen-  
19 tives for officers in service.

20 **SEC. 205. UNITED STATES ADVISORY COMMISSION ON PUB-**  
21 **LIC DIPLOMACY.**

22 (a) STUDY AND REPORT BY UNITED STATES ADVI-  
23 SORY COMMISSION ON PUBLIC DIPLOMACY.—Section  
24 604(c)(2) of the United States Information and Edu-

1 cational Exchange Act of 1948 (22 U.S.C. 1469(c)(2)) is  
2 amended to read as follows:

3 “(2)(A) Not less often than every two years, the Com-  
4 mission shall undertake an in-depth review of United  
5 States public diplomacy programs, policies, and activities.  
6 Each study shall assess the effectiveness of the various  
7 mechanisms of United States public diplomacy, in light  
8 of factors including public and media attitudes around the  
9 world toward the United States, Americans, United States  
10 foreign policy, and the role of the American private-sector  
11 community abroad, and make appropriate recommenda-  
12 tions.

13 “(B) A comprehensive report of each study under  
14 subparagraph (A) shall be submitted to the Secretary of  
15 State and the appropriate congressional committees. At  
16 the discretion of the Commission, any report under this  
17 subsection may be submitted in classified or unclassified  
18 form, as appropriate.”.

19 (b) INFORMATION AND SUPPORT FROM OTHER  
20 AGENCIES.—Upon request of the United States Advisory  
21 Commission on Public Diplomacy, the Secretary of State,  
22 the Director of the United States International Broad-  
23 casting Agency, and the head of any other Federal agency  
24 that conducts public diplomacy programs and activities  
25 shall provide information to the Advisory Commission to

1 assist in carrying out the responsibilities under section  
2 604(e)(2) of the United States Information and Edu-  
3 cational Exchange Act of 1948 (as amended by subsection  
4 (a)).

5 (e) ENHANCING THE EXPERTISE OF UNITED STATES  
6 ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—

7 (1) QUALIFICATIONS OF MEMBERS.—Section  
8 604(a)(2) of the United States Information and  
9 Educational Exchange Act of 1948 (22 U.S.C.  
10 1469(a)(2)) is amended by adding at the end the  
11 following: “At least 4 members shall have substan-  
12 tial experience in the conduct of public diplomacy or  
13 comparable activities in the private sector. At least  
14 1 member shall be an American residing abroad. No  
15 member may be an officer or employee of the United  
16 States.”.

17 (2) APPLICATION OF AMENDMENT.—The  
18 amendments made by paragraph (1) shall not apply  
19 to individuals who are members of the United States  
20 Advisory Commission on Public Diplomacy on the  
21 date of the enactment of this Act.

22 **SEC. 206. LIBRARY PROGRAM.**

23 The Secretary of State shall develop and implement  
24 a demonstration program to assist foreign governments to  
25 establish or upgrade their public library systems to im-

1 prove literacy and support public education. The program  
2 should provide training in the library sciences. The pur-  
3 pose of the program shall be to advance American values  
4 and society, particularly the importance of freedom and  
5 democracy.

6 **SEC. 207. SENSE OF CONGRESS CONCERNING PUBLIC DI-**  
7 **PLMACY EFFORTS IN SUB-SAHARAN AFRI-**  
8 **CA.**

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

11 (1) A significant number of sub-Saharan Afri-  
12 can countries have predominantly Muslim popu-  
13 lations, including such key countries as Nigeria,  
14 Senegal, Djibouti, Mauritania, and Guinea.

15 (2) In several of these countries, groups with  
16 links to militant religious organizations are active  
17 among the youth, primarily young men, promoting a  
18 philosophy and practice of intolerance and radical  
19 clerics are effectively mobilizing public sentiment  
20 against the United States.

21 (b) SENSE OF CONGRESS.—It is the sense of the  
22 Congress that the Secretary should include countries in  
23 sub-Saharan Africa with predominantly Muslim popu-  
24 lations in the public diplomacy activities authorized by this  
25 Act and the amendments made by this Act.

1 **Subtitle B—Basic Authorities and**  
2 **Activities**

3 **SEC. 221. UNITED STATES POLICY WITH RESPECT TO JERU-**  
4 **SALEM AS THE CAPITAL OF ISRAEL.**

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

11 (b) LIMITATION ON USE OF FUNDS FOR PUBLICA-  
12 TIONS.—None of the funds authorized to be appropriated  
13 by this Act may be available for the publication of any  
14 official government document which lists countries and  
15 their capital cities unless the publication identifies Jeru-  
16 salem as the capital of Israel.

17 (c) RECORD OF PLACE OF BIRTH AS ISRAEL FOR  
18 PASSPORT PURPOSES.—The first section of “An Act to  
19 regulate the issue and validity of passports, and for other  
20 purposes”, approved July 3, 1926 (22 U.S.C. 211a; 44  
21 Stat. 887) is amended by inserting after the first sentence  
22 the following: “For purposes of the issuance of a passport  
23 of a United States citizen born in the city of Jerusalem,  
24 the Secretary shall, upon the request of the citizen or the

1 citizen's legal guardian, record the place of birth as  
2 Israel.”.

3 **SEC. 222. CONTINUATION OF REPORTING REQUIREMENTS.**

4 Section 805(a) of the Admiral James W. Nance and  
5 Meg Donovan Foreign Relations Authorization Act, Fiscal  
6 Years 2000 and 2001 (section 805(a) of division A of H.R.  
7 3427, as enacted into law by section 1000(a)(7) of Public  
8 Law 106–113; appendix G; 113 Stat. 1501A–470) (relat-  
9 ing to reports on terrorist activity in which United States  
10 citizens were killed and related matters) is amended by  
11 striking “Not later” and all that follows through “2001,”  
12 and inserting “Not later than May 1, 2003, May 1, 2004,  
13 and May 1, 2005.”.

14 **SEC. 223. REPORT CONCERNING EFFORTS TO PROMOTE**  
15 **ISRAEL'S DIPLOMATIC RELATIONS WITH**  
16 **OTHER COUNTRIES.**

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

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

22 (2) Israel currently maintains diplomatic rela-  
23 tions with approximately 160 countries. Approxi-  
24 mately 30 countries do not have any diplomatic rela-  
25 tions with Israel.

1           (3) The State of Israel has been actively seek-  
2           ing to establish formal relations with a number of  
3           countries.

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

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

9           (b) REPORT CONCERNING UNITED STATES EFFORTS  
10          TO PROMOTE ISRAEL'S DIPLOMATIC RELATIONS WITH  
11          OTHER COUNTRIES.—Not later than 60 days after the  
12          date of the enactment of this Act, the Secretary shall sub-  
13          mit a report to the appropriate congressional committees  
14          that includes the following information (in classified or un-  
15          classified form, as appropriate):

16           (1) Actions taken by the United States to en-  
17           courage other countries to establish full diplomatic  
18           relations with Israel.

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

24           (3) Other measures being undertaken, and  
25           measures that will be undertaken, by the United

1 States to ensure and promote Israel's full participa-  
2 tion in the world diplomatic community.

3 **SEC. 224. REIMBURSEMENT RATE FOR AIRLIFT SERVICES**

4 **PROVIDED TO THE DEPARTMENT OF STATE.**

5 Section 2642 of title 10, United States Code, is  
6 amended—

7 (1) in the heading by inserting “and Depart-  
8 ment of State” after “Central Intelligence Agency”;  
9 and

10 (2) in subsection (a) by striking “Agency,” and  
11 inserting “Agency or the Department of State,”.

12 **SEC. 225. SENSE OF CONGRESS REGARDING ADDITIONAL**

13 **UNITED STATES CONSULAR POSTS.**

14 It is the sense of the Congress that to help advance  
15 United States economic, political, and public diplomacy in-  
16 terests, the Secretary of State should make best efforts  
17 to establish consulates or other appropriate diplomatic  
18 presence in: Pusan, South Korea; Medan, Indonesia; and  
19 Hat Yai, Thailand.

20 **SEC. 226. VALIDITY OF UNITED STATES PASSPORTS FOR**

21 **TRAVEL TO COUNTRIES RECEIVING UNITED**  
22 **STATES FOREIGN ASSISTANCE.**

23 The first section of the Act entitled “An Act to regu-  
24 late the issue and validity of passports, and for other pur-  
25 poses”, approved July 3, 1926 (22 U.S.C. 211a) is amend-

1 ed by striking “travellers.” and inserting “travellers, and  
2 no such restriction may apply to a country in which the  
3 United States is providing assistance authorized by the  
4 Foreign Assistance Act of 1961.”.

5 **SEC. 227. SECURITY CAPITAL COST SHARING.**

6 (a) AUTHORIZATION.—The first section of the For-  
7 eign Service Buildings Act, 1926 (22 U.S.C. 292) is  
8 amended by adding at the end the following new sub-  
9 section:

10 “(c) SECURITY CAPITAL COST-SHARING PRO-  
11 GRAM.—(1) The Secretary of State, as the single manager  
12 of all buildings and grounds acquired under this Act or  
13 otherwise acquired or authorized for the use of the diplo-  
14 matic and consular establishments in foreign countries, is  
15 authorized to establish and implement a Security Capital  
16 Cost-Sharing Program to collect funds from each agency  
17 on the basis of its total overseas presence in a manner  
18 that encourages rightsizing of its overseas presence, and  
19 expend those funds to accelerate the provision of safe, se-  
20 cure, functional buildings for United States Government  
21 personnel overseas.

22 “(2) The Secretary is authorized to determine annu-  
23 ally and charge each Federal agency the amount to be col-  
24 lected under paragraph (1) from the agency. To determine  
25 such amount, the Secretary may prescribe and use a for-

1 mula that takes into account the number of authorized  
2 positions of each agency, including contractors and locally  
3 hired personnel, who are assigned to United States diplo-  
4 matic facilities and are under the authority of a chief of  
5 mission pursuant to section 207 of the Foreign Service  
6 Act of 1980 (22 U.S.C. 3927).

7 “(3) The head of an agency charged a fee under this  
8 section shall remit the amount of the fee to the Secretary  
9 of State through the Intra-Governmental Payment and  
10 Collection System or other appropriate means.

11 “(4) There shall be established on the books of the  
12 Treasury an account to be known as the ‘Security Capital  
13 Cost-Sharing Program Fund’, which shall be administered  
14 by the Secretary. There shall be deposited into the account  
15 all amounts collected by the Secretary pursuant to the au-  
16 thority under paragraph (1), and such funds shall remain  
17 available until expended. Such funds shall be used solely  
18 for the provision of new safe, secure, functional diplomatic  
19 facilities that comply with all applicable legal standards,  
20 including those standards established under the authority  
21 of the Secure Embassy Construction and  
22 Counterterrorism Act of 1999. The Secretary shall include  
23 in the Department of State’s Congressional Presentation  
24 Document an accounting of the sources and uses of the  
25 amounts deposited into the account.

1 “(5) The Secretary shall not collect a fee for an au-  
2 thorized position of an agency of the Federal Government  
3 that has been or would be granted a waiver pursuant to  
4 section 606(a)(2)(B)(i) of the Secure Embassy Construc-  
5 tion and Counterterrorism Act of 1999 (22 U.S.C.  
6 4865(a)(2)(B)(i)).

7 “(6) In this subsection—

8 “(A) the term ‘agency of the Federal  
9 Government’—

10 “(i) includes the Interagency Cooperative  
11 Administrative Support Service; and

12 “(ii) does not include the Marine Security  
13 Guard; and

14 “(B) the term ‘United States diplomatic facil-  
15 ity’ has the meaning given that term in section 603  
16 of the Secure Embassy Construction and  
17 Counterterrorism Act of 1999 (22 U.S.C. 4865  
18 note).”.

19 (b) EFFECTIVE DATE.—The amendment made by  
20 subsection (a) shall take effect on October 1, 2004.

21 **SEC. 228. AUTHORITY TO ISSUE ADMINISTRATIVE SUB-**  
22 **POENAS.**

23 Section 37 of the State Department Basic Authorities  
24 Act of 1956 (22 U.S.C. 2709) is amended by adding at  
25 the end the following new subsection:

1 “(d) ADMINISTRATIVE SUBPOENAS.—

2 “(1) IN GENERAL.—If the Secretary determines  
3 that there is an imminent threat against a person,  
4 foreign mission, or international organization pro-  
5 tected under the authority of subsection (a)(3), the  
6 Secretary may issue in writing, and cause to be  
7 served, a subpoena requiring—

8 “(A) the production of any records or  
9 other items relevant to the threat; and

10 “(B) testimony by the custodian of the  
11 items required to be produced concerning the  
12 production and authenticity of those items.

13 “(2) REQUIREMENTS.—

14 “(A) RETURN DATE.—A subpoena under  
15 this subsection shall describe the items required  
16 to be produced and shall specify a return date  
17 within a reasonable period of time within which  
18 the requested items may be assembled and  
19 made available. The return date specified may  
20 not be less than 24 hours after service of the  
21 subpoena.

22 “(B) NOTIFICATION TO ATTORNEY GEN-  
23 ERAL.—As soon as practicable following the  
24 issuance of a subpoena under this subsection,

1 the Secretary shall notify the Attorney General  
2 of its issuance.

3 “(C) OTHER REQUIREMENTS.—The fol-  
4 lowing provisions of section 3486 of title 18,  
5 United States Code, shall apply to the exercise  
6 of the authority of paragraph (1):

7 “(i) Paragraphs (4) through (8) of  
8 subsection (a).

9 “(ii) Subsections (b), (c), and (d).

10 “(3) DELEGATION OF AUTHORITY.—The au-  
11 thority under this subsection may be delegated only  
12 to the Deputy Secretary of State.

13 “(4) ANNUAL REPORT.—Not later than Feb-  
14 ruary 1 of each year, the Secretary shall submit to  
15 the Committee on Foreign Relations of the Senate  
16 and the Committee on International Relations of the  
17 House of Representatives a report regarding the ex-  
18 ercise of the authority under this subsection during  
19 the previous calendar year.”.

20 **Subtitle C—Educational and**  
21 **Cultural Authorities**

22 **SEC. 251. ESTABLISHMENT OF INITIATIVES FOR PREDOMI-**  
23 **NANTLY MUSLIM COUNTRIES.**

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

1           (1) Surveys indicate that, in countries of pre-  
2           dominantly Muslim population, opinions of the  
3           United States and American foreign policy among  
4           the general public and select audiences are signifi-  
5           cantly distorted by highly negative and hostile beliefs  
6           and images and that many of these beliefs and im-  
7           ages are the result of misinformation and propa-  
8           ganda by individuals and organizations hostile to the  
9           United States.

10          (2) These negative opinions and images are  
11          highly prejudicial to the interests of the United  
12          States and to its foreign policy.

13          (3) As part of a broad and long-term effort to  
14          enhance a positive image of the United States in the  
15          Muslim world, a key element should be the establish-  
16          ment of programs to promote a greater familiarity  
17          with American society and values among the general  
18          public and select audiences in countries of predomi-  
19          nantly Muslim population.

20          (b) ESTABLISHMENT OF INITIATIVES.—The Sec-  
21          retary of State shall establish the following programs with  
22          countries with predominantly Muslim populations as part  
23          of the educational and cultural exchange programs of the  
24          Department of State for the fiscal years 2004 and 2005:

1           (1) JOURNALISM PROGRAM.—A program for  
2 foreign journalists, editors, media managers, and  
3 postsecondary students of journalism which, in co-  
4 operation with private sector sponsors to include  
5 universities, shall sponsor workshops and profes-  
6 sional training in techniques, standards, and prac-  
7 tices in the field of journalism to assist the partici-  
8 pants to achieve the highest standards of profes-  
9 sionalism.

10           (2) ENGLISH LANGUAGE TEACHING.—The Sec-  
11 retary shall provide grants to United States citizens  
12 to work in middle and secondary schools as English  
13 language teaching assistants for not less than an  
14 academic year. If feasible, the host government or  
15 local educational agency shall share the salary costs  
16 of the assistants.

17           (3) SISTER CITY PARTNERSHIPS.—The Sec-  
18 retary shall expand and enhance sister-city partner-  
19 ships between United States and international mu-  
20 nicipalities in an effort to increase global cooperation  
21 at the community level. Such partnerships shall en-  
22 courage economic development, municipal coopera-  
23 tion, health care initiatives, youth and educational  
24 programs, disability advocacy, emergency prepared-  
25 ness, and humanitarian assistance.

1           (4) CIVICS EDUCATION.—The Secretary shall  
2       establish a civics education program which shall de-  
3       velop civics education teaching curricula and mate-  
4       rials, provide training for teachers of civics, and pro-  
5       vide English language teaching materials that are  
6       designed to promote civics education. Civics edu-  
7       cation programs under this paragraph shall place  
8       particular emphasis on the on-site training of edu-  
9       cators and the function of the mass media within  
10      that society.

11          (5) YOUTH AMBASSADORS.—The Secretary  
12      shall establish a program for visits by middle school  
13      students (to the extent feasible) and secondary  
14      school students to the United States during school  
15      holidays in their home country for periods not to ex-  
16      ceed 4 weeks and a program for academic year study  
17      in the United States for secondary school students.  
18      Participating students shall reflect the economic, ge-  
19      ographic, and ethnic diversity of their countries. Ac-  
20      tivities shall include cultural and educational activi-  
21      ties designed to familiarize participating students  
22      with American society and values. To the extent  
23      practicable, the program involving school holiday vis-  
24      its shall be coordinated with middle and secondary  
25      schools in the United States to provide for school-

1 based activities and interactions. The Secretary shall  
2 encourage the establishment of direct school-to-  
3 school linkages under the programs.

4 (6) FULBRIGHT EXCHANGE PROGRAM.—The  
5 Secretary shall seek to substantially increase the  
6 number of awards under the J. William Fulbright  
7 Educational Exchange Program to graduate stu-  
8 dents, scholars, professionals, teachers, and adminis-  
9 trators from the United States who are applying for  
10 such awards to study, teach, conduct research, or  
11 pursue scholarship in predominantly Muslim coun-  
12 tries. Part of such increase shall include awards for  
13 scholars and teachers who plan to teach subjects re-  
14 lating to American studies.

15 (7) HUBERT H. HUMPHREY FELLOWSHIPS.—  
16 The Secretary shall seek to substantially increase  
17 the number of Hubert H. Humphrey Fellowships  
18 awarded to candidates from predominantly Muslim  
19 countries.

20 (8) LIBRARY TRAINING EXCHANGE PROGRAM.—  
21 The Secretary shall develop an exchange program  
22 for postgraduate students seeking additional training  
23 in the library sciences and related fields.

24 (c) GENERAL PROVISION.—Programs established  
25 under this section shall be carried out under the provisions

1 of the United States Information and Educational Ex-  
2 change Act of 1948 and the Mutual Educational and Cul-  
3 tural Exchange Act of 1961.

4 **SEC. 252. DATABASE OF AMERICAN AND FOREIGN PARTICI-**  
5 **PANTS IN EXCHANGE PROGRAMS.**

6 To the extent practicable, the Secretary of State, in  
7 coordination with the heads of other agencies that conduct  
8 international exchange and training programs, shall estab-  
9 lish and maintain a database listing all American and for-  
10 eign alumni of such programs in order to encourage net-  
11 working, interaction, and communication with alumni.

12 **SEC. 253. REPORT ON INCLUSION OF FREEDOM AND DE-**  
13 **MOCRACY ADVOCATES IN EDUCATIONAL AND**  
14 **CULTURAL EXCHANGE PROGRAMS.**

15 Not later than 90 days after the date of the enact-  
16 ment of this Act, the Secretary of State shall submit to  
17 the Congress a report concerning the implementation of  
18 section 102 of the Human Rights, Refugee, and Other  
19 Foreign Relations Provisions Act of 1996. The report shall  
20 include information concerning the number of grants to  
21 conduct exchange programs to countries described in such  
22 section that have been submitted for competitive bidding,  
23 what measures have been taken to ensure that willingness  
24 to include supporters of freedom and democracy in such  
25 programs is given appropriate weight in the selection of

1 grantees, and an evaluation of whether United States ex-  
2 change programs in the countries described in such section  
3 are fully open to supporters of freedom and democracy,  
4 and, if not, what obstacles remain and what measures are  
5 being taken to implement such policy.

6 **SEC. 254. SENSE OF THE CONGRESS CONCERNING EDU-**  
7 **CATIONAL AND CULTURAL EXCHANGE PRO-**  
8 **GRAM FOR FOREIGN JOURNALISTS.**

9 It is the sense of the Congress that the Secretary of  
10 State should work toward the establishment of a program  
11 for foreign journalists from regions of conflict that will  
12 provide professional training in techniques, standards, and  
13 practices in the field of journalism.

14 **SEC. 255. SENSE OF CONGRESS REGARDING KOREAN FUL-**  
15 **BRIGHT PROGRAMS.**

16 It is the sense of the Congress that Fulbright pro-  
17 gram activities for Korea should—

18 (1) include participation by students from  
19 throughout South Korea, including proportional rep-  
20 resentation from areas outside of Seoul;

21 (2) attempt to include Korean students from a  
22 broad range of educational institutions, including  
23 schools other than elite universities;

24 (3) broaden the Korean student emphasis be-  
25 yond degree-seeking graduate students, to include

1 opportunities for one-year nondegree study at  
 2 United States campuses by pre-doctoral Korean stu-  
 3 dents; and

4 (4) include a significant number of Korean stu-  
 5 dents planning to move into areas other than ad-  
 6 vanced research and university teaching, such as  
 7 those heading towards careers in government service,  
 8 media, law, and business.

## 9 **Subtitle D—Consular Authorities**

### 10 **SEC. 271. MACHINE READABLE VISAS.**

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

14 “(4) For each of the fiscal years 2004 and  
 15 2005, any amount that exceeds \$700,000,000 may  
 16 be made available only if a notification is submitted  
 17 to Congress in accordance with the procedures appli-  
 18 cable to reprogramming notifications under section  
 19 34 of the State Department Basic Authorities Act of  
 20 1956.”.

### 21 **SEC. 272. PROCESSING OF VISA APPLICATIONS.**

22 (a) IN GENERAL.—It shall be the policy of the De-  
 23 partment of State to process each visa application from  
 24 an alien classified as an immediate relative or as a K-1  
 25 nonimmigrant within 30 days of the receipt of all nee-

1 essary documents from the applicant and the Department  
2 of Homeland Security. In the case of an immigrant visa  
3 application where the petitioner is a relative other than  
4 an immediate relative, it should be the policy of the De-  
5 partment to process such an application within 60 days  
6 of the receipt of all necessary documents from the appli-  
7 cant and the Department of Homeland Security.

8 (b) DEFINITIONS.—In this section:

9 (1) IMMEDIATE RELATIVE.—The term “imme-  
10 diate relative” has the meaning given the term in  
11 section 201(b)(2)(A)(i) of the Immigration and Na-  
12 tionality Act (8 U.S.C. 1151(b)(2)(A)(i)).

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

17 **SEC. 273. STAFFING AT DIPLOMATIC MISSIONS.**

18 At least once every five years and pursuant to a pro-  
19 cess determined by the President for staffing at diplomatic  
20 missions and overseas constituent posts, the Secretary of  
21 State shall require each chief of mission to review every  
22 staff element under chief of mission authority, including  
23 staff from other executive agencies, and recommend ap-  
24 proval or disapproval of each staff element. The Secretary  
25 of State shall submit an annual report concerning such

1 reviews together with the Secretary's recommendations to  
2 the heads of all affected agencies and the Inspector Gen-  
3 eral of the Department of State.

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

7 **SEC. 301. FELLOWSHIP OF HOPE PROGRAM.**

8 The Secretary of State is authorized to establish in  
9 the Department of State an exchange program to be des-  
10 ignated the "Fellowship of Hope Program". The program  
11 shall provide for the exchange and assignment of govern-  
12 ment employees of designated countries to fellowship posi-  
13 tions at the Department of State and reciprocal assign-  
14 ment of civil service and foreign service employees of the  
15 Department as fellows within the governments of foreign  
16 countries.

17 **SEC. 302. CLAIMS FOR LOST PAY.**

18 Section 2 of the State Department Basic Authorities  
19 Act (22 U.S.C. 2669) is amended—

20 (1) at the end of subsection (o) by striking the  
21 period and inserting "; and"; and

22 (2) by inserting after subsection (o) the fol-  
23 lowing new subsection:

24 "(p) make administrative corrections or adjustments  
25 to an employee's pay, allowances, or differentials, resulting

1 from mistakes or retroactive personnel actions, and to pro-  
2 vide back pay and other categories of payments under the  
3 Back Pay Act as part of the settlement of administrative  
4 claims or grievances filed against the Department.”.

5 **SEC. 303. OMBUDSMAN FOR THE DEPARTMENT OF STATE.**

6 (a) ESTABLISHMENT.—There is established in the  
7 Office of the Secretary of State the position of Ombuds-  
8 man. The position of Ombudsman shall be a career posi-  
9 tion within the Senior Executive Service. The Ombudsman  
10 shall report directly to the Secretary of State.

11 (b) DUTIES.—At the discretion of the Secretary of  
12 State, the Ombudsman shall participate in meetings re-  
13 garding the management of the Department in order to  
14 assure that all employees may contribute to the achieve-  
15 ment of the Department’s responsibilities and to promote  
16 the career interests of all employees.

17 (c) CONFORMING AMENDMENT.—Section 172 of the  
18 Foreign Relations Authorization Act, Fiscal Years 1988  
19 and 1989 (22 U.S.C. 2664a) is amended—

20 (1) by striking subsection (c); and

21 (2) by redesignating subsection (d) as sub-  
22 section (c).

1 **SEC. 304. REPEAL OF RECERTIFICATION REQUIREMENT**  
2 **FOR SENIOR FOREIGN SERVICE.**

3 Section 305 of the Foreign Service Act of 1980 (22  
4 U.S.C. 3945) is amended by striking subsection (d).

5 **SEC. 305. REPORT CONCERNING STATUS OF EMPLOYEES**  
6 **OF STATE DEPARTMENT.**

7 Not later than one year after the date of the enact-  
8 ment of this Act, the Secretary of State shall prepare and  
9 submit to the appropriate congressional committees a re-  
10 port that analyzes and evaluates the merits of the conver-  
11 sion of employees of the Department of State to excepted  
12 service under chapter 21 of title 5, United States Code.

13 **SEC. 306. HOME LEAVE.**

14 (a) **REST AND RECUPERATION TRAVEL.**—Section  
15 901(6) of the Foreign Service Act of 1980 (22 U.S.C.  
16 4081(6)) is amended by striking “unbroken by home  
17 leave” both places it appears.

18 (b) **REQUIRED LEAVE IN THE UNITED STATES.**—  
19 Section 903(a) of the Foreign Service Act of 1980 (22  
20 U.S.C. 4083(a)) is amended by striking “18 months” and  
21 inserting “12 months”.

1 **SEC. 307. INCREASED LIMITS APPLICABLE TO POST DIF-**  
2 **FERENTIALS AND DANGER PAY ALLOW-**  
3 **ANCES.**

4 (a) POST DIFFERENTIALS.—Section 5925(a) of title  
5 5, United States Code, is amended by striking “25 per-  
6 cent” in the third sentence and inserting “35 percent”.

7 (b) DANGER PAY ALLOWANCES.—Section 5928 of  
8 title 5, United States Code, is amended by striking “25  
9 percent” both places it appears and inserting “35 per-  
10 cent”.

11 (c) CRITERIA.—The Secretary shall inform the ap-  
12 propriate congressional committees of the criteria to be  
13 used in determinations of appropriate adjustments in post  
14 differentials under section 5925 of title 5, United States  
15 Code, and danger pay allowances under section 5928 of  
16 title 5, United States Code.

17 (d) STUDY AND REPORT.—Two years after the date  
18 of the enactment of this Act, the Secretary of State shall  
19 conduct a study assessing the effect of the increases in  
20 post differentials and danger pay allowances made by the  
21 amendments in subsections (a) and (b) in filling “hard-  
22 to-fill” positions. The Secretary shall submit a report of  
23 such study to the appropriate congressional committees.

1 **SEC. 308. 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 striking “regulations” and in-  
7 serting “regulations, not later than 60 days after the date  
8 of the enactment of the Foreign Relations Authorization  
9 Act, Fiscal Years 2004 and 2005.”.

10 **SEC. 309. MINORITY RECRUITMENT.**

11 (a) **REPORTING REQUIREMENT.**—Section 324 of the  
12 Foreign Relations Authorization Act, Fiscal Year 2003  
13 (Public Law 107–228) is amended by striking “and April  
14 1, 2004” and inserting “April 1, 2004, and April 1,  
15 2005”.

16 (b) **USE OF FUNDS.**—The provisions of section 325  
17 of such Act shall apply to funds authorized by section  
18 111(a)(1)(E) of this Act.

19 (c) **CONFORMING AMENDMENT.**—Section 325(c) of  
20 such Act is amended in the second sentence by striking  
21 “two” and inserting “three”.

1           **TITLE IV—INTERNATIONAL**  
2                           **ORGANIZATIONS**  
3           **Subtitle A—Basic Authorities and**  
4                           **Activities**

5   **SEC. 401. RAISING THE CAP ON PEACEKEEPING CONTRIBU-**  
6                           **TIONS.**

7           Section 404(b)(2)(B) of the Foreign Relations Au-  
8   thorization Act, Fiscal Years 1994 and 1995 is amended  
9   by inserting after clause (iv) the following:

10                           “(v) For assessments made during  
11                           calendar year 2005 and calendar year  
12                           2006, 27.10 percent.”.

13   **SEC. 402. REGARDING THE REENTRY OF THE UNITED**  
14                           **STATES IN UNESCO.**

15           (a) SENSE OF CONGRESS.—As the United States re-  
16   sumes membership in the United Nations Educational,  
17   Scientific, and Cultural Organization (UNESCO), the  
18   President should—

19                           (1) appoint a United States Representative to  
20                           the Organization for Economic Cooperation and De-  
21                           velopment (OECD) who shall also serve as the  
22                           United States Representative to UNESCO;

23                           (2) take steps to ensure that more Americans  
24                           are employed by UNESCO, particularly for senior  
25                           level positions;

1           (3) request that the Secretary General of  
2 UNESCO create a Deputy Director General position  
3 for Management or a comparable position with high  
4 level managerial and administrative responsibilities  
5 to be filled by an American;

6           (4) insist that any increases in UNESCO's  
7 budget beyond the level of zero nominal growth for  
8 the 2004-2005 biennium focus primarily on the  
9 adoption of management and administrative reforms;  
10 and

11          (5) request that the Secretary General of  
12 UNESCO spend the United States contribution to  
13 UNESCO for the last quarter of calendar year 2003  
14 on key education and science priorities of the organi-  
15 zation that will directly benefit United States na-  
16 tional interests.

17          (b) ANNUAL ASSESSMENT FOR UNITED STATES PAR-  
18 TICIPATION IN UNESCO.—Of the amounts authorized to  
19 be appropriated by section 113(a), such sums as may be  
20 necessary for each of the fiscal years 2004 and 2005 are  
21 authorized to be available for the annual assessment for  
22 United States contributions to the regular budget of the  
23 United Nations Educational, Scientific, and Cultural Or-  
24 ganization.

1 **SEC. 403. UNESCO NATIONAL COMMISSION.**

2 (a) IN GENERAL.—Section 3 of the Act of July 30,  
3 1946, “Providing for membership and participation by the  
4 United States in the United Nations Educational, Sci-  
5 entific, and Cultural Organization, and authorizing an ap-  
6 propriation therefor.” (22 U.S.C. 287o) is amended to  
7 read as follows:

8 “SEC. 3. (a) In fulfillment of article VII of the con-  
9 stitution of the Organization, the Secretary of State shall  
10 establish a National Commission on Educational, Sci-  
11 entific, and Cultural Cooperation.

12 “(b) The National Commission shall be composed of  
13 not more than 35 members appointed by the Secretary  
14 of State in consultation with the National Academy of  
15 Sciences, the National Science Foundation, the Secretary  
16 of Education, the Secretary of Health and Human Serv-  
17 ices, and the Secretary of the Interior. Members of the  
18 National Commission shall be representatives of non-  
19 governmental organizations, academic institutions, and as-  
20 sociations interested in education, scientific, and cultural  
21 matters. Periodically, the Secretary shall review and revise  
22 the entities represented on the National Commission in  
23 order to achieve a desirable rotation in representation. Ex-  
24 cept as otherwise provided, each member of the National  
25 Commission shall be appointed to a term of 3 years. As  
26 designated by the Secretary of State at the time of ap-

1 pointment, of the members first appointed one-third shall  
2 be appointed for a term of 1 year, one-third shall be ap-  
3 pointed for a term of 2 years, and one-third shall be ap-  
4 pointed for a term of 3 years. Any member appointed to  
5 fill a vacancy occurring before the expiration of the term  
6 for which the member's predecessor was appointed shall  
7 be appointed only for the remainder of that term. A mem-  
8 ber may serve after the expiration of that member's term  
9 until a successor has taken office. No member may serve  
10 more than 2 consecutive terms. The Secretary of State  
11 shall designate a chair of the National Commission.

12       “(c) Members of the National Commission shall serve  
13 without pay. For attendance at the annual meeting, each  
14 member shall receive travel expenses in accordance with  
15 section 5703 of title 5, United States Code.

16       “(d) The National Commission shall meet at the call  
17 of the chair at least annually and such meetings may be  
18 through video conferencing or other electronic means. The  
19 National Commission shall designate an executive com-  
20 mittee from among the members of the commission and  
21 may designate such other committees as may be necessary  
22 to carry out its duties under this Act.

23       “(e) Upon request of the National Commission, the  
24 Secretary of State may detail any of the personnel of the

1 Department of State to the National Commission to assist  
2 it in carrying out its duties under this Act.”.

3 (b) CONFORMING CHANGES.—Section 2 of the Act of  
4 July 30, 1946, “Providing for membership and participa-  
5 tion by the United States in the United Nations Edu-  
6 cational, Scientific, and Cultural Organization, and au-  
7 thorizing an appropriation therefor.” (22 U.S.C. 287o) is  
8 amended by striking “One of the representatives” and all  
9 that follows through the end of such section.

10 **SEC. 404. ORGANIZATION OF AMERICAN STATES (OAS)**  
11 **EMERGENCY FUND.**

12 Section 109(b)(3) of Public Law 104–114 (22 U.S.C.  
13 6039(b)(3)) is amended by striking “should provide not  
14 less than \$5,000,000” and inserting “shall provide for  
15 each of the fiscal years 2004 and 2005 not less than  
16 \$500,000”.

17 **SEC. 405. UNITED STATES EFFORTS REGARDING THE STA-**  
18 **TUS OF ISRAEL IN THE WESTERN EUROPEAN**  
19 **AND OTHERS GROUP AT THE UNITED NA-**  
20 **TIONS.**

21 (a) UNITED STATES EFFORTS.—The Secretary of  
22 State and other appropriate officials of the United States  
23 Government should pursue an aggressive diplomatic effort  
24 and should take all necessary steps to ensure the extension

1 and upgrade of Israel’s membership in the Western Euro-  
2 pean and Others Group at the United Nations.

3 (b) REPORT.—Not later than 60 days after the date  
4 of the enactment of this Act and biannually thereafter,  
5 the Secretary of State shall submit to the appropriate con-  
6 gressional committees a report on the steps taken by the  
7 United States pursuant to subsection (a) and progress in  
8 achieving the objectives of subsection (a).

9 **Subtitle B—United States**  
10 **International Leadership**

11 **SEC. 431. SHORT TITLE.**

12 This subtitle may be cited as the “United States  
13 International Leadership Act of 2003”.

14 **SEC. 432. FINDINGS.**

15 The Congress makes the following findings:

16 (1) International organizations and other multi-  
17 lateral institutions play a key role in United States  
18 foreign policy and serve key United States foreign  
19 policy objectives, such as obligating all countries to  
20 freeze assets of terrorist groups, preventing the pro-  
21 liferation of chemical, biological, and nuclear weap-  
22 ons, and spearheading the fight to combat the rav-  
23 ages of HIV/AIDS and other infectious diseases.

24 (2) Decisions at many international organiza-  
25 tions, including membership and key positions, re-

1 main subject to determinations made by regional  
2 groups where democratic states are often in the mi-  
3 nority and where there is intensive cooperation  
4 among repressive regimes. As a result, the United  
5 States has often been blocked in its attempts to take  
6 action in these institutions to advance its goals and  
7 objectives, including at the United Nations Human  
8 Rights Commission (where a representative of Libya  
9 was elected as chairman and the United States tem-  
10 porarily lost a seat).

11 (3) In order to address these shortcomings, the  
12 United States must actively work to improve the  
13 workings of international organizations and multilat-  
14 eral institutions, particularly by creating a caucus of  
15 democratic countries that will advance United States  
16 interests. In the Second Ministerial Conference of  
17 the Community of Democracies in Seoul, Korea, on  
18 November 10–20, 2002, numerous countries rec-  
19 ommended working together as a democracy caucus  
20 in international organizations such as the United  
21 Nations and ensuring that international and regional  
22 institutions develop and apply democratic standards  
23 for member states.

24 (4) In addition, the United States has short-  
25 changed its ability to influence these organizations

1 by failing to obtain enough support for positions  
2 that are congruent to or consistent with United  
3 States objectives and has not done enough to build  
4 expertise in the United States Government in the  
5 area of multilateral diplomacy.

6 **SEC. 433. ESTABLISHMENT OF A DEMOCRACY CAUCUS.**

7 (a) IN GENERAL.—The President of the United  
8 States, acting through the Secretary of State and the rel-  
9 evant United States chiefs of mission, shall seek to estab-  
10 lish a democracy caucus at the United Nations, the United  
11 Nations Human Rights Commission, the United Nations  
12 Conference on Disarmament, and at other broad-based  
13 international organizations.

14 (b) PURPOSES OF THE CAUCUS.—A democracy cau-  
15 cus at an international organization should—

16 (1) forge common positions, including, as ap-  
17 propriate, at the ministerial level, on matters of con-  
18 cern before the organization and work within and  
19 across regional lines to promote agreed positions;

20 (2) work to revise an increasingly outmoded  
21 system of regional voting and decision making; and

22 (3) set up a rotational leadership scheme to  
23 provide member states an opportunity, for a set pe-  
24 riod of time, to serve as the designated president of

1 the caucus, responsible for serving as its voice in  
2 each organization.

3 **SEC. 434. ANNUAL DIPLOMATIC MISSIONS ON MULTILAT-**  
4 **ERAL ISSUES.**

5 The Secretary of State, acting through the principal  
6 officers responsible for advising the Secretary on inter-  
7 national organizations, shall ensure that a high-level dele-  
8 gation from the United States Government, on an annual  
9 basis, is sent to consult with key foreign governments in  
10 every region in order to promote the United States agenda  
11 at key international fora, such as the United Nations Gen-  
12 eral Assembly, United Nations Human Rights Commis-  
13 sion, the United Nations Education, Science, and Cultural  
14 Organization, and the International Whaling Commission.

15 **SEC. 435. LEADERSHIP AND MEMBERSHIP OF INTER-**  
16 **NATIONAL ORGANIZATIONS.**

17 The President, acting through the Secretary of State  
18 and the relevant United States chiefs of mission, shall use  
19 the voice, vote, and influence of the United States to—

20 (1) where appropriate, reform the criteria for  
21 leadership and, in appropriate cases for membership,  
22 at all United Nations bodies and at other inter-  
23 national organizations and multilateral institutions  
24 to which the United States is a member so as to ex-

1 include nations that violate the principles of the spe-  
2 cific organization;

3 (2) make it a policy of the United Nations and  
4 other international organizations and multilateral in-  
5 stitutions, of which the United States is a member,  
6 that a member state may not stand in nomination  
7 or be in rotation for a leadership position in such  
8 bodies if the member state is subject to sanctions  
9 imposed by the United Nations Security Council;  
10 and

11 (3) work to ensure that no member state stand  
12 in nomination or be in rotation for a leadership posi-  
13 tion in such organizations if the member state is  
14 subject to a determination under section 620A of the  
15 Foreign Assistance Act of 1961, section 40 of the  
16 Arms Export Control Act, or section 6(j) of the Ex-  
17 port Administration Act.

18 **SEC. 436. INCREASED TRAINING IN MULTILATERAL DIPLO-**  
19 **MACY.**

20 (a) TRAINING PROGRAMS.—Section 708 of the For-  
21 eign Service Act of 1980 (22 U.S.C. 4028) is amended  
22 by adding after subsection (b) the following new sub-  
23 section:

24 “(c) TRAINING IN MULTILATERAL DIPLOMACY.—

1           “(1) IN GENERAL.—The Secretary shall estab-  
2           lish a series of training courses for officers of the  
3           Service, including appropriate chiefs of mission, on  
4           the conduct of diplomacy at international organiza-  
5           tions and other multilateral institutions and at  
6           broad-based multilateral negotiations of inter-  
7           national instruments.

8           “(2) PARTICULAR PROGRAMS.—The Secretary  
9           shall ensure that the training described in paragraph  
10          (1) is provided at various stages of the career of  
11          members of the Service. In particular, the Secretary  
12          shall ensure that after January 1, 2004—

13                 “(A) officers of the Service receive training  
14                 on the conduct of diplomacy at international or-  
15                 ganizations and other multilateral institutions  
16                 and at broad-based multilateral negotiations of  
17                 international instruments as part of their train-  
18                 ing upon entry of the Service; and

19                 “(B) officers of the Service, including  
20                 chiefs of mission, who are assigned to United  
21                 States missions representing the United States  
22                 to international organizations and other multi-  
23                 lateral institutions or who are assigned in  
24                 Washington, D.C. to positions that have as  
25                 their primary responsibility formulation of pol-

1           icy towards such organizations and institutions  
 2           or towards participation in broad-based multi-  
 3           lateral negotiations of international instruments  
 4           receive specialized training in the areas de-  
 5           scribed in paragraph (1) prior to beginning of  
 6           service for such assignment or, if receiving such  
 7           training at that time is not practical, within the  
 8           first year of beginning such assignment.”.

9           (b) TRAINING FOR CIVIL SERVICE EMPLOYEES.—  
 10 The Secretary shall ensure that employees of the Depart-  
 11 ment of State that are members of the civil service and  
 12 that are assigned to positions described in section 708(e)  
 13 of the Foreign Service Act of 1980 (as amended by this  
 14 subtitle) have training described in such section.

15           (c) CONFORMING AMENDMENTS.—Section 708 of  
 16 such Act 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”.

23 **SEC. 437. PROMOTING ASSIGNMENTS TO INTERNATIONAL**  
 24 **ORGANIZATIONS.**

25           (a) PROMOTIONS.—

1           (1) IN GENERAL.—Section 603(b) of the For-  
2        eign Service Act of 1980 (22 U.S.C. 4003) is  
3        amended by striking the period at the end and in-  
4        serting: “, and shall consider whether the member of  
5        the Service has served in a position whose primary  
6        responsibility is to formulate policy towards or rep-  
7        resent the United States at an international organi-  
8        zation, a multilateral institution, or a broad-based  
9        multilateral negotiation of an international instru-  
10       ment.”.

11           (2) EFFECTIVE DATE.—The amendment made  
12        by paragraph (1) shall take effect January 1, 2010.

13        (b) ESTABLISHMENT OF A MULTILATERAL DIPLO-  
14       MACY CONE IN THE FOREIGN SERVICE.—

15           (1) FINDINGS.—

16           (A) The Department of State maintains a  
17        number of United States missions both within  
18        the United States and abroad that are dedi-  
19        cated to representing the United States to  
20        international organizations and multilateral in-  
21        stitutions, including missions in New York,  
22        Brussels, Geneva, Rome, Montreal, Nairobi, Vi-  
23        enna, and Paris, which will soon be responsible  
24        for United States representation to UNESCO  
25        and OECD.

1           (B) In offices at the Harry S. Truman  
2 Building, the Department maintains a signifi-  
3 cant number of positions in bureaus that are ei-  
4 ther dedicated, or whose primary responsibility  
5 is, to represent the United States to such orga-  
6 nizations and institutions or at multilateral ne-  
7 gotiations.

8           (C) Given the large number of positions in  
9 the United States and abroad that are dedi-  
10 cated to multilateral diplomacy, the Department  
11 of State may be well served in developing per-  
12 sons with specialized skills necessary to become  
13 experts in this unique form of diplomacy.

14           (2) REPORT.—Not later than 180 days after  
15 the date of the enactment of this Act, the Secretary  
16 shall submit to the appropriate congressional com-  
17 mittees a report—

18           (A) evaluating whether a new cone should  
19 be established for the Foreign Service that con-  
20 centrates on members of the Service that serve  
21 at international organizations and multilateral  
22 institutions or are primarily responsible for par-  
23 ticipation in broad-based multilateral negotia-  
24 tions of international instruments; and

1 (B) provides alternative mechanisms for  
2 achieving the objective of developing a core  
3 group of United States diplomats and other  
4 government employees who have expertise and  
5 broad experience in conducting multilateral di-  
6 plomacy.

7 **SEC. 438. IMPLEMENTATION AND ESTABLISHMENT OF OF-**  
8 **FICE ON MULTILATERAL NEGOTIATIONS.**

9 (a) ESTABLISHMENT OF OFFICE.—The Secretary of  
10 State is authorized to establish, within the Bureau of  
11 International Organizational Affairs, an Office on Multi-  
12 lateral Negotiations to be headed by a Special Representa-  
13 tive for Multilateral Negotiations (in this section referred  
14 to as the “special representative”).

15 (b) APPOINTMENT.—The special representative shall  
16 be appointed by the President with the advice and consent  
17 of the Senate and shall have the rank of Ambassador-at-  
18 Large. At the discretion of the President another official  
19 at the Department may serve as the special representative.  
20 The President may direct that the special representative  
21 report to the Assistant Secretary for International Organi-  
22 zations.

23 (c) STAFFING.—The special representative shall have  
24 a staff of foreign service and civil service officers skilled  
25 in multilateral diplomacy.

1 (d) DUTIES.—The special representative shall have  
2 the following responsibilities:

3 (1) IN GENERAL.—The primary responsibility  
4 of the special representative shall be to assist in the  
5 organization of, and preparation for, United States  
6 participation in multilateral negotiations, including  
7 the advocacy efforts undertaken by the Department  
8 of State and other United States agencies.

9 (2) ADVISORY ROLE.—The special representa-  
10 tive shall advise the President and the Secretary of  
11 State, as appropriate, regarding advocacy at inter-  
12 national organizations and multilateral institutions  
13 and negotiations and, in coordination with the As-  
14 sistant Secretary of State for International Organi-  
15 zational Affairs, shall make recommendations  
16 regarding—

17 (A) effective strategies (and tactics) to  
18 achieve United States policy objectives at multi-  
19 lateral negotiations;

20 (B) the need for and timing of high level  
21 intervention by the President, the Secretary of  
22 State, the Deputy Secretary of State, and other  
23 United States officials to secure support from  
24 key foreign government officials for the United

1 States position at such organizations, institu-  
2 tions, and negotiations;

3 (C) the composition of United States dele-  
4 gations to multilateral negotiations; and

5 (D) liaison with Congress, international or-  
6 ganizations, nongovernmental organizations,  
7 and the private sector on matters affecting mul-  
8 tilateral negotiations.

9 (3) DEMOCRACY CAUCUS.—The special rep-  
10 resentative, in coordination with the Assistant Sec-  
11 retary for International Organizational Affairs, shall  
12 ensure the establishment of a democracy caucus.

13 (4) ANNUAL DIPLOMATIC MISSIONS OF MULTI-  
14 LATERAL ISSUES.—The special representative, in co-  
15 ordination with the Assistant Secretary for Inter-  
16 national Organizational Affairs, shall organize an-  
17 nual consultations between the principal officers re-  
18 sponsible for advising the Secretary of State on  
19 international organizations and foreign governments  
20 to promote the United States agenda at the United  
21 Nations General Assembly and other key inter-  
22 national fora (such as the United Nations Human  
23 Rights Commission).

24 (5) LEADERSHIP AND MEMBERSHIP OF INTER-  
25 NATIONAL ORGANIZATIONS.—The special representa-

1       tive, in coordination with the Assistant Secretary of  
2       International Organizational Affairs, shall direct the  
3       efforts of the United States Government to reform  
4       the criteria for leadership and membership of inter-  
5       national organizations as described in section 435.

6               (6) PARTICIPATION IN MULTILATERAL NEGO-  
7       TIATIONS.—The special representative, or members  
8       of the special representative’s staff, may, as required  
9       by the President or the Secretary of State, serve on  
10      a United States delegation to any multilateral nego-  
11      tiation.

12      (e) REPORT.—Not later than 180 days after the date  
13      of the enactment of this Act, the Secretary of State shall  
14      submit a plan to establish a democracy caucus to the ap-  
15      propriate congressional committees. The report required  
16      by section 437(e) may be submitted together with the re-  
17      port under this subsection.

18      **SEC. 439. SYNCHRONIZATION OF UNITED STATES CON-**  
19                                   **TRIBUTIONS TO INTERNATIONAL ORGANIZA-**  
20                                   **TIONS.**

21      Not later than 180 days after the date of the enact-  
22      ment of this Act, the President shall submit a plan to the  
23      appropriate congressional committees on the implementa-  
24      tion of section 404 of the Foreign Relations Authorization  
25      Act of 2003 (Public Law 107–228), (relating to a resump-

1 tion by the United State of the payment of its full con-  
 2 tribution to certain international organizations at the be-  
 3 ginning of each calendar year).

4 **TITLE V—UNITED STATES**  
 5 **INTERNATIONAL BROAD-**  
 6 **CASTING ACTIVITIES**

7 **Subtitle A—Basic Authorities and**  
 8 **Activities**

9 **SEC. 501. MIDEAST RADIO AND TELEVISION NETWORK, INC.**

10 (a) The United States International Broadcasting  
 11 Act of 1994 (22 U.S.C. 6201 et seq.) is amended by add-  
 12 ing after section 309 the following new section:

13 **“SEC. 310. MIDEAST RADIO AND TELEVISION NETWORK,**  
 14 **INC.**

15 “(a) **AUTHORITY.**—Grants authorized under section  
 16 305 shall be available to make annual grants to Mideast  
 17 Radio and Television Network, Inc. (hereinafter in this  
 18 title also referred to as ‘Mideast Network’) for the purpose  
 19 of carrying out radio and television broadcasting to the  
 20 Middle East region.

21 “(b) **FUNCTION.**—Mideast Network shall provide  
 22 radio and television programming to the Middle East re-  
 23 gion consistent with the broadcasting standards and  
 24 broadcasting principles set forth in section 303 of this Act.

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

4           “(1) The Board may not make any grant to the  
5 nonprofit corporation, Mideast Network unless its  
6 certificate of incorporation provides that—

7           “(A) the Board of Directors of Mideast  
8 Radio and Television Network, Inc. (hereinafter  
9 referred to as ‘the Board’) shall consist of the  
10 members of the Broadcasting Board of Gov-  
11 ernors established under section 304 and of no  
12 other members; and

13           “(B) the Board shall make all major policy  
14 determinations governing the operation of Mid-  
15 east Network and shall appoint and fix the  
16 compensation of such managerial officers and  
17 employees of Mideast Network as it considers  
18 necessary to carry out the purposes of the grant  
19 provided under this title, except that no officer  
20 or employee may be paid a salary or other com-  
21 pensation in excess of the rate of pay payable  
22 for Level IV of the Executive Schedule under  
23 section 5315 of title 5, United States Code.

24           “(2) Any grant agreement under this section  
25 shall require that any contract entered into by Mid-

1 east Network shall specify that obligations are as-  
2 sumed by Mideast Network and not the United  
3 States Government.

4 “(3) Any grant agreement shall require that  
5 any lease agreement entered into by Mideast Net-  
6 work shall be, to the maximum extent possible, as-  
7 signable to the United States Government.

8 “(4) Grants awarded under this section shall be  
9 made pursuant to a grant agreement which requires  
10 that grant funds be used only for activities con-  
11 sistent with this section, and that failure to comply  
12 with such requirements shall permit the grant to be  
13 terminated without fiscal obligation to the United  
14 States.

15 “(5) Duplication of language services and tech-  
16 nical operations between the Mideast Radio and Tel-  
17 evision Network, Inc., (including Radio Sawa), RFE/  
18 RL, and the International Broadcasting Bureau will  
19 be reduced to the extent appropriate, as determined  
20 by the Board.

21 “(d) NOT A FEDERAL AGENCY OR INSTRUMEN-  
22 TALIITY.—Nothing in this title may be construed to estab-  
23 lish Mideast Network as a Federal agency or instrumen-  
24 tality, nor shall the officers or employees of Mideast Net-

1 work be considered to be officers or employees of the  
2 United States Government.

3 “(e) AUDIT AUTHORITY.—

4 “(1) Such financial transactions of Mideast  
5 Network, as relate to functions carried out under  
6 this section may be audited by the General Account-  
7 ing Office in accordance with such principles and  
8 procedures and under such rules and regulations as  
9 may be prescribed by the Comptroller General of the  
10 United States. Any such audit shall be conducted at  
11 the place or places where accounts of Mideast Net-  
12 work are normally kept.

13 “(2) Representatives of the General Accounting  
14 Office shall have access to all books, accounts,  
15 records, reports, files, papers, and property belong-  
16 ing to or in use by Mideast Network pertaining to  
17 such financial transactions as necessary to facilitate  
18 an audit. Such representatives shall be afforded full  
19 facilities for verifying transactions with any assets  
20 held by depositories, fiscal agents, and custodians.  
21 All such books, accounts, records, reports, files, pa-  
22 pers, and property of Mideast Network shall remain  
23 in the custody of Mideast Network.

24 “(3) Notwithstanding any other provisions of  
25 law, the Inspector General of the Department of

1 State is authorized to exercise the authorities of the  
2 Inspector General Act with respect to the Mideast  
3 Network.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 305 of the United States Inter-  
6 national Broadcasting Act of 1994 (22 U.S.C. 6204)  
7 is amended—

8 (A) in subsection (a)(5) by striking “308  
9 and 309” and inserting “308, 309, and 310”;

10 (B) in subsection (a)(6) by striking “308  
11 and 309” and inserting “308, 309, and 310”;  
12 and

13 (C) in subsection (c) by striking “308 and  
14 309” and inserting “308, 309, and 310”.

15 (2) Section 307 of the United States Inter-  
16 national Broadcasting Act of 1994 (22 U.S.C. 6206)  
17 is amended—

18 (A) in subsection (a) by striking “308 and  
19 309” and inserting “308, 309, and 310”; and

20 (B) in subsection (c) by adding “Mideast  
21 Radio and Television Network, Inc.,” after  
22 “Asia”.

23 (3) Section 304(g) of the United States Inter-  
24 national Broadcasting Act of 1994 (22 U.S.C.  
25 6203(g)) is amended by striking “and Radio Free

1 Asia” and inserting “, Radio Free Asia, and Mideast  
2 Radio and Television Network, Inc.”.

3 (4) Section 8332(b)(11) of title 5, United  
4 States Code, is amended by adding “Mideast Radio  
5 and Television Network, Inc.,” after “the Asia  
6 Foundation;”.

7 **SEC. 502. IMPROVING SIGNAL DELIVERY TO CUBA.**

8 Section 3 of the Radio Broadcasting to Cuba Act (22  
9 U.S.C. 1465a) is amended—

10 (1) in subsection (c) by striking the second sen-  
11 tence and inserting “The Board is authorized to si-  
12 multaneously utilize other broadcasting transmission  
13 facilities, and other frequencies, including the Ampli-  
14 tude Modulation (AM) Band (535 kHz to 1705  
15 kHz), the Frequency Modulation (FM) Band, and  
16 the Shortwave (SW) Band.”;

17 (2) in subsection (c) in the third sentence by  
18 striking “*Provided, That*” and all that follows before  
19 the period at the end;

20 (3) in subsection (d) by striking the last sen-  
21 tence;

22 (4) by amending subsection (e) to read as fol-  
23 lows:

1 “(e) Any program of United States Government radio  
2 broadcasts to Cuba authorized by this section shall be des-  
3 ignated ‘Radio Marti program’.”; and

4 (5) in subsection (f) by striking “Voice of  
5 America”.

6 **SEC. 503. REPORT CONCERNING EFFORTS TO COUNTER**  
7 **JAMMING OF BROADCASTS OF RADIO MARTI**  
8 **AND TV MARTI.**

9 Not later than 30 days after the date of the enact-  
10 ment of this Act, the Secretary of State shall submit to  
11 the appropriate congressional committees a report pro-  
12 viding the following information:

13 (1) Specific steps taken to increase the capabili-  
14 ties of Radio Marti and TV Marti to ensure that  
15 broadcasts overcome jamming by the Government of  
16 Cuba.

17 (2) An evaluation and analysis of not less than  
18 10 alternate methods to counter jamming of radio  
19 and television broadcasts including the following:

20 (A) Methods used to broadcast into Iraq  
21 involving a C-130.

22 (B) Methods previously used to transmit  
23 into the former Soviet Union and other Soviet  
24 bloc countries.

1 (C) Successful methods employed by non-  
2 United States Government entities, such as  
3 those used by the Falun Gong to overcome Chi-  
4 nese Government jamming and those recently  
5 used by a Cuban exile group to transmit tele-  
6 vision broadcasts into Cuba.

7 **Subtitle B—Global Internet**  
8 **Freedom**

9 **SEC. 521. SHORT TITLE.**

10 This subtitle may be cited as the “Global Internet  
11 Freedom Act of 2003”.

12 **SEC. 522. FINDINGS.**

13 The Congress makes the following findings:

14 (1) Freedom of speech, freedom of the press,  
15 and freedom of association are fundamental charac-  
16 teristics of a free society. The first amendment to  
17 the Constitution of the United States guarantees  
18 that “Congress shall make no law . . . abridging the  
19 freedom of speech, or of the press; or the right of  
20 the people peaceably to assemble.” These constitu-  
21 tional provisions guarantee the rights of Americans  
22 to communicate and associate with one another  
23 without restriction, including unfettered communica-  
24 tion and association via the Internet. Article 19 of  
25 the United Nation’s Universal Declaration of

1 Human Rights explicitly guarantees the freedom to  
2 “receive and impart information and ideas through  
3 any media and regardless of frontiers”.

4 (2) All people have the right to communicate  
5 freely with others, and to have unrestricted access to  
6 news and information, on the Internet.

7 (3) With nearly 10 percent of the world’s popu-  
8 lation now online, and more gaining access each day,  
9 the Internet stands to become the most powerful en-  
10 gine for democratization and the free exchange of  
11 ideas ever invented.

12 (4) The governments of Burma, Cuba, Laos,  
13 North Korea, the People’s Republic of China, Saudi  
14 Arabia, Syria, and Vietnam, among others, are tak-  
15 ing active measures to keep their citizens from freely  
16 accessing the Internet and obtaining international  
17 political, religious, and economic news and informa-  
18 tion.

19 (5) The Voice of America and Radio Free Asia,  
20 as well as hundreds of news sources with an Internet  
21 presence, are routinely being jammed by repressive  
22 governments.

23 (6) Since the 1940s, the United States has de-  
24 ployed anti-jamming technologies to make Voice of  
25 America and other United States Government spon-

1 sored broadcasting available to people in nations  
2 with governments that seek to block news and infor-  
3 mation.

4 (7) The United States Government has thus far  
5 commenced only modest steps to fund and deploy  
6 technologies to defeat Internet censorship.

7 (8) The success of United States policy in sup-  
8 port of freedom of speech, press, and association re-  
9 quires continued efforts to defeat totalitarian and  
10 authoritarian controls on news and information over  
11 the Internet.

12 **SEC. 523. PURPOSES.**

13 The purposes of this subtitle are—

14 (1) to adopt an effective and robust global  
15 Internet freedom policy;

16 (2) to establish an office within the Broad-  
17 casting Board of Governors with the sole mission of  
18 countering Internet jamming and blocking by uti-  
19 lizing available anti-jamming technology;

20 (3) to expedite the development and deployment  
21 of technology to protect Internet freedom around the  
22 world; and

23 (4) to bring to bear the pressure of the free  
24 world on repressive governments guilty of Internet

1       censorship and the intimidation and persecution of  
2       their citizens who use the Internet.

3 **SEC. 524. DEVELOPMENT AND DEPLOYMENT OF TECH-**  
4                   **NOLOGIES TO DEFEAT INTERNET JAMMING**  
5                   **AND CENSORSHIP.**

6       (a) ESTABLISHMENT OF OFFICE OF GLOBAL INTER-  
7 NET FREEDOM.—The Broadcasting Board of Governors  
8 shall establish an Office of Global Internet Freedom (here-  
9 inafter in this subtitle referred to as the “Office”). The  
10 Office shall develop and implement a comprehensive global  
11 strategy to combat state-sponsored and state-directed  
12 Internet jamming and persecution of those who use the  
13 Internet.

14       (b) COOPERATION OF OTHER FEDERAL DEPART-  
15 MENTS AND AGENCIES.—Each department and agency of  
16 the United States Government shall cooperate fully with,  
17 and assist in the implementation of, the strategy developed  
18 by the Office and shall make such resources and informa-  
19 tion available to the Office as is necessary to the achieve-  
20 ment of the purposes of this subtitle.

21       (c) COOPERATION WITH DEPARTMENT OF STATE.—  
22 The Office shall assist the Secretary of State in preparing  
23 portions of the country reports on human rights practices  
24 that address Internet accessibility.

1 (d) REPORT TO CONGRESS.—Nine months after the  
2 date of the enactment of this Act, the Broadcasting Board  
3 of Governors shall submit to the Congress a report on the  
4 status of foreign government interference with Internet  
5 use and of efforts by the United States to counter such  
6 interference. The report shall list the countries that pur-  
7 sue policies of Internet censorship, blocking, and other  
8 abuses; provide information concerning the government  
9 agencies or quasi-governmental organizations that imple-  
10 ment Internet censorship; and describe with the greatest  
11 particularity practicable the technological means by which  
12 such blocking and other abuses are accomplished. In the  
13 discretion of the Broadcasting Board of Governors, such  
14 report may be submitted in both a classified and nonclassi-  
15 fied version. One year after the date of submission of such  
16 report, the Office shall submit a second report.

17 (e) LIMITATION ON AUTHORITY.—Nothing in this  
18 subtitle shall be interpreted to authorize any action by the  
19 United States to interfere with foreign national censorship  
20 in furtherance of legitimate law enforcement aims con-  
21 sistent with the Universal Declaration of Human Rights.

1 **Subtitle C—Reorganization of**  
2 **United States International**  
3 **Broadcasting**

4 **SEC. 531. ESTABLISHMENT OF UNITED STATES INTER-**  
5 **NATIONAL BROADCASTING AGENCY.**

6 (a) IN GENERAL.—Section 304 of the United States  
7 International Broadcasting Act of 1994 (22 U.S.C. 6203)  
8 is amended to read as follows:

9 **“SEC. 304. ESTABLISHMENT OF UNITED STATES INTER-**  
10 **NATIONAL BROADCASTING AGENCY.**

11 “(a) ESTABLISHMENT.—There is established as an  
12 independent agency in the executive branch the United  
13 States International Broadcasting Agency (hereinafter in  
14 this Act referred to as the ‘Agency’).

15 “(b) BOARD OF GOVERNORS OF THE AGENCY.—

16 “(1) HEAD OF AGENCY.—The Agency shall be  
17 headed by the Board of Governors of the United  
18 States International Broadcasting Agency (herein-  
19 after in this Act referred to as the ‘Board of Gov-  
20 ernors’).

21 “(2) AUTHORITIES AND FUNCTIONS.—The  
22 Board of Governors shall—

23 “(A) carry out the authorities and func-  
24 tions of the Agency under section 305; and

1           “(B) be responsible for the exercise of all  
2           authorities and powers and the discharge of all  
3           duties and functions of the Agency.

4           “(3) COMPOSITION OF THE BOARD OF GOV-  
5           ERNORS.—

6           “(A) The Board of Governors shall consist  
7           of 9 members, as follows:

8                   “(i) Eight voting members who shall  
9                   be appointed by the President, by and with  
10                   the advice and consent of the Senate.

11                   “(ii) The Secretary of State who shall  
12                   also be a voting member.

13           “(B) The President shall appoint one  
14           member (other than the Secretary of State) as  
15           Chair of the Board of Governors, subject to the  
16           advice and consent of the Senate.

17           “(C) Exclusive of the Secretary of State,  
18           not more than 4 of the members of the Board  
19           of Governors appointed by the President shall  
20           be of the same political party.

21           “(4) TERM OF OFFICE.—The term of office of  
22           each member of the Board of Governors shall be  
23           three years, except that the Secretary of State shall  
24           remain a member of the Board of Governors during  
25           the Secretary’s term of service. The President shall

1       appoint, by and with the advice and consent of the  
2       Senate, board members to fill vacancies occurring  
3       prior to the expiration of a term, in which case the  
4       members so appointed shall serve for the remainder  
5       of such term. Any member whose term has expired  
6       may serve until a successor has been appointed and  
7       qualified. When there is no Secretary of State, the  
8       Acting Secretary of State shall serve as a member  
9       of the board until a Secretary is appointed.

10       “(5) SELECTION OF BOARD OF GOVERNORS.—  
11       Members of the Board of Governors appointed by  
12       the President shall be citizens of the United States  
13       who are not regular full-time employees of the  
14       United States Government. Such members shall be  
15       selected by the President from among Americans  
16       distinguished in the fields of mass communications,  
17       print, broadcast media, or foreign affairs.

18       “(6) COMPENSATION.—Members of the Board  
19       of Governors, while attending meetings of the board  
20       or while engaged in duties relating to such meetings  
21       or in other activities of the board pursuant to this  
22       section (including travel time) shall be entitled to re-  
23       ceive compensation equal to the daily equivalent of  
24       the compensation prescribed for level IV of the Ex-  
25       ecutive Schedule under section 5315 of title 5,

1 United States Code. While away from their homes or  
2 regular places of business, members of the board  
3 may be allowed travel expenses, including per diem  
4 in lieu of subsistence, as authorized by law for per-  
5 sons in the Government service employed intermit-  
6 tently. The Secretary of State shall not be entitled  
7 to any compensation under this title, but may be al-  
8 lowed travel expenses as provided under this sub-  
9 section.

10 “(7) DECISIONS.—Decisions of the Board of  
11 Governors shall be made by majority vote, a quorum  
12 being present. A quorum shall consist of 5 members.

13 “(8) IMMUNITY FROM CIVIL LIABILITY.—Not-  
14 withstanding any other provision of law, any and all  
15 limitations on liability that apply to the members of  
16 the Board of Governors also shall apply to such  
17 members when acting in their capacities as members  
18 of the boards of directors of RFE/RL, Incorporated  
19 and Radio Free Asia.

20 “(c) EXECUTIVE DIRECTOR.—

21 “(1) APPOINTMENT.—The Board of Governors  
22 shall appoint an Executive Director of the Agency.  
23 The Executive Director shall receive basic pay at the  
24 rate payable for level III of the Executive Schedule  
25 under section 5314 of title 5, United States Code.

1 The Director may be removed through a majority  
2 vote of the Board.

3 “(2) FUNCTIONS AND DUTIES.—The Executive  
4 Director shall have the following functions and du-  
5 ties:

6 “(A) To exercise the authorities delegated  
7 by the Board of Governors pursuant to section  
8 305(b).

9 “(B) To carry out all broadcasting activi-  
10 ties conducted pursuant to this title, the Radio  
11 Broadcasting to Cuba Act, and the Television  
12 Broadcasting to Cuba Act.

13 “(C) To examine and make recommenda-  
14 tions to the Board of Governors on long-term  
15 strategies for the future of international broad-  
16 casting, including the use of new technologies.

17 “(D) To review engineering activities to  
18 ensure that all broadcasting elements receive  
19 the highest quality and cost-effective delivery  
20 services.

21 “(E) To procure supplies, services, and  
22 other personal property to carry out the func-  
23 tions of the Agency.

24 “(F) To obligate and expend, for official  
25 reception and representation expenses, such

1 amounts as may be made available through ap-  
2 propriations.

3 “(G) To provide for the use of United  
4 States Government transmitter capacity for  
5 relay of broadcasting by grantees.

6 “(H) To procure temporary and intermit-  
7 tent personal services to the same extent as is  
8 authorized by section 3109 of title 5, United  
9 States Code, at rates not to exceed the daily  
10 equivalent of the rate provided for positions  
11 classified above grade GS-15 of the General  
12 Schedule under section 5108 of title 5, United  
13 States Code.

14 “(I) To procure for the Agency, pursuant  
15 to section 1535 of title 31, United States Code  
16 goods and services from other departments or  
17 agencies.

18 “(J) To the extent funds are available, to  
19 lease space and acquire personal property for  
20 the Agency.

21 “(d) INSPECTOR GENERAL AUTHORITIES.—

22 “(1) IN GENERAL.—The Inspector General of  
23 the Department of State shall exercise the same au-  
24 thorities with respect to the Agency as the Inspector  
25 General exercises under the Inspector General Act of

1 1978 and section 209 of the Foreign Service Act of  
2 1980 with respect to the Department of State.

3 “(2) RESPECT FOR JOURNALISTIC INTEGRITY  
4 OF BROADCASTERS.—The Inspector General of the  
5 Department of State and the Foreign Service shall  
6 respect the journalistic integrity of all the broad-  
7 casters covered by this title and may not evaluate  
8 the philosophical or political perspectives reflected in  
9 the content of broadcasts.”.

10 (b) RETENTION OF EXISTING BOARD MEMBERS.—  
11 The members of the Broadcasting Board of Governors ap-  
12 pointed by the President pursuant to section 304 of the  
13 United States International Broadcasting Act of 1994 on  
14 the day before the effective date of this title and holding  
15 office as of that date may serve the remainder of their  
16 terms of office as members of the Board of Governors es-  
17 tablished under section 304(b) of the United States Inter-  
18 national Broadcasting Act of 1994, as amended by sub-  
19 section (a) of this section, without reappointment, or if  
20 their term has expired may serve until a successor is ap-  
21 pointed and qualified.

22 **SEC. 532. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

23 Section 305 of the United States International  
24 Broadcasting Act of 1994 (22 U.S.C. 6204) is amended  
25 to read as follows:

1 **“SEC. 305. AUTHORITIES AND FUNCTIONS OF THE AGENCY.**

2 “(a) The Agency shall have the following authorities  
3 and functions:

4 “(1) To supervise all broadcasting activities  
5 conducted pursuant to this title, the Radio Broad-  
6 casting to Cuba Act, and the Television Broad-  
7 casting to Cuba Act.

8 “(2) To review and evaluate the mission and  
9 operation of, and to assess the quality, effectiveness,  
10 and professional integrity of, all such activities with-  
11 in the context of the broad foreign policy objectives  
12 of the United States and the guiding principles and  
13 doctrines of the United States, particularly freedom  
14 and democracy.

15 “(3) To develop strategic goals after reviewing  
16 human rights reporting and other reliable assess-  
17 ments to assist in determining programming and re-  
18 source allocation.

19 “(4) To ensure that United States international  
20 broadcasting is conducted in accordance with the  
21 standards and principles contained in section 303.

22 “(5) To review, evaluate, and determine, at  
23 least annually, after consultation with the Secretary  
24 of State, the addition or deletion of language serv-  
25 ices.

1           “(6) To make and supervise grants for broad-  
2           casting and related activities in accordance with sec-  
3           tions 308 and 309.

4           “(7) To allocate funds appropriated for inter-  
5           national broadcasting activities among the various  
6           elements of the Agency and grantees, subject to the  
7           limitations in sections 308 and 309 and subject to  
8           reprogramming notification requirements in law for  
9           the reallocation of funds.

10          “(8) To undertake such studies as may be nec-  
11          essary to identify areas in which broadcasting activi-  
12          ties under its authority could be made more efficient  
13          and economical.

14          “(9) To submit to the President and the Con-  
15          gress an annual report which summarizes and evalu-  
16          ates activities under this title, the Radio Broad-  
17          casting to Cuba Act, and the Television Broad-  
18          casting to Cuba Act, placing special emphasis on the  
19          assessment described in paragraph (2).

20          “(10) To make available in the annual report  
21          required by paragraph (9) information on funds ex-  
22          pended on administrative and managerial services by  
23          the Agency and by grantees and the steps the Agen-  
24          cy has taken to reduce unnecessary overhead costs  
25          for each of the broadcasting services.

1           “(11) To utilize the provisions of titles III, IV,  
2 V, VII, VIII, IX, and X of the United States Infor-  
3 mation and Educational Exchange Act of 1948, and  
4 section 6 of Reorganization Plan Number 2 of 1977,  
5 as in effect on the day before the effective date of  
6 title XIII of the Foreign Affairs Agencies Consolida-  
7 tion Act of 1998, to the extent the Executive Direc-  
8 tor considers necessary in carrying out the provi-  
9 sions and purposes of this title.

10           “(12) To utilize the authorities of any other  
11 statute, reorganization plan, Executive order, regula-  
12 tion, agreement, determination, or other official doc-  
13 ument or proceeding that had been available to the  
14 Director of the United States Information Agency,  
15 the Bureau, or the Board before the effective date  
16 of title XIII of the Foreign Affairs Consolidation Act  
17 of 1998 for carrying out the broadcasting activities  
18 covered by this title.

19           “(b) DELEGATION OF AUTHORITY.—The Board of  
20 Governors may delegate to the Executive Director of the  
21 Agency, or any other officer or employee of the United  
22 States, the authorities provided in this section, except  
23 those authorities provided in paragraph (1), (2), (4), (5),  
24 (6), (7), or (9) of subsection (a).

1       “(c) BROADCASTING BUDGETS.—The Executive Di-  
2 rector and the grantees identified in sections 308 and 309  
3 shall submit proposed budgets to the Board. The Board  
4 shall forward its recommendations concerning the pro-  
5 posed budget for the Board and broadcasting activities  
6 under this title, the Radio Broadcasting to Cuba Act, and  
7 the Television Broadcasting to Cuba Act to the Office of  
8 Management and Budget.”.

9       **SEC. 533. ROLE OF THE SECRETARY OF STATE.**

10       Section 306 of the United States International  
11 Broadcasting Act of 1994 (22 U.S.C. 6205) is amended  
12 to read as follows:

13       **“SEC. 306. ROLE OF THE SECRETARY OF STATE.**

14       “To assist the Agency in carrying out its functions,  
15 the Secretary of State shall provide such information and  
16 guidance on foreign policy and public diplomacy issues to  
17 the Agency as the Secretary considers appropriate.”.

18       **SEC. 534. ADMINISTRATIVE PROVISIONS.**

19       The United States International Broadcasting Act of  
20 1994 is amended by striking section 307 and inserting the  
21 following new section:

22       **“SEC. 307. ADMINISTRATIVE PROVISIONS.**

23       “(a) OFFICERS AND EMPLOYEES.—The Board of  
24 Governors may appoint and fix the compensation of such  
25 officers and employees as may be necessary to carry out

1 the functions of the Agency. Except as otherwise provided  
2 by law, such officers and employees shall be appointed in  
3 accordance with the civil service laws and their compensa-  
4 tion shall be fixed in accordance with title 5, United States  
5 Code.

6 “(b) EXPERTS AND CONSULTANTS.—The Board of  
7 Governors, as may be provided in appropriation Acts, may  
8 obtain the services of experts and consultants in accord-  
9 ance with section 3109 of title 5, United States Code, and  
10 may compensate such experts and consultants at rates not  
11 to exceed the daily rate prescribed for level IV of the Exec-  
12 utive Schedule under section 5315 of title 5, United States  
13 Code.

14 “(c) ACCEPTANCE OF VOLUNTARY SERVICES.—

15 “(1) IN GENERAL.—Notwithstanding section  
16 1342 of title 31, United States Code, the Board of  
17 Governors may accept, subject to regulations issued  
18 by the Office of Personnel Management, voluntary  
19 services if such services—

20 “(A) are to be uncompensated; and

21 “(B) are not used to displace any em-  
22 ployee.

23 “(2) TREATMENT.—Any individual who pro-  
24 vides voluntary services under this section shall not  
25 be considered a Federal employee for any purpose

1 other than for purposes of chapter 81 of title 5,  
2 United States Code (relating to compensation for in-  
3 jury) and sections 2671 through 2680 of title 28,  
4 United States Code (relating to tort claims).

5 “(d) DELEGATION.—Except as otherwise provided in  
6 this Act, the Board of Governors may delegate any func-  
7 tion to the Executive Director and such other officers and  
8 employees of the Agency as the Board of Governors may  
9 designate, and may authorize such successive redelega-  
10 tions of such functions within the Agency as may be nec-  
11 essary or appropriate.

12 “(e) CONTRACTS.—

13 “(1) IN GENERAL.—Subject to the Federal  
14 Property and Administrative Services Act of 1949  
15 and other applicable Federal law, the Board of Gov-  
16 ernors may make, enter into, and perform such con-  
17 tracts, grants, leases, cooperative agreements, and  
18 other similar transactions with Federal or other pub-  
19 lic agencies (including State and local governments)  
20 and private organizations and persons, and to make  
21 such payments, by way of advance or reimburse-  
22 ment, as the Board of Governors may determine  
23 necessary or appropriate to carry out functions of  
24 the Board of Governors or the Agency.

1           “(2) APPROPRIATION AUTHORITY REQUIRED.—  
 2       No authority to enter into contracts or to make pay-  
 3       ments under this title shall be effective except to  
 4       such extent or in such amounts as are provided in  
 5       advance under appropriation Acts.

6           “(f) REGULATIONS.—The Executive Director may  
 7       prescribe such rules and regulations as the Board of Gov-  
 8       ernors considers necessary or appropriate to administer  
 9       and manage the functions of the Agency, in accordance  
 10      with chapter 5 of title 5, United States Code.

11          “(g) SEAL.—The Executive Director shall cause a  
 12      seal of office to be made for the Agency of such design  
 13      as the Board of Governors shall approve. Judicial notice  
 14      shall be taken of such seal.”.

15      **SEC. 535. BROADCASTING BOARD OF GOVERNORS AND**  
 16                                      **INTERNATIONAL BROADCASTING BUREAU.**

17      The Broadcasting Board of Governors and the Inter-  
 18      national Broadcasting Bureau are abolished.

19      **SEC. 536. TRANSITION.**

20          (a) TRANSFER OF FUNCTIONS.—Except as otherwise  
 21      provided in this subtitle or an amendment made by this  
 22      subtitle, all functions that on the day before the effective  
 23      date specified in section 540 are authorized to be per-  
 24      formed by the Broadcasting Board of Governors and the  
 25      International Broadcasting Bureau and any officer, em-

1 ployee, or component of such entities, under any statute,  
2 reorganization plan, Executive order, or other provision of  
3 law, are transferred to the Agency established under this  
4 title effective on that date.

5 (b) DETERMINATION OF CERTAIN FUNCTIONS.—If  
6 necessary, the Office of Management and Budget shall  
7 make any determination of the functions that are trans-  
8 ferred under this title.

9 (c) TRANSITION PROVISIONS.—

10 (1) EXERCISE OF AUTHORITIES.—Except as  
11 otherwise provided by law, the Board of Governors  
12 may, for purposes of performing a function that is  
13 transferred to the Agency by this title, exercise all  
14 authorities under any other provision of law that  
15 were available with respect to the performance of  
16 that function to the official responsible for the per-  
17 formance of that function on the day before the ef-  
18 fective date specified in section 540.

19 (2) AUTHORITIES TO WIND UP AFFAIRS.—

20 (A) The Director of the Office of Manage-  
21 ment and Budget may take such actions as the  
22 Director of the Office of Management and  
23 Budget considers necessary to wind up any out-  
24 standing affairs of the Broadcasting Board of  
25 Governors and the International Broadcasting

1 Bureau associated with the functions that are  
2 transferred pursuant to subsection (a).

3 (B) The Director of the Office of Manage-  
4 ment and Budget may take such actions as the  
5 Director of the Office of Management and  
6 Budget considers necessary to wind up any out-  
7 standing affairs of the Broadcasting Board of  
8 Governors and the International Broadcasting  
9 Bureau associated with the functions that are  
10 transferred pursuant to subsection (a).

11 (3) TRANSFER OF ASSETS.—Any property,  
12 records, unexpended balances of appropriations, allo-  
13 cations, and other funds employed, used, held, avail-  
14 able, or to be made available in connection with a  
15 function transferred to the Agency by this Act are  
16 transferred on the effective date specified in section  
17 540.

18 **SEC. 537. CONFORMING AMENDMENTS.**

19 (a) UNITED STATES INTERNATIONAL BROAD-  
20 CASTING ACT OF 1994.—The United States International  
21 Broadcasting Act of 1994 is amended as follows:

22 (1) Section 308 (22 U.S.C. 6207) is amended—

23 (A) in subsection (a)—

24 (i) by striking “The Board” and in-  
25 sserting “The Agency”; and

- 1 (ii) in paragraph (1) by striking  
2 “Broadcasting Board of Governors” and  
3 inserting “Board Governors of the Inter-  
4 national Broadcasting Agency”;
- 5 (B) in subsection (b)—
- 6 (i) by striking paragraph (2);  
7 (ii) by striking “(1)”; and  
8 (iii) by striking “Board” both places  
9 it appears and inserting “Agency”;
- 10 (C) in subsections (c), (d), (g), (h), and (i)  
11 by striking “Board” each place it appears and  
12 inserting “Agency”;
- 13 (D) in subsection (g)(4) by striking “Inter-  
14 national Broadcasting Bureau” and inserting  
15 “Agency”; and
- 16 (E) in subsections (i) and (j) by striking  
17 “and the Foreign Service” each place it ap-  
18 pears.
- 19 (2) Section 309 (22 U.S.C. 6208) is amended—
- 20 (A) in subsection (c)(1) by striking  
21 “Board” both places it appears and inserting  
22 “Agency”;
- 23 (B) by striking subsection (e);

1 (C) in subsections (f) and (g) by striking  
2 “Board” each place it appears and inserting  
3 “Agency”; and

4 (D) in subsection (g) by striking “Chair-  
5 man of the Board” and inserting “Agency”.

6 (3) By striking section 311 (22 U.S.C. 6210).

7 (4) In section 313 (22 U.S.C. 6212) by striking  
8 “Board” and inserting “Agency”.

9 (5) In section 314 (22 U.S.C. 6213) by striking  
10 paragraph (2).

11 (6) By striking section 315.

12 (b) CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY  
13 (LIBERTAD) ACT OF 1996.—Section 107 of the Cuban  
14 Liberty and Democratic Solidarity (LIBERTAD) Act of  
15 1996 (22 U.S.C. 6037) is amended in subsections (a) and  
16 (b) by striking “International Broadcasting Bureau” each  
17 place it appears and inserting “United States Inter-  
18 national Broadcasting Agency”.

19 (c) RADIO BROADCASTING TO CUBA ACT.—The  
20 Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.)  
21 is amended as follows:

22 (1) In section 3 (22 U.S.C. 1465a) as follows:

23 (A) In the section heading by striking  
24 “BROADCASTING BOARD OF GOV-  
25 ERNORS” and inserting “UNITED STATES

1 INTERNATIONAL BROADCASTING  
2 AGENCY”.

3 (B) In subsection (a) by striking “the  
4 ‘Board’” and inserting “the ‘Agency’”.

5 (C) In subsections (a), (d), and (f) by  
6 striking “Broadcasting Board of Governors”  
7 and inserting “United States International  
8 Broadcasting Agency”.

9 (2) In section 4 (22 U.S.C. 1465b) as follows:

10 (A) In the first sentence by striking “The”  
11 and all that follows through “Bureau” and in-  
12 serting: “The Board of Governors of the United  
13 States International Broadcasting Agency shall  
14 establish within the Agency”.

15 (B) In the third sentence by striking  
16 “Broadcasting Board of Governors” and insert-  
17 ing “Board of Governors of the United States  
18 International Broadcasting Agency”.

19 (C) In the fourth sentence by striking  
20 “Board of the International Broadcasting Bu-  
21 reau” and inserting “Board of Governors of the  
22 United States International Broadcasting Agen-  
23 cy”.

24 (3) In section 5 (22 U.S.C. 1465c) as follows:

1 (A) In subsection (b) by striking “Broad-  
2 casting Board of Governors” and inserting  
3 “Board of Governors of the United States  
4 International Broadcasting Agency”.

5 (B) By striking “Board” each place it ap-  
6 pears and inserting “Advisory Board”.

7 (4) In section 6 (22 U.S.C. 1465d) as follows:

8 (A) In subsection (a) by striking “Broad-  
9 casting Board of Governors” and inserting  
10 “United States International Broadcasting  
11 Agency” and by striking “Board” and inserting  
12 “Board of Directors of the United States Inter-  
13 national Broadcasting Agency”.

14 (B) In subsection (b) by striking “Board”  
15 and inserting “United States International  
16 Broadcasting Agency”.

17 (5) In section 7 (22 U.S.C. 1465e) by striking  
18 “Board” in subsections (b) and (d) and inserting  
19 “United States International Broadcasting Agency”.

20 (6) In section 8(a) (22 U.S.C. 1465f(a)), by  
21 striking “Broadcasting Board of Governors” and in-  
22 serting “United States International Broadcasting  
23 Agency”.

1 (d) TELEVISION BROADCASTING TO CUBA ACT.—  
2 The Television Broadcasting to Cuba Act (22 U.S.C.  
3 1465aa note) is amended as follows:

4 (1) Section 243(a) (22 U.S.C. 1465bb) is  
5 amended by striking “Broadcasting Board of Gov-  
6 ernors” and inserting “United States International  
7 Broadcasting Agency”.

8 (2) Section 244 (22 U.S.C. 1465cc) is amended  
9 as follows:

10 (A) In subsection (a) by amending the  
11 third sentence to read as follows: “The Board  
12 of Governors of the United States International  
13 Broadcasting Agency shall appoint a head of  
14 the Service who shall report directly to the  
15 Board of Governors.”.

16 (B) In subsection (b) by striking “Board”  
17 and inserting “United States International  
18 Broadcasting Agency”.

19 (C) In subsection (e) by striking “The  
20 Board” and inserting “The Agency” and by  
21 striking “Board determines” and inserting  
22 “Board of Governors of the United States  
23 International Broadcasting Agency deter-  
24 mines”.

1           (3) In section 246 (22 U.S.C. 1465dd) by strik-  
2     ing “United States Information Agency” and insert-  
3     ing “United States International Broadcasting  
4     Agency” and by striking “Board” and inserting  
5     “Board of Governors of the United States Inter-  
6     national Broadcasting Agency”.

7     (e) UNITED STATES INFORMATION AND EDU-  
8     CATIONAL EXCHANGE ACT OF 1948.—The United States  
9     Information and Educational Exchange Act of 1948 (22  
10    U.S.C. 1431 et seq.) is amended—

11           (1) in section 505 (22 U.S.C. 1464a), by strik-  
12     ing “Broadcasting Board of Governors” each place  
13     it appears and inserting “United States Inter-  
14     national Broadcasting Agency”; and

15           (2) in section 506(c) (22 U.S.C. 1464b(c))—

16                 (A) by striking “Broadcasting Board of  
17                 Governors” and inserting “United States Inter-  
18                 national Broadcasting Agency”; and

19                 (B) by striking “Board” and inserting  
20                 “Agency”.

21     (f) FOREIGN SERVICE ACT OF 1980.—The Foreign  
22     Service Act of 1980 (22 U.S.C. 3901 et seq.) is  
23     amended—

24           (1) in section 202(a)(1) (22 U.S.C.  
25     3922(a)(1)), by striking “Broadcasting Board of

1       Governors” and inserting “United States Inter-  
2       national Broadcasting Agency”;

3               (2) in section 210 (22 U.S.C. 3930), by striking  
4       “Broadcasting Board of Governors” and inserting  
5       “United States International Broadcasting Agency”;

6               (3) in section 1003(a) (22 U.S.C. 4103(a)), by  
7       striking “Broadcasting Board of Governors” and in-  
8       serting “United States International Broadcasting  
9       Agency”; and

10              (4) in section 1101(e) (22 U.S.C. 4131(e)), by  
11       striking “Broadcasting Board of Governors,” and in-  
12       serting “the United States International Broad-  
13       casting Agency,”.

14       (g) STATE DEPARTMENT BASIC AUTHORITIES ACT  
15 OF 1956.—The State Department Basic Authorities Act  
16 of 1956 (22 U.S.C. 2651a et seq.) is amended—

17              (1) in section 23(a) (22 U.S.C. 2695(a)), by  
18       striking “Broadcasting Board of Governors,” and in-  
19       serting “United States International Broadcasting  
20       Agency,”;

21              (2) in section 25(f) (22 U.S.C. 2697(f))—

22                      (A) by striking “Broadcasting Board of  
23       Governors” and inserting “United States Inter-  
24       national Broadcasting Agency”; and

1 (B) by striking “the Board and the Agency” and inserting “their respective agencies”;  
 2  
 3 (3) in section 26(b) (22 U.S.C. 2698(b))—

4 (A) by striking “Broadcasting Board of  
 5 Governors,” and inserting “United States Inter-  
 6 national Broadcasting Agency”; and

7 (B) by striking “the Board and the Agency” and inserting “their respective agencies”;  
 8  
 9 and

10 (4) in section 32 (22 U.S.C. 2704), by striking  
 11 “Broadcasting Board of Governors” and inserting  
 12 “United States International Broadcasting Agency”.

13 (h) TITLE 5, UNITED STATES CODE.—

14 (1) Section 5314 of title 5, United States Code,  
 15 is amended by adding at the end the following: “Ex-  
 16 ecutive Director, United States International Broad-  
 17 casting Agency.”.

18 (2) Section 5315 of title 5, United States Code,  
 19 is amended by striking “Director of the Inter-  
 20 national Broadcasting Bureau.”.

21 **SEC. 538. REFERENCES.**

22 Except as otherwise provided in this subtitle or an  
 23 amendment made by this subtitle, any reference in any  
 24 statute, reorganization plan, Executive order, regulation,  
 25 agreement, determination, or other official document or

1 proceeding to the Broadcasting Board of Governors and  
2 the International Broadcasting Bureau or any other offi-  
3 cer or employee of the Broadcasting Board of Governors  
4 or the International Broadcasting Bureau shall be deemed  
5 to refer to the United States International Broadcasting  
6 Agency or the Board of Governors of the United States  
7 International Broadcasting Agency established under this  
8 subtitle.

9 **SEC. 539. BROADCASTING STANDARDS.**

10 Section 303(a) of the United States International  
11 Broadcasting Act of 1994 (22 U.S.C. 6202(a)) is  
12 amended—

13 (1) in paragraph (6) by striking “and”;

14 (2) in paragraph (8) by striking the period and  
15 inserting “; and”; and

16 (3) by adding after paragraph (8) the following  
17 new paragraph:

18 “(9) seek to ensure that resources are allocated  
19 to broadcasts directed at people whose governments  
20 deny freedom of expression or who are otherwise in  
21 special need of honest and professional broadcasting,  
22 commensurate with the need for such broadcasts.”.

23 **SEC. 540. EFFECTIVE DATE.**

24 Except as otherwise provided, this subtitle and the  
25 amendments made by this subtitle shall take effect on the

1 last day of the 6-month period beginning on the date of  
2 the enactment of this Act.

3 **TITLE VI—INTERNATIONAL**  
4 **FREE MEDIA ACT OF 2003**

5 **SEC. 601. SHORT TITLE.**

6 This title may be cited as the “International Free  
7 Media Act of 2003”.

8 **SEC. 602. DEFINITIONS.**

9 In this title, the term “free media” means individuals  
10 or organizations engaged in the gathering and distribution  
11 of news and information free of direct or indirect govern-  
12 mental control.

13 **SEC. 603. FINDINGS.**

14 The Congress makes the following findings:

15 (1) Freedom of speech and freedom of the press  
16 are fundamental human rights enshrined in inter-  
17 national law.

18 (2) The United States has a national interest in  
19 promoting these freedoms by supporting free media  
20 abroad, which is essential to the development of free  
21 and democratic societies consistent with our own.

22 (3) Free media is undermined, endangered, or  
23 nonexistent in many repressive and transitional soci-  
24 eties around the world, including in Eurasia, Africa,  
25 and the Middle East.

1           (4) Free media is suppressed by foreign govern-  
2           ments by a variety of means, including state censor-  
3           ship, legal restriction, financial pressure, and phys-  
4           ical intimidation.

5           (5) Unprofessional and unethical media that  
6           violate widely accepted standards of professional  
7           journalism and editorial practice compromises the  
8           ability of a free media to contribute to open, fair,  
9           and constructive democratic debate.

10          (6) Unprofessional and unethical media in-  
11          cludes media that violate the standards set in the  
12          International Covenant on Civil and Political Rights,  
13          which includes article 20, section 2 of the Covenant  
14          which states that “Any advocacy of national, racial,  
15          or religious hatred that constitutes incitement to dis-  
16          crimination, hostility, or violence shall be prohibited  
17          by law.”.

18          (7) Individuals lacking access to a plurality of  
19          free media are vulnerable to misinformation and  
20          propaganda and are potentially more likely to adopt  
21          anti-American views.

22          (8) Foreign governments have a responsibility  
23          to actively and publicly discourage and rebut unpro-  
24          fessional and unethical media while respecting jour-  
25          nalistic integrity and editorial independence.

1           (9) Past and continuing United States Govern-  
2           ment efforts to promote free media through training  
3           and technical support have advanced United States  
4           national interests by contributing to the promotion  
5           of human rights and democracy worldwide.

6           (10) Support for free media must be an integral  
7           part of United States foreign policy, including public  
8           diplomacy and United States international broad-  
9           casting, and should be coordinated across govern-  
10          ment agencies and with international, bilateral, and  
11          private donor organizations toward achieving the  
12          shared goal of developing professional, ethical, diver-  
13          sified, sustainable, independent, indigenous media  
14          worldwide.

15 **SEC. 604. STATEMENTS OF POLICY.**

16          It shall be the policy of the United States, acting  
17          through the Secretary of State, to—

18               (1) make the promotion of press freedoms and  
19               free media worldwide a priority of United States for-  
20               eign policy and an integral component of United  
21               States public diplomacy;

22               (2) respect the journalistic integrity and edi-  
23               torial independence of free media worldwide; and

1           (3) use widely accepted standards for profes-  
2           sional and ethical journalistic and editorial practices  
3           in assessing international media.

4 **SEC. 605. COORDINATOR FOR INTERNATIONAL FREE**  
5           **MEDIA.**

6           (a) ESTABLISHMENT.—There is established within  
7           the Department of State a Coordinator for International  
8           Free Media (in this section referred to as the “Coordi-  
9           nator”). At the discretion of the President another official  
10          at the Department of State may serve as the Coordinator.

11          (b) APPOINTMENT OF COORDINATOR.—The Coordi-  
12          nator shall be appointed by the President, by and with  
13          the advice and consent of the Senate.

14          (c) DUTIES.—The principal duties of the Coordinator  
15          shall be the promotion of international press freedoms and  
16          free media by—

17                (1) coordinating United States government poli-  
18                cies, programs, and projects concerning international  
19                press freedoms and free media;

20                (2) monitoring and assessing the status of free  
21                media worldwide in consultation with appropriate  
22                agencies of the United States Government and na-  
23                tional and international organizations;

1           (3) promoting widely accepted standards of pro-  
2           fessional and ethical journalism and editorial prac-  
3           tices;

4           (4) discouraging media from advocating na-  
5           tional, racial, or religious hatred that constitutes in-  
6           citement to discrimination, hostility, or violence con-  
7           sistent with article 20, section 2 of the International  
8           Covenant on Civil and Political Rights;

9           (5) promoting the journalistic integrity and edi-  
10          torial independence of free media worldwide;

11          (6) advising the President and the Secretary of  
12          State regarding matters of international press free-  
13          doms and free media;

14          (7) representing the United States in matters  
15          and cases relevant to international press freedoms  
16          and free media;

17          (8) assisting the Secretary of State in preparing  
18          the portions of the Department of State country re-  
19          ports on human rights that relate to international  
20          press freedoms and free media;

21          (9) consulting with the Broadcasting Board of  
22          Governors and the United States Agency for Inter-  
23          national Development for the purpose of promoting  
24          free media through training of international journal-  
25          ists, producers, editors, and media managers; and

1           (10) administering the International Free  
2       Media Fund (established in section 607) in consulta-  
3       tion with the United States Advisory Commission on  
4       Public Diplomacy and International Media.

5       (d) ASSESSMENT FACTORS.—In making an assess-  
6       ment of media within individual countries pursuant to sub-  
7       section (c)(2), the Coordinator shall take into account—

8           (1) the number and diversity of media;

9           (2) access to and consumption of media by pop-  
10       ulations;

11          (3) the extent of direct or indirect government  
12       ownership, control, or censorship of media outlets;

13          (4) the financial viability and profitability of  
14       free media;

15          (5) the extent to which journalists, editors, and  
16       media managers adhere to widely accepted standards  
17       for professional and ethical journalism;

18          (6) domestic laws addressing press freedoms;

19          (7) instances in which the media have incited  
20       discrimination, hostility, or violence consistent with  
21       article 20, section 2 of the International Covenant  
22       on Civil and Political Rights;

23          (8) physical threats, intimidation or inappro-  
24       priate pressure by government on free media;

1           (9) the number of journalists, editors, pro-  
2           ducers, and media managers receiving training from  
3           programs of the Department of State, the Broad-  
4           casting Board of Governors, grantees of the United  
5           States Agency for International Development, or  
6           other organizations qualified to provide such train-  
7           ing; and

8           (10) the activity of local and international non-  
9           governmental organizations promoting press free-  
10          doms and free media and obstacles to their activity.

11          (e) CONSULTATION REQUIREMENT.—The Coordi-  
12          nator shall consult with United States public affairs offi-  
13          cers and other United States foreign mission personnel di-  
14          rectly engaged in interacting with indigenous media in car-  
15          rying out the duties specified in subsection (c).

16          (f) FUNDING.—The Secretary of State shall ensure  
17          that the Coordinator has adequate staff and funding for  
18          the conduct of investigations, the administration of the  
19          International Free Media Fund, necessary travel, and oth-  
20          ers activities necessary to carry out the provisions of this  
21          section.

1 **SEC. 606. UNITED STATES ADVISORY COMMISSION ON PUB-**  
2 **LIC DIPLOMACY AND INTERNATIONAL**  
3 **MEDIA.**

4 (a) ESTABLISHMENT.—Section 604(a)(1) of the  
5 United States Information and Educational Exchange Act  
6 of 1948 (22 U.S.C. 1469) is amended to read as follows:

7 “(1) There is established an advisory commis-  
8 sion to be known as the United States Advisory  
9 Commission on Public Diplomacy and International  
10 Media.”.

11 (b) DUTIES AND RESPONSIBILITIES.—Section 604(c)  
12 of the United States Information and Exchange Act of  
13 1948 (22 U.S.C. 1469) is amended by adding at the end  
14 the following:

15 “(5) The Commission shall—

16 “(A) advise the Coordinator for Inter-  
17 national Free Media on issues relating to the  
18 promotion of international press freedoms and  
19 free media;

20 “(B) assist the Coordinator for Inter-  
21 national Free Media in monitoring and assess-  
22 ing the status of free media worldwide;

23 “(C) consult with the Coordinator on the  
24 administration of the International Free Media  
25 Fund; and

1           “(D) make policy recommendations to the  
2           President, the Secretary of State, and Congress  
3           with respect to matters involving international  
4           press freedoms and free media.”.

5           (c) REFERENCES.—Except as otherwise provided in  
6 this section or an amendment made by this section, any  
7 reference in any statute, reorganization plan, Executive  
8 order, regulation, agreement, determination, or other offi-  
9 cial document or proceeding to the United States Advisory  
10 Commission on Public Diplomacy or any other officer or  
11 employee of the United States Advisory Commission on  
12 Public Diplomacy shall be deemed to refer to the United  
13 States Advisory Commission on Public Diplomacy and  
14 International Media established under this section.—

15 **SEC. 607. INTERNATIONAL FREE MEDIA FUND.**

16           (a) ESTABLISHMENT.—There is established an Inter-  
17 national Free Media Fund (in this section referred to as  
18 the “Fund”) at the Department of State.

19           (b) PURPOSES.—The purposes of the Fund shall  
20 be—

21           (1) to promote the development of free and  
22 independent media worldwide which adhere to widely  
23 accepted standards of professional and ethical jour-  
24 nalism and editorial practice; and

1           (2) to complement current efforts by the De-  
2       partment of State, the United States Agency for  
3       International Development, the Broadcasting Board  
4       of Governors, and other agencies of the United  
5       States Government to support free and independent  
6       media worldwide.

7       (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
8       tion to amounts otherwise authorized to be appropriated  
9       to carry out the purposes specified in subsection (b), there  
10      is authorized to be appropriated to the Fund \$15,000,000  
11      for fiscal year 2004. Such amounts are authorized to re-  
12      main available until expended.

13      (d) NONAPPLICABILITY OF OTHER LAWS.—Notwith-  
14      standing any other provision of law, funds appropriated  
15      pursuant to subsection (c) may be used for the purposes  
16      of this section.

17      (e) ADMINISTRATION.—

18           (1) The Fund shall be administered by the Co-  
19      ordinator in consultation with the Commission.

20           (2) Activities and assistance financed through  
21      the Fund may be carried out through grants, con-  
22      tracts, technical assistance, and material support.

23      (f) ELIGIBLE ORGANIZATIONS, PROGRAMS, AND  
24      PROJECTS.—Amounts in the Fund may be used to carry  
25      out activities and provide assistance only for organiza-

1 tions, programs, and projects consistent with the purposes  
2 set forth in subsection (b).

3 (g) PROHIBITIONS.—Amounts in the Fund shall not  
4 be used to carry out activities or provide assistance to or-  
5 ganizations, programs, or projects which advocate na-  
6 tional, racial, or religious hatred that incites discrimina-  
7 tion, hostility, or violence consistent with article 20, sec-  
8 tion 2 of the International Covenant on Civil and Political  
9 Rights.

10 (h) ASSISTANCE CRITERIA.—In administering the  
11 Fund, the Coordinator shall take into account—

12 (1) the importance of providing assistance to  
13 organizations, programs, and projects based on their  
14 proven or potential contribution to the development  
15 of a free media environment worldwide;

16 (2) the importance of enabling free media to be-  
17 come commercially viable and financially inde-  
18 pendent in the long term; and

19 (3) the importance of providing media per-  
20 sonnel whose organizations, programs, or projects  
21 receive assistance under this section for training in  
22 professional and ethical journalism, editorial prac-  
23 tices, and media management by the Department of  
24 State, the Broadcasting Board of Governors, United  
25 States Agency for International Development grant-

1       ees, or other organizations qualified to provide such  
2       training.

3       (i) ANNUAL REPORTS.—Not later than January 31,  
4 of 2005 and in each subsequent year, the Coordinator  
5 shall publish an annual report on the activities of the  
6 Fund, which shall include a comprehensive and detailed  
7 description of the operations, activities, financial condi-  
8 tion, and accomplishments under this section for the pre-  
9 ceding fiscal year. The reports shall also include an assess-  
10 ment of whether the Fund should also provide loans and  
11 guarantees as an additional means to carry out the pur-  
12 poses of this title.

13       (j) CONSULTATION REQUIREMENTS.—

14             (1) The Coordinator shall consult with the  
15 State Department official primarily responsible for  
16 developing and implementing United States policy  
17 with respect to a country prior to carrying out ac-  
18 tivities or providing assistance for such country  
19 through the Fund.

20             (2) Amounts in the Fund shall be used to carry  
21 out activities or provide assistance on the basis of  
22 consultations among all relevant United States Gov-  
23 ernment agencies operating in the country and with  
24 the approval of the chief of mission.

1 **SEC. 608. FREE MEDIA PROMOTION ACTIVITY OF THE**  
2 **BROADCASTING BOARD OF GOVERNORS.**

3 (a) IN GENERAL.—The Broadcasting Board of Gov-  
4 ernors shall make support for indigenous free media an  
5 integral part of its mission.

6 (b) AFFILIATES.—The Broadcasting Board of Gov-  
7 ernors shall submit a report to the appropriate congres-  
8 sional committees on the prospects and strategy for culti-  
9 vating affiliate relationships with free media in countries  
10 targeted for United States international broadcasting.

11 (c) TRAINING.—The Broadcasting Board of Gov-  
12 ernors shall enhance foreign journalist training programs  
13 in coordination with existing training programs adminis-  
14 tered by the Department of State and the United States  
15 Agency for International Development.

16 (d) AUTHORIZATION FOR APPROPRIATIONS.—In ad-  
17 dition to amounts otherwise authorized to be appropriated,  
18 there is authorized to be appropriated \$2,500,000 for the  
19 fiscal year 2004 and \$2,500,000 for the fiscal year 2005  
20 to support free media in countries in which the Broad-  
21 casting Board of Governors is decreasing or discontinuing  
22 United States international broadcasting activity.

1       **TITLE VII—MISCELLANEOUS**  
2                   **PROVISIONS**  
3                   **Subtitle A—Reporting**  
4                   **Requirements**

5       **SEC. 701. REPORTS ON BENCHMARKS FOR BOSNIA.**

6           (a) Section 7 of the 1998 Supplemental Appropria-  
7       tions and Rescissions Act (Public Law 105–174, 112 Stat.  
8       64) is amended—

9                   (1) at the end of paragraph (1) by striking “;  
10          and” and inserting a period;

11                   (2) by striking “Congress” and all that follows  
12          through “not later” and inserting “Congress not  
13          later”; and

14                   (3) by striking paragraph (2).

15          (b) Section 1203 of the Strom Thurmond National  
16       Defense Authorization Act for Fiscal Year 1999 (Public  
17       Law 105–261) is repealed.

18       **SEC. 702. REPORTS TO COMMITTEE ON INTERNATIONAL**  
19                   **RELATIONS.**

20          Notwithstanding any other provision of law, for the  
21       fiscal years 2004 and 2005, any report required by law  
22       or otherwise requested to be submitted by the Secretary  
23       of State or the Department of State to any committee of  
24       the Congress shall be submitted also to the Committee on  
25       International Relations of the House of Representatives.

1 **SEC. 703. REPORTS CONCERNING THE CAPTURE AND PROS-**  
2 **ECUTION OF PARAMILITARY AND OTHER**  
3 **TERRORIST LEADERS IN COLOMBIA.**

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

6 (1) As reported in the Department of State re-  
7 port Patterns of Global Terrorism 2001, the United  
8 Self-Defense Forces of Colombia (also referred to as  
9 “AUC” or “paramilitaries”) have been designated as  
10 a foreign terrorist organization by the United States  
11 primarily because of their increasing reliance on ter-  
12 rorist methods, such as the use of massacres, to pur-  
13 posefully displace segments of the population as re-  
14 tiation for allegedly supporting the AUC’s rival or-  
15 ganizations, the Revolutionary Armed Forces of Co-  
16 lombia (FARC) and the National Liberation Army  
17 (ELN) of Colombia. According to the report, the  
18 paramilitaries also use terrorist tactics to compete  
19 for narcotics-trafficking corridors and prime coca-  
20 growing terrain.

21 (2) The Department of State concluded in the  
22 2001 Country Report on Human Rights Practices  
23 that despite increased efforts by the Government of  
24 Colombia to combat and capture members of para-  
25 military groups, security forces sometimes illegally  
26 collaborate with paramilitaries forces and often fail

1 to take action to prevent paramilitary attacks which  
2 lead to serious abuses of human rights.

3 (3) In September 2002, Amnesty International,  
4 Human Rights Watch, and the Washington Office  
5 on Latin America released a report which argued  
6 that the Colombian Government had not made sub-  
7 stantial progress toward suspending officers impli-  
8 cated in human rights abuses, conducting effective  
9 judicial investigations of such abuses, or breaking  
10 the persistent links between some units of the Co-  
11 lombian military and paramilitary groups.

12 (4) In February 2003, the United Nations High  
13 Commissioner for Human Rights in Colombia re-  
14 ported that some units of the Colombian Security  
15 Forces continued to collude openly with illegal para-  
16 military groups in operations which resulted in viola-  
17 tions of human rights.

18 (5) The Consolidated Appropriations Resolu-  
19 tion, 2003 (Public Law 108–7) made available not  
20 less than \$5,000,000 to support a Colombian Armed  
21 Forces unit which is dedicated to apprehending lead-  
22 ers of Colombian paramilitary organizations.

23 (b) REPORTS TO CONGRESS.—Not later than 30 days  
24 after the date of enactment of this Act, and every 180  
25 days thereafter, the Secretary of State, after consulting

1 with internationally recognized human rights organiza-  
2 tions pursuant to the procedures required in section  
3 564(b) of the Consolidated Appropriations Resolution,  
4 2003, shall submit a report, in unclassified form (with a  
5 classified annex if necessary), on the specific measures  
6 that the Colombian authorities are taking to apprehend  
7 effectively and prosecute aggressively leaders of para-  
8 military organizations, to the Committee on International  
9 Relations of the House of Representatives and the Com-  
10 mittee on Foreign Relations of the Senate.

11 (c) CONTENTS OF REPORTS.—Each report submitted  
12 pursuant to subsection (b) shall—

13 (1) identify which Colombian Armed Forces  
14 units are receiving assistance to apprehend leaders  
15 of Colombian paramilitary organizations;

16 (2) describe the amount and purposes of such  
17 assistance;

18 (3) describe operations by Colombian security  
19 forces to apprehend and arrest leaders of Colombian  
20 paramilitary organizations;

21 (4) list the number of detentions, captures, and  
22 arrests of leaders of Colombian paramilitary organi-  
23 zations, disaggregating the number according to  
24 those detentions, captures, and arrests which were

1 carried out by Colombian security forces identified  
2 under paragraph (1);

3 (5) briefly describe the status of investigations  
4 and prosecutions of cases by the Colombian Attorney  
5 General's office involving the arrests of leaders of  
6 Colombian paramilitary organizations; and

7 (6) estimate the number of hours of use by the  
8 Colombian military of helicopters provided by the  
9 United States under Plan Colombia and successor  
10 programs to apprehend the leaders of Colombian  
11 paramilitary organizations, as well as leaders of the  
12 FARC and ELN, including those individuals who  
13 have United States indictments pending against  
14 them.

15 **SEC. 704. REPORTS RELATING TO MAGEN DAVID ADOM SO-**  
16 **CIETY.**

17 (a) FINDINGS.—Section 690(a) of the Foreign Rela-  
18 tions Authorization Act, Fiscal Year 2003 (Public Law  
19 107–228) is amended by adding at the end the following:

20 “(5) Since the founding of the Magen David  
21 Adom in 1930, the American Red Cross has re-  
22 garded it as a sister national society forging close  
23 working ties between the two societies and has con-  
24 sistently advocated recognition and membership of

1 the Magen David Adom in the International Red  
2 Cross and Red Crescent Movement.

3 “(6) The American Red Cross and Magen  
4 David Adom signed an important memorandum of  
5 understanding in November 2002, outlining areas  
6 for strategic collaboration, and the American Red  
7 Cross will encourage other societies to establish simi-  
8 lar agreements with Magen David Adom.”.

9 (b) SENSE OF CONGRESS.—Section 690(b) of such  
10 Act is amended—

11 (1) in paragraph (3) after the semicolon by  
12 striking “and”;

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

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

17 “(4) the High Contracting Parties to the Gene-  
18 va Conventions of August 12, 1949, should adopt  
19 the October 12, 2000, draft additional protocol  
20 which would accord international recognition to an  
21 additional distinctive emblem; and”.

22 (c) REPORT.—Section 690 of such Act is further  
23 amended by adding at the end the following:

24 “(c) REPORT.—Not later than 60 days after the date  
25 of the enactment of the Foreign Relations Authorization

1 Act, Fiscal Years 2004 and 2005 and annually thereafter,  
 2 the Secretary of State shall submit a report, on a classified  
 3 basis if necessary, to the appropriate congressional com-  
 4 mittees describing—

5 “(1) efforts by the United States to obtain full  
 6 membership for the Magen David Adom in the  
 7 International Red Cross Movement;

8 “(2) efforts by the International Committee of  
 9 the Red Cross to obtain full membership for the  
 10 Magen David Adom in the International Red Cross  
 11 Movement;

12 “(3) efforts of the High Contracting Parties to  
 13 the Geneva Convention of 1949 to adopt the October  
 14 12, 2000, draft additional protocol; and

15 “(4) the extent to which the Magen David  
 16 Adom of Israel is participating in the activities of  
 17 the International Red Cross and Red Crescent Move-  
 18 ment.”.

19 **SEC. 705. REPORT CONCERNING THE RETURN OF POR-**  
 20 **TRAITS OF HOLOCAUST VICTIMS TO THE**  
 21 **ARTIST DINA BABBITT.**

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

24 (1) Dina Babbitt (formerly known as Dinah  
 25 Gottliebova), a United States citizen, has requested

1 the return of watercolor portraits she painted while  
2 suffering a one and one-half year long internment at  
3 the Auschwitz death camp during World War II,  
4 where she was ordered to paint portraits by the infa-  
5 mous war criminal Dr. Josef Mengele.

6 (2) Congress has previously considered the  
7 issue, under the Foreign Relations Authorization  
8 Act, Fiscal Year 2003 (Public Law 107-228), and  
9 urged the Administration to facilitate the return of  
10 the paintings to Dina Babbitt.

11 (3) The Administration has not yet reported  
12 any progress in furthering this goal, nor has the  
13 Secretary reported on the status of any negotiations  
14 held with the intent of furthering this goal.

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

16 (1) continues to recognize the moral right of  
17 Dina Babbitt to obtain the artwork she created, and  
18 recognizes her courage in the face of the evils per-  
19 petrated by the Nazi command of the Auschwitz-  
20 Birkenau death camp, including the atrocities com-  
21 mitted by Dr. Josef Mengele;

22 (2) urges the President of the United States to  
23 make all necessary efforts to retrieve the 7 water-  
24 color portraits painted by Dina Babbitt, during her  
25 internment at the Auschwitz death camp; and



1 for which such vested property or liquidated assets will  
2 be so used.”.

3 **SEC. 707. REPORT CONCERNING THE CONFLICT IN UGAN-**

4 **DA.**

5 (a) SENSE OF CONGRESS.—It is the sense of the Con-  
6 gress that the United States should—

7 (1) exhaust all diplomatic means and pressures,  
8 including the creation of a United States role in ne-  
9 gotiating humanitarian access to hitherto inaccess-  
10 sible populations which would offer an opportunity  
11 to bring the warring parties together to build con-  
12 fidence, to support an immediate peaceful resolution  
13 to the 16-year old conflict in Northern Uganda that  
14 has—

15 (A) killed an estimated 23,000 people, in-  
16 cluding 12,000 civilians,

17 (B) resulted in the forced abduction, sex-  
18 ual servitude, and armed recruitment of be-  
19 tween 16,000 to 26,000 Ugandan children by  
20 the Lord’s Resistance Army, a renegade army  
21 that has in the past sought refuge in southern  
22 Sudan and raided villages in northern Uganda,

23 (C) displaced over 800,000 Ugandan citi-  
24 zens and Sudanese refugees,

1 (D) resulted in the death and abduction of  
2 humanitarian aid workers, and

3 (E) gravely inhibited the delivery of emer-  
4 gency assistance and food aid to nearly 1 mil-  
5 lion northern Ugandan civilians dependent on  
6 such assistance for survival;

7 (2) urge rebel forces to stop the abduction of  
8 children, urge all forces to stop the use of child sol-  
9 diers, and seek the release of all forcibly-held chil-  
10 dren;

11 (3) make available technical assistance re-  
12 sources to seek, track, and stop funding for the  
13 Lord's Resistance Army (LRA) from all sources and  
14 condemn all governments and organizations who do  
15 assist the LRA;

16 (4) monitor and support negotiations conducted  
17 by an third-party institutions for an immediate  
18 cease-fire between the LRA and the Ugandan Gov-  
19 ernment, and to explore the possibility of facilitating  
20 the creation of mechanisms for an international  
21 monitoring team to enforce this cease-fire as the  
22 first step in the process toward a permanent peace;

23 (5) continue supporting the Sudan Peace Proc-  
24 ess and Danforth Initiative, which includes peace  
25 talks, donor coordination, regional support, civilian

1 protection and monitoring, and cease-fire verification  
2 and consider modeling aspects of this process in  
3 northern Uganda;

4 (6) make available sufficient resources to meet  
5 the immediate relief of the towns and cities sup-  
6 porting large displaced populations, including food,  
7 clean water, medicine, shelter, and clothing;

8 (7) make available increased resources for as-  
9 sistance to released and returned abducted children  
10 and child soldiers and ensure that amnesty is pro-  
11 vided when appropriate;

12 (8) work with other donors and the Ugandan  
13 Government to increase resources and technical sup-  
14 port to the Uganda Amnesty Commission for the in-  
15 creased demobilization of rebel combatants;

16 (9) examine ways in which development assist-  
17 ance can help those living in protective villages in  
18 northern Uganda return to and cultivate farmland;  
19 and

20 (10) condition military assistance to Uganda on  
21 its international compliance with sustained troop  
22 withdrawals from the Democratic Republic of Congo  
23 where the presence of Ugandan armies has contrib-  
24 uted to the violence and instability in the region.

1 (b) REPORTS TO CONGRESS.—Not later than 180  
2 days after the date of the enactment of this Act, and not  
3 later than April 1 of each subsequent year, the Secretary  
4 shall submit to the appropriate congressional committees  
5 a report on the comprehensive actions of the United States  
6 in seeking a peaceful and immediate solution to conflict  
7 in northern Uganda as well as humanitarian assistance  
8 efforts to the region, including efforts to advance each  
9 area addressed in subsection (a).

## 10 **Subtitle B—Other Matters**

### 11 **SEC. 721. SENSE OF CONGRESS RELATING TO EAST TIMOR, 12 JUSTICE, AND REHABILITATION.**

13 The Congress—

14 (1) recalls that the United Nations Inter-  
15 national Commission of Inquiry concluded in Janu-  
16 ary 2000 that “the Indonesian Army was responsible  
17 for the intimidation, terror, killings and other acts  
18 of violence” during East Timor’s vote for independ-  
19 ence in 1999;

20 (2) reiterates that justice for crimes against hu-  
21 manity and war crimes committed in East Timor  
22 during the vote for independence in 1999 is crucial  
23 for peace, reconciliation, and the ongoing nation-  
24 building process in East Timor and Indonesia;

1           (3) finds that the ad hoc Human Rights Court  
2 on East Timor established by the Indonesian Gov-  
3 ernment in 2001 has inadequately brought to justice  
4 the perpetrators of these crimes as eleven of four-  
5 teen defendants have been acquitted as a result of  
6 poor indictments and the absence of an adequate  
7 witness protection program, and four of the five sen-  
8 tences imposed have been less than the minimum al-  
9 lowed under the Indonesian Human Rights Law;

10           (4) supports the work of the Joint United Na-  
11 tions-East Timor Serious Crimes Unit (SCU), which  
12 filed indictments against high-ranking Indonesian  
13 officers who were allegedly involved in the crimes,  
14 including Gen. Wiranto, Maj. Gen. Kiki Syahnakri,  
15 Maj. Gen. Zacky Anwar Makarim, Maj. Gen. Adam  
16 Damiri, Col. Suratman, Col. Noer Muis, Col. Yayat  
17 Sudrajat and former Governor Abilio Soares, and ex-  
18 presses its strong disappointment that the Indo-  
19 nesian Government has stated its intention to ignore  
20 the indictments;

21           (5) calls on the State Department and the  
22 United States Mission to the United Nations to push  
23 for a comprehensive United Nations review of the  
24 Indonesian ad hoc Human Rights Court on East  
25 Timor, including a review of the conduct of trials,

1 the indictment strategy by the prosecutors and its  
2 adherence to the international standards, and urges  
3 the State Department to consider alternative mecha-  
4 nisms of justice for East Timor, including the estab-  
5 lishment of an ad hoc international tribunal; and

6 (6) urges the Indonesian Government to fully  
7 cooperate with the joint United Nations-East Timor  
8 Serious Crimes Unit (SCU) and encourages the  
9 United States to urge the Indonesian Government to  
10 fully cooperate with the SCU.

11 **SEC. 722. SENSE OF CONGRESS CONCERNING HUMAN**  
12 **RIGHTS AND JUSTICE IN INDONESIA.**

13 The Congress—

14 (1) notes with grave concern that members of  
15 the Indonesian security forces, particularly the Army  
16 Special Forces (Kopassus) and the Police Mobile  
17 Brigade (Brimob), continue to commit many serious  
18 human rights violations, including extrajudicial  
19 killings, torture, rape, and arbitrary detention, par-  
20 ticularly in areas of conflict such as Aceh, Papua,  
21 the Moluccas, and Central Sulawesi;

22 (2) notes with grave concern that the Govern-  
23 ment of Indonesia largely fails to hold soldiers and  
24 police accountable for extrajudicial killings and other  
25 serious human rights abuses, both past and present;

1           (3) condemns the intimidation and harassment  
2 of human rights and civil society organizations and  
3 activists by members of Indonesian security forces  
4 and by military-backed militia groups, particularly in  
5 Aceh and Papua;

6           (4) notes with concern the Indonesian military's  
7 resistance to civilian control and oversight, its lack  
8 of budgetary transparency, and its continuing em-  
9 phasis on internal security within Indonesia;

10          (5) urges the Indonesian government and mili-  
11 tary to provide full, active, and unfettered coopera-  
12 tion with the investigation of the Federal Bureau of  
13 Investigation of the United States Department of  
14 Justice into the August 31, 2002 attack near  
15 Timika, Papua, which killed three people (including  
16 two Americans, Rick Spier and Ted Burgon), and  
17 injured 12 others, and which appears likely to have  
18 been perpetrated at least in part by members of the  
19 Indonesian military;

20          (6) commends the December 2002 signing of  
21 the Framework Agreement on Cessation of Hos-  
22 tilities in Aceh, but condemns the recent outbreaks  
23 of violence and militia activity that appear calculated  
24 to subvert that cease-fire agreement;

1           (7) notes with grave concern the continued de-  
2           tention of Muhammad Nazar, and the fact that  
3           those responsible for the murders of other prominent  
4           members of civil society in Aceh, such as Jafar  
5           Siddiq Hamzah, Sukardi, Sulaiman Ahmad, Tengku  
6           Safwan Idris, Nashiruddin Daud, and Zaini  
7           Sulaiman, still have not been apprehended, pros-  
8           ecuted, or punished;

9           (8) commends the “Zone of Peace” initiative in  
10          Papua, which has brought together civic, religious,  
11          governmental, and police representatives to discuss  
12          productive means of avoiding conflict, but expresses  
13          concern at the refusal of the Indonesian military to  
14          participate in that effort; and

15          (9) encourages the Government of Indonesia to  
16          expedite the reunification of separated East Timor-  
17          ese children with their families, and to hold legally  
18          accountable those individuals and organizations re-  
19          sponsible for taking those children and for obstruct-  
20          ing reunification efforts.

21 **SEC. 723. AMENDMENT TO THE INTERNATIONAL RELI-**  
22 **GIUS FREEDOM ACT OF 1998.**

23          Section 207(a) of the International Religious Free-  
24          dom Act of 1998 (22 U.S.C. 6435(a)) is amended by in-

1 serting “and for each subsequent fiscal year” after  
2 “2003”.

3 **SEC. 724. SENSE OF CONGRESS WITH RESPECT TO HUMAN**  
4 **RIGHTS IN CENTRAL ASIA.**

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

7 (1) The Central Asian nations of Kazakhstan,  
8 Kyrgyzstan, Tajikistan, Turkmenistan, and  
9 Uzbekistan are providing the United States with as-  
10 sistance in the war in Afghanistan, from military  
11 basing and overflight rights to the facilitation of hu-  
12 manitarian relief.

13 (2) In turn, the United States victory over the  
14 Taliban in Afghanistan provides important benefits  
15 to the Central Asian nations by removing a regime  
16 that threatened their security and by significantly  
17 weakening the Islamic Movement of Uzbekistan, a  
18 terrorist organization that had previously staged  
19 armed raids from Afghanistan into the region.

20 (3) The United States has consistently urged  
21 the nations of Central Asia to open their political  
22 systems and economies and to respect human rights,  
23 both before and since the attacks of September 11,  
24 2001.

1           (4) Kazakhstan, Kyrgyzstan, Tajikistan,  
2           Turkmenistan, and Uzbekistan are members of the  
3           United Nations and the Organization for Security  
4           and Cooperation in Europe (OSCE), both of which  
5           confer a range of obligations with respect to human  
6           rights on their members.

7           (5) While the United States recognizes marked  
8           differences among the social structures and commit-  
9           ments to democratic and economic reform of the  
10          Central Asian nations, the United States notes nev-  
11          ertheless, according to the State Department Coun-  
12          try Reports on Human Rights Practices, that all five  
13          governments of such nations, to differing degrees,  
14          restrict freedom of speech and association, restrict  
15          or ban the activities of human rights organizations  
16          and other nongovernmental organizations, harass or  
17          prohibit independent media, imprison political oppo-  
18          nents, practice arbitrary detention and arrest, and  
19          engage in torture and extrajudicial executions.

20          (6) By continuing to suppress human rights  
21          and to deny citizens peaceful, democratic means of  
22          expressing their convictions, the nations of Central  
23          Asia risk fueling popular support for violent and ex-  
24          tremist movements, thus undermining the goals of  
25          the war on terrorism.

1           (7) President George W. Bush has made the  
2 defense of human dignity, the rule of law, limits on  
3 the power of the state, respect for women and pri-  
4 vate property, free speech, equal justice, religious  
5 tolerance strategic goals of United States foreign  
6 policy in the Islamic world, arguing that “a truly  
7 strong nation will permit legal avenues of dissent for  
8 all groups that pursue their aspirations without vio-  
9 lence”.

10           (8) Congress has expressed its desire to see  
11 deeper reform in Central Asia in past resolutions  
12 and other legislation, most recently conditioning as-  
13 sistance to Uzbekistan and Kazakhstan on their  
14 progress in meeting commitments to the United  
15 States on human rights and democracy.

16           (b) SENSE OF CONGRESS.—It is the sense of the  
17 Congress that—

18           (1) the governments of Kazakhstan,  
19 Kyrgyzstan, Tajikistan, Turkmenistan, and  
20 Uzbekistan should accelerate democratic reforms  
21 and fulfill their human rights obligations, including,  
22 where appropriate, by—

23           (A) releasing from prison anyone jailed for  
24 peaceful political activism or the nonviolent ex-  
25 pression of their political or religious beliefs;

1 (B) fully investigating any credible allega-  
2 tions of torture and prosecuting those respon-  
3 sible;

4 (C) permitting the free and unfettered  
5 functioning of independent media outlets, inde-  
6 pendent political parties, and nongovernmental  
7 organizations, including by easing registration  
8 processes;

9 (D) permitting the free exercise of reli-  
10 gious beliefs and ceasing the persecution of  
11 members of religious groups and denominations  
12 that do not engage in violence or political  
13 change through violence;

14 (E) holding free, competitive, and fair elec-  
15 tions; and

16 (F) making publicly available documenta-  
17 tion of their revenues and punishing those en-  
18 gaged in official corruption;

19 (2) the President, the Secretary of State, and  
20 the Secretary of Defense should—

21 (A) continue to raise at the highest levels  
22 with the governments of the nations of Central  
23 Asia specific cases of political and religious per-  
24 secution, and to urge greater respect for human

1 rights and democratic freedoms at every diplo-  
2 matic opportunity;

3 (B) take progress in meeting the goals  
4 specified in paragraph (1) into account when  
5 determining the scope and nature of United  
6 States diplomatic and military relations and as-  
7 sistance with each of such governments;

8 (C) ensure that the provisions of foreign  
9 operations appropriations Acts are fully imple-  
10 mented to ensure that no United States assist-  
11 ance benefits security forces in Central Asia  
12 that are implicated in violations of human  
13 rights;

14 (D) press the Government of  
15 Turkmenistan to implement the helpful rec-  
16 ommendations contained in the 2003 resolution  
17 on Turkmenistan of the United Nations Com-  
18 mission on Human Rights and the so-called  
19 “Moscow Mechanism” Report of the Organiza-  
20 tion for Security and Cooperation in Europe  
21 (OSCE), respect the right of all prisoners to  
22 due process and a fair trial and release demo-  
23 cratic activists and their family members from  
24 prison;

1 (E) urge the Government of Russia not to  
2 extradite to Turkmenistan members of the po-  
3 litical opposition of Turkmenistan;

4 (F) work with the Government of  
5 Kazakhstan to create a political climate free of  
6 intimidation and harassment, including releas-  
7 ing political prisoners and permitting the return  
8 of political exiles, and to reduce official corrup-  
9 tion, including by urging the Government of  
10 Kazakhstan to cooperate with the ongoing  
11 United States Department of Justice investiga-  
12 tion;

13 (G) support through United States assist-  
14 ance programs individuals, nongovernmental or-  
15 ganizations, and media outlets in Central Asia  
16 working to build more open societies, to support  
17 the victims of human rights abuses, and to ex-  
18 pose official corruption; and

19 (H) press the Government of Uzbekistan  
20 to implement fully the recommendations made  
21 to the Government of Uzbekistan by the United  
22 Nations' Special Rapporteur on Torture; and

23 (3) increased levels of United States assistance  
24 to the governments of the nations of Central Asia  
25 made possible by their cooperation in the war in Af-

1 ghanistan can be sustained only if there is substan-  
 2 tial and continuing progress toward meeting the  
 3 goals specified in paragraph (1).

4 **SEC. 725. TECHNICAL CORRECTION TO AUTHORIZATION OF**  
 5 **APPROPRIATIONS FOR FISCAL YEAR 2003**  
 6 **FOR CENTER FOR CULTURAL AND TECH-**  
 7 **NICAL INTERCHANGE BETWEEN EAST AND**  
 8 **WEST.**

9 Section 112(3) of the Foreign Relations Authoriza-  
 10 tion Act, Fiscal Year 2003 (116 Stat. 1358; Public Law  
 11 107–228) is amended by striking “\$15,000,000” and in-  
 12 serting “\$18,000,000”.

13 **DIVISION B—DEFENSE TRADE**  
 14 **AND SECURITY ASSISTANCE**  
 15 **REFORM ACT OF 2003**  
 16 **TITLE X—GENERAL PROVISIONS**

17 **SEC. 1001. SHORT TITLE.**

18 This division may be cited as the “Defense Trade and  
 19 Security Assistance Reform Act of 2003”.

20 **SEC. 1002. DEFINITIONS.**

21 Except as otherwise provided, in this division:

22 (1) **DEFENSE ARTICLES.**—The term “defense  
 23 articles” has the meaning given the term in section  
 24 47(7)(A) of the Arms Export Control Act (as  
 25 amended by section 1107(d) of this Act).

1           (2) DEFENSE SERVICES.—The term “defense  
2 services” has the meaning given the term in section  
3 47(7)(B) of the Arms Export Control Act (as  
4 amended by section 1107(d) of this Act).

5           (3) DUAL USE.—The term “dual use” means,  
6 with respect to goods or technology, those goods or  
7 technology that are specifically designed or devel-  
8 oped for civil purposes but which also may be used  
9 or deployed in a military mode.

10          (4) EXPORT ADMINISTRATION REGULATIONS.—  
11 The term “Export Administration Regulations”  
12 means those regulations contained in sections 730–  
13 774 of title 15, Code of Federal Regulations (or suc-  
14 cessor regulations).

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

18          (6) INTERNATIONAL TRAFFIC IN ARMS REGULA-  
19 TIONS.—The term “International Traffic in Arms  
20 Regulations” means those regulations contained in  
21 sections 120–130 of title 22, Code of Federal Regu-  
22 lations (or successor regulations).

23          (7) MISSILE TECHNOLOGY CONTROL REGIME;  
24 MTCR.—The term “Missile Technology Control Re-  
25 gime” or “MTCR” has the meaning given the term

1 in section 11B(c)(2) of the Export Administration  
2 Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

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

9 (9) OPERATION IRAQI FREEDOM.—The term  
10 “Operation Iraqi Freedom” means operations of  
11 United States Armed Forces, the armed forces of  
12 the United Kingdom, and the armed forces of other  
13 coalition member countries initiated on or about  
14 March 19, 2003—

15 (A) to disarm Iraq of its weapons of mass  
16 destruction;

17 (B) to enforce United Nations Security  
18 Council Resolution 1441 (November 8, 2002)  
19 and other relevant Security Council resolutions  
20 with respect to Iraq; and

21 (C) to liberate the people of Iraq from the  
22 regime of Saddam Hussein.

23 (10) TECHNOLOGY.—The term “technology”  
24 has the meaning given the term in section 16(4) of

1 the Export Administration Act of 1979 (50 U.S.C.  
2 App. 2415(4)).

3 **SEC. 1003. REFERENCES TO ARMS EXPORT CONTROL ACT.**

4 Except as otherwise specifically provided, whenever in  
5 this division an amendment is expressed in terms of an  
6 amendment to a section or other provision, the reference  
7 shall be considered to be made to that section or other  
8 provision of the Arms Export Control Act (22 U.S.C. 2751  
9 et seq.).

10 **TITLE XI—TERRORIST-RELATED**  
11 **PROHIBITIONS AND EN-**  
12 **FORCEMENT MEASURES**

13 **SEC. 1101. ELIGIBILITY PROVISIONS.**

14 (a) INELIGIBILITY FOR TERRORIST RELATED  
15 TRANSACTIONS.—Section 3(c)(1) (22 U.S.C. 2753(c)(1))  
16 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) (22  
10 U.S.C. 2753(e)) is amended by inserting after “the For-  
11 eign Assistance Act of 1961,” the following: “regardless  
12 of whether the article or service has been sold or otherwise  
13 furnished by the United States Government or licensed  
14 under section 38 of this Act,”.

15 **SEC. 1102. WEAPONS TRANSFERS TO FOREIGN PERSONS IN**  
16 **THE UNITED STATES.**

17 Section 38(a)(1) (22 U.S.C. 2778(a)(1)) is amended  
18 in the first sentence by inserting after “import and the  
19 export of defense articles and defense services” the fol-  
20 lowing: “, or the transfer of such articles, other than fire-  
21 arms (or ammunition, components, parts, accessories, or  
22 attachments for firearms), and services within the United  
23 States to foreign persons,”.

1 **SEC. 1103. COORDINATION OF LICENSE EXEMPTIONS WITH**  
2 **UNITED STATES LAW ENFORCEMENT AGEN-**  
3 **CIES.**

4 (a) SENSE OF CONGRESS.—In view of the historic  
5 difficulties in the enforcement of the Arms Export Control  
6 Act (22 U.S.C. 2751 et seq.) associated with violations  
7 involving exports of defense articles and defense services  
8 that have been exempted by regulation from the licensing  
9 requirements of section 38 of such Act, it is the sense of  
10 Congress that the establishment of new exemptions by reg-  
11 ulation should only be undertaken after careful coordina-  
12 tion with the appropriate United States law enforcement  
13 agencies.

14 (b) AMENDMENT.—Section 38(b)(2) (22 U.S.C.  
15 2778(b)(2)) is amended by adding at the end the following  
16 new sentences: “In promulgating regulations under sub-  
17 section (a)(1) in accordance with the preceding sentence,  
18 any provision in such regulations that permits the export  
19 of defense articles or defense services without a license  
20 shall include a determination by the Attorney General, in  
21 consultation with the Secretary of Homeland Security and  
22 the Director of the Federal Bureau of Investigation, that  
23 the compilation and maintenance of sufficient documenta-  
24 tion relating to the export without a license of the articles  
25 or services is ensured, notwithstanding the absence of a  
26 license, to facilitate law enforcement efforts to detect, pre-

1 vent, and prosecute criminal violations of any provision of  
2 this section, section 39, or section 40 of this Act, including  
3 the efforts on the part of countries and factions engaged  
4 in international terrorism to illicitly acquire defense arti-  
5 cles and defense services. No defense article or defense  
6 service designated by the President under subsection  
7 (a)(1) may be exported without a license pursuant to a  
8 regulation under subsection (a)(1) that is promulgated on  
9 or after January 1, 2003, until 30 days after the date  
10 on which the President provides notice of the proposed  
11 regulation to the Committee on International Relations of  
12 the House of Representatives and to the Committee on  
13 Foreign Relations of the Senate in accordance with the  
14 procedures applicable to reprogramming notifications  
15 under section 634A(a) of the Foreign Assistance Act of  
16 1961, including a description of the criteria that would  
17 be used to permit the export of the article or service and  
18 any measures to facilitate law enforcement efforts associ-  
19 ated with the Attorney General's determination required  
20 by the preceding sentence.”.

21 **SEC. 1104. MECHANISMS TO IDENTIFY PERSONS IN VIOLA-**  
22 **TION OF CERTAIN PROVISIONS OF LAW.**

23 Section 38(g)(1)(A) (22 U.S.C. 2778(g)(1)(A)) is  
24 amended—

25 (1) in clause (iii)—

1 (A) by striking “or section 2339A” and in-  
2 serting “, section 2339A”; and

3 (B) by inserting at the end before the  
4 comma the following: “, or section 2339C of  
5 such title (relating to financing terrorism)”;

6 (2) in clause (x), by striking “or” at the end;

7 (3) in clause (xi), by striking the semicolon at  
8 the end and inserting a comma; and

9 (4) by adding at the end the following:

10 “(xii) subclause (I) or (II) of section  
11 1956(e)(7)(B)(v) of title 18, United States  
12 Code;

13 “(xiii) section 329 of the Uniting and  
14 Strengthening America by Providing Appro-  
15 priate Tools Required to Intercept and Obstruct  
16 Terrorism (USA PATRIOT ACT) Act of 2001;

17 “(xiv) section 5332 of title 31, United  
18 States Code;

19 “(xv) section 1960 of title 18, United  
20 States Code;

21 “(xvi) section 175(b), 175b, 1993, 2339 of  
22 title 18, United States Code;

23 “(xvii) section 2332a, 2332b, or 2332f of  
24 title 18, United States Code; or

1                   “(xviii) section 175 of title 18, United  
2                   States Code;”.

3 **SEC. 1105. COMPREHENSIVE NATURE OF UNITED STATES**

4                   **ARMS EMBARGOES.**

5                   (a) FINDINGS; SENSE OF CONGRESS.—

6                   (1) FINDINGS.—Congress finds that—

7                   (A) governments to which the United  
8                   States Government prohibits by law or policy  
9                   the transfer of implements of war, including  
10                  material, components, parts, and other defense  
11                  articles and defense services (as defined in  
12                  paragraphs (3) and (4) of section 47 of the  
13                  Arms Export Control Act, respectively) continue  
14                  to seek to evade these embargoes through in-  
15                  creasingly sophisticated illegal acquisitions via  
16                  the “international gray arms market” and by  
17                  seeking to exploit weaknesses in the export con-  
18                  trol system of the United States and its friends  
19                  and allies; and

20                  (B) the strict and comprehensive applica-  
21                  tion of arms embargoes referred to in subpara-  
22                  graph (A) including those embargoes estab-  
23                  lished by the United Nations Security Council  
24                  is of fundamental importance to the security

1           and foreign policy interests of the United  
2           States.

3           (2) SENSE OF CONGRESS.—It is the sense of  
4           Congress that the United States Government should  
5           continue to provide a leadership role internationally  
6           in ensuring the effectiveness of arms embargoes re-  
7           ferred to in paragraph (1).

8           (b) SCOPE OF EMBARGOES.—Section 38 (22 U.S.C.  
9           2778) is amended by adding at the end the following:

10          “(k) Whenever the United States maintains an arms  
11          embargo pursuant to United States law, or through public  
12          notice by the President or Secretary of State pursuant to  
13          the authorities of this Act, no defense article or defense  
14          service subject to sections 120–130 of title 22, Code of  
15          Federal Regulations (commonly known as the ‘Inter-  
16          national Traffic in Arms Regulations’) and no dual use  
17          good or technology subject to sections 730–774 of title 15,  
18          Code of Federal Regulations (commonly known as the ‘Ex-  
19          port Administration Regulations’) shall be sold or trans-  
20          ferred to the military, police, or intelligence services of the  
21          embargoed government, including any associated govern-  
22          mental agency, subdivision, entity, or other person acting  
23          on their behalf, unless, at a minimum and without preju-  
24          dice to any additional requirements established in United  
25          States law or regulation, the Secretary of State and the

1 Secretary of Defense have concurred in the sale or trans-  
2 fer through issuance of a license.”.

3 (c) ESTABLISHMENT OF CONTROLS.—The Secretary  
4 shall consult with the Secretary of Commerce to ensure  
5 the establishment of appropriate foreign policy and na-  
6 tional security controls and license requirements under the  
7 Export Administration Regulations in order to ensure the  
8 effective implementation of section 38(k) of the Arms Ex-  
9 port Control Act, as added by subsection (b).

10 (d) REPORT.—Not later than 120 days after the date  
11 of the enactment of this Act, the Secretary shall submit  
12 to the appropriate congressional committees a report that  
13 describes the actions taken to implement the requirements  
14 of subsection (c).

15 **SEC. 1106. TRANSACTIONS WITH COUNTRIES SUPPORTING**  
16 **ACTS OF INTERNATIONAL TERRORISM.**

17 Section 40(l)(1) (22 U.S.C. 2780(l)(1)) is amended  
18 by striking “any item enumerated on the United States  
19 Munitions List” and inserting “a defense article or de-  
20 fense service (as defined in subparagraph (A) or (B) of  
21 section 47(7), respectively), an item enumerated on the  
22 United States Munitions List (as designated by the Presi-  
23 dent pursuant to section 38(a)), or any other activity for  
24 which a license or other approval is required pursuant to  
25 the regulations promulgated under subsection (a)(1)”.

1 **SEC. 1107. AMENDMENTS TO CONTROL OF ARMS EXPORTS**  
2 **AND IMPORTS.**

3 (a) REVISION OF STANDARD FOR VIOLATION;  
4 AMOUNT OF PENALTIES.—Section 38(c) (22 U.S.C.  
5 2778(e)) is amended—

6 (1) by striking “willfully” each place it appears  
7 and inserting “knowingly”;

8 (2) by striking “this section or section 39” and  
9 inserting “this section, section 39, or section 40”;  
10 and

11 (3) by striking “\$1,000,000” and inserting  
12 “\$1,000,000 (in the case of a violation of this sec-  
13 tion or section 39), \$2,000,000 (in the case of a vio-  
14 lation involving any country covered by section 40),  
15 and \$1,500,000 (in the case of a violation involving  
16 any country other than a country covered by section  
17 40 that is subject by United States law or policy to  
18 an arms embargo)”.

19 (b) CIVIL PENALTIES.—Section 38(e) (22 U.S.C.  
20 2778(e)) is amended in the third sentence by striking  
21 “under this section may not exceed \$500,000” and insert-  
22 ing “or any other activities subject to control under this  
23 section, section 39, or section 40, may not exceed  
24 \$500,000 for each violation of section 38 or section 39,  
25 \$1,000,000 for each violation involving any country cov-  
26 ered by section 40, and \$750,000 for each violation relat-

1 ing to an arms embargo (other than a violation covered  
2 by section 40)”.

3 (c) REVISION OF STANDARD FOR VIOLATION; CRIMI-  
4 NAL PENALTY; CIVIL PENALTIES; ENFORCEMENT.—Sec-  
5 tion 40 (22 U.S.C. 2780) is amended—

6 (1) in subsection (j)—

7 (A) by striking “willfully” and inserting  
8 “knowingly”; and

9 (B) by striking “\$1,000,000” and insert-  
10 ing “\$2,000,000”; and

11 (2) in subsection (k), by striking “\$500,000”  
12 and inserting “\$1,000,000”.

13 (d) DEFINITIONS.—Section 47(7) (22 U.S.C.  
14 2794(7)) is amended to read as follows:

15 “(7)(A) ‘defense articles’, with respect to ex-  
16 ports subject to sections 38, 39, and 40 of this Act,  
17 has the meaning given such term in sections 120–  
18 130 of title 22, Code of Federal Regulations (com-  
19 monly known as the ‘International Traffic in Arms  
20 Regulations’), as such regulations were in effect on  
21 January 1, 2003, and includes such additional arti-  
22 cles as may be designated by the President under  
23 section 38(a)(1); and

24 “(B) ‘defense services’, with respect to exports  
25 subject to sections 38, 39, and 40 of this Act, has

1 the meaning given such term in sections 120–130 of  
2 title 22, Code of Federal Regulations (commonly  
3 known as the ‘International Traffic in Arms Regula-  
4 tions’), as such regulations were in effect on Janu-  
5 ary 1, 2003, and includes—

6 “(i) the provision of assistance (including  
7 aiding, abetting, or training) to foreign persons;  
8 and

9 “(ii) such other activities as may be des-  
10 ignated by the President pursuant to section  
11 38(a)(1).”.

12 **SEC. 1108. HIGH RISK EXPORTS AND END USE**  
13 **VERIFICATION.**

14 Section 38(g)(7) (22 U.S.C. 2778) is amended by  
15 adding at the end the following new sentence: “Such  
16 standards shall be coordinated biennially with the Sec-  
17 retary of Homeland Security, the Attorney General, the  
18 Director of the Federal Bureau of Investigation, the Di-  
19 rector of Central Intelligence, and the heads of other Fed-  
20 eral departments or agencies, as appropriate.”.

21 **SEC. 1109. CONCURRENT JURISDICTION OF THE FEDERAL**  
22 **BUREAU OF INVESTIGATION.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that, in view of the responsibilities of the Federal  
25 Bureau of Investigation for protecting the United States

1 against terrorist attack, foreign intelligence operations,  
2 high technology crimes, and transnational criminal organi-  
3 zations and enterprises, the Federal Bureau of Investiga-  
4 tion should be provided authority to investigate and en-  
5 force violations of the Arms Export Control Act without  
6 adversely affecting the existing authority of the Bureau  
7 of Customs and Border Protection of the Department of  
8 Homeland Security.

9 (b) COPY OF REGISTRATION.—Section 38(b)(1) (22  
10 U.S.C. 2778(b)) is amended—

11 (1) by redesignating the second subparagraph

12 (B) as subparagraph (C); and

13 (2) in subparagraph (B)—

14 (A) in the first sentence, by inserting “and  
15 the Director of the Federal Bureau of Inves-  
16 tigation” after “Secretary of Treasury”; and

17 (B) in the second sentence, by inserting  
18 “and the Director” after “The Secretary”.

19 (c) JURISDICTION OF FBI AND BUREAU OF CUS-  
20 TOMS.—Section 38(e) (22 U.S.C. 2778(e)) is amended in  
21 the first sentence by adding at the end before the period  
22 the following: “, and except further, that the Federal Bu-  
23 reau of Investigation and the Bureau of Customs and Bor-  
24 der Protection of the Department of Homeland Security

1 shall have concurrent jurisdiction for criminal violations  
2 and enforcement of this Act”.

3 (d) MECHANISMS TO IDENTIFY PERSONS IN VIOLA-  
4 TION OF CERTAIN PROVISIONS OF LAW.—Section 38(g)  
5 (22 U.S.C. 2778(g)) is amended in the second sentence  
6 of paragraph (3), in paragraph (4), and in paragraph (8)  
7 by inserting “and the Director of the Federal Bureau of  
8 Investigation” after “Secretary of Treasury”.

9 **SEC. 1110. REPORT ON FOREIGN-SUPPLIED DEFENSE ARTI-**  
10 **CLES, DEFENSE SERVICES, AND DUAL USE**  
11 **GOODS AND TECHNOLOGY DISCOVERED IN**  
12 **IRAQ.**

13 (a) REPORT.—

14 (1) IN GENERAL.—Not later than 180 days  
15 after the date of the enactment of this Act, and on  
16 annual basis thereafter as appropriate, the President  
17 shall prepare and transmit to the congressional com-  
18 mittees specified in paragraph (2) a written report  
19 on foreign-supplied defense articles, defense services,  
20 and dual use goods and technology supplied to Iraq  
21 since the adoption of United Nations Security Coun-  
22 cil Resolution 687 (April 3, 1991) and discovered in  
23 Iraq since the inception of Operation Iraqi Freedom  
24 or identified as having been in Iraq at any time  
25 since April 3, 1991, and not destroyed or otherwise

1       accounted for by the United Nations Special Com-  
2       mission (UNSCOM) or the United Nations Moni-  
3       toring, Verification and Inspection Commission  
4       (UNMOVIC).

5               (2) CONGRESSIONAL COMMITTEES SPECI-  
6       FIED.—The congressional committees referred to in  
7       paragraph (1) are—

8               (A) the Committee on International Rela-  
9       tions and the Committee on Armed Services of  
10       the House of Representatives; and

11              (B) the Committee on Foreign Relations  
12       and the Committee on Armed Services of the  
13       Senate.

14       (b) CONTENTS.—The report required by subsection  
15 (a) shall include information on defense articles, defense  
16 services, and dual use goods and technology discovered in  
17 accordance with such subsection, including a description  
18 of such articles, services, and goods and technology by cat-  
19 egory or type, quantity, country of origin (if known), man-  
20 ufacturer (if known), date of acquisition (if known), and,  
21 in the case of dual use goods and technology, the use or  
22 intended use or deployment (if known) and whether the  
23 goods or technology are covered by any arms control  
24 agreement or nonproliferation arrangement to which the  
25 United States is a party.

1 (c) FORM.—The report required by subsection (a)  
2 shall be transmitted in unclassified form to the maximum  
3 extent practicable, but may contain a classified annex if  
4 necessary.

5 **TITLE XII—STRENGTHENING**  
6 **MUNITIONS EXPORT CONTROLS**

7 **SEC. 1201. CONTROL OF ITEMS ON MISSILE TECHNOLOGY**  
8 **CONTROL REGIME ANNEX.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-  
10 gress that all proposals to export or transfer to foreign  
11 persons by other means, whether in the United States or  
12 abroad, and any other activities subject to regulation  
13 under section 38, 39, or 40 of the Arms Export Control  
14 Act, relating to items on the Missile Technology Control  
15 Regime Annex, should be accorded stringent control and  
16 scrutiny consistent with the purposes of section 71 of the  
17 Arms Export Control Act (22 U.S.C. 2797).

18 (b) CONTROL OF ITEMS ON MTCR ANNEX.—The  
19 Secretary, in coordination with the Secretary of Com-  
20 merce, the Attorney General, and the Secretary of De-  
21 fense, shall ensure that all items on the MTCR Annex are  
22 subject to stringent control by the United States Govern-  
23 ment pursuant to the International Traffic in Arms Regu-  
24 lations and the Export Administration Regulations.

1 (c) CERTIFICATION.—Not later than March 1 of each  
2 year, the Secretary, in coordination with the Secretary of  
3 Commerce, the Attorney General and the Secretary of De-  
4 fense, shall prepare and submit to the appropriate con-  
5 gressional committees a report that contains—

6 (1) a certification that the requirement of sub-  
7 section (b) has been met for the prior year, or if the  
8 requirement has not been met, the reasons therefor;  
9 and

10 (2) a description of the updated coverage, if  
11 any, of the regulations referred to in subsection (b)  
12 with respect to all items on the MTCR Annex and  
13 an explanation of any areas of overlap or omissions,  
14 if any, among the regulations.

15 **SEC. 1202. CERTIFICATIONS RELATING TO EXPORT OF CER-**  
16 **TAIN DEFENSE ARTICLES AND SERVICES.**

17 Section 36(c) (22 U.S.C. 2776(c)) is amended—

18 (1) in the first sentence of paragraph (1), by  
19 inserting after “\$1,000,000 or more” the following:  
20 “, or, notwithstanding section 27(g) of this Act, for  
21 any special comprehensive authorization under sec-  
22 tions 120–130 of title 22, Code of Federal Regula-  
23 tions (commonly known as the ‘International Traffic  
24 in Arms Regulations’) for the export of defense arti-

1       cles or defense services in an aggregate amount of  
2       \$100,000,000 or more”;

3               (2) in paragraph (2)—

4                       (A) by striking subparagraph (B); and

5                       (B) by redesignating subparagraph (C) as  
6       subparagraph (B); and

7               (3) in the matter preceding subparagraph (A)  
8       of paragraph (5), by inserting “or paragraph (2)”  
9       after “paragraph (1)”.

10 **SEC. 1203. NOTIFICATION REQUIREMENTS FOR TECHNICAL**  
11                       **ASSISTANCE AND MANUFACTURING LICENS-**  
12                       **ING AGREEMENTS WITH NATO MEMBER**  
13                       **COUNTRIES, AUSTRALIA, NEW ZEALAND, AND**  
14                       **JAPAN.**

15       Section 36(d) (22 U.S.C. 2776(d)) is amended by  
16 adding at the end the following:

17       “(6) In the case of a commercial technical assistance  
18 or manufacturing license agreement with a member coun-  
19 try of the North Atlantic Treaty Organization (NATO)  
20 or Australia, Japan, or New Zealand that does not author-  
21 ize a new sales territory that includes any country other  
22 than such countries, the requirements contained in para-  
23 graphs (2) and (4) shall apply only if—

24               “(A) the agreement involves—

1           “(i) major defense equipment in the  
2           amount of \$7,000,000 or more; or

3           “(ii) significant military equipment in the  
4           amount of \$25,000,000 or more; and

5           “(B) the amount referred to in clause (i) or (ii)  
6           of subparagraph (A), as the case may be, includes  
7           the estimated value of all defense articles and de-  
8           fense services to be manufactured or transferred  
9           throughout the duration of the approval period.”.

10 **SEC. 1204. STRENGTHENING DEFENSE COOPERATION WITH**  
11 **AUSTRALIA AND THE UNITED KINGDOM.**

12       (a) SENSE OF CONGRESS.—It is the sense of Con-  
13 gress that the expeditious consideration of munitions li-  
14 cense applications that meet the policy and eligibility cri-  
15 teria established in section 38 of the Arms Export Control  
16 Act (22 U.S.C. 2778) for export or transfer of defense  
17 items (as such term is defined in subsection (j)(4)(A) of  
18 such section) to Australia and the United Kingdom is fully  
19 consistent with United States security and foreign policy  
20 interests and the objectives of world peace and security.

21       (b) ESTABLISHMENT OF FAST TRACK MUNITIONS  
22 LICENSING FOR AUSTRALIA AND THE UNITED KING-  
23 DOM.—Section 38(f) (22 U.S.C. 2778(f)) is amended by  
24 adding at the end the following:

1       “(4) In the absence of a binding bilateral agreement  
2 with the Government of Australia or the Government of  
3 the United Kingdom (as the case may be) that meets the  
4 requirements of paragraph (2) and subsection (j), the Sec-  
5 retary of State shall ensure that any application submitted  
6 under this section for the export of defense items to Aus-  
7 tralia or the United Kingdom (as the case may be) that  
8 meets all other requirements of this section (including re-  
9 quirements relating to eligibility of parties to the trans-  
10 action, the absence of risk of diversion to unauthorized  
11 end use and end users, and preservation of United States  
12 intelligence and law enforcement interests), and which are  
13 also transactions involving defense items that would be ex-  
14 empt pursuant to sections 120–130 of title 22, Code of  
15 Federal Regulations (commonly known as the ‘Inter-  
16 national Traffic in Arms Regulations’) from export licens-  
17 ing or other written approvals if such items were items  
18 to be exported to Canada, are processed by the Depart-  
19 ment of State not later than ten days after the date of  
20 receipt of the application without referral to any other  
21 Federal department or agency, except on an extraordinary  
22 basis upon receipt of a written request from the Attorney  
23 General, the Secretary of Homeland Security, the Director  
24 of Central Intelligence, or the Secretary of Defense.”.

1 **SEC. 1205. TRAINING AND LIAISON FOR SMALL BUSI-**  
2 **NESSES.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-  
4 gress that it is increasingly important that the Secretary,  
5 in administering the licensing, registration, compliance,  
6 and other authorities contained in section 38 of the Arms  
7 Export Control Act (22 U.S.C. 2778), should provide up-  
8 to-date training and other educational assistance to small  
9 businesses in the United States aerospace and defense in-  
10 dustrial sector.

11 (b) SMALL BUSINESS LIAISON.—Not later than 180  
12 days after the date of the enactment of this Act, the Sec-  
13 retary shall designate, within the Office of Defense Trade  
14 Controls of the Department of State, a coordinator for  
15 small business affairs. The coordinator shall serve as a  
16 liaison for small businesses in the United States aerospace  
17 and defense industrial sector with respect to licensing and  
18 registration requirements in order to facilitate the compli-  
19 ance and other forms of participation by such small busi-  
20 nesses in the United States munitions control system, in-  
21 cluding by providing training, technical assistance, and  
22 through other efforts as may be appropriate.

1 **SEC. 1206. STUDY AND REPORT RELATING TO CO-LOCATING**  
2 **MUNITIONS CONTROL FUNCTIONS OF THE**  
3 **DEPARTMENTS OF STATE, DEFENSE, AND**  
4 **HOMELAND SECURITY.**

5 (a) SENSE OF CONGRESS.—It is the sense of Con-  
6 gress that the administrative, licensing, and compliance-  
7 related functions associated with the export of defense ar-  
8 ticles and defense services under section 38 of the Arms  
9 Export Control Act (22 U.S.C. 2778), which are generally  
10 administered by the Department of State in conjunction  
11 with the Department of Homeland Security and the De-  
12 partment of Defense, should be expedited consistent with  
13 United States security, law enforcement, and foreign pol-  
14 icy requirements by a reduction in the those matters ne-  
15 cessitating inter-agency referral outside of the Depart-  
16 ment of State, or by co-locating related functions of the  
17 Department of Homeland Security and the Department  
18 of Defense with those functions of the Department of  
19 State in order to minimize the time and administrative  
20 tasks to government and industry involved in inter-agency  
21 referrals, while also providing a convenient, central loca-  
22 tion for United States defense companies, especially small  
23 businesses.

24 (b) STUDY AND REPORT.—

25 (1) STUDY.—The Secretary, in consultation  
26 with the Secretary of Homeland Security and the

1 Secretary of Defense, and through the Federal advisory  
2 committee structure with the public, shall conduct  
3 a study to examine the relative advantages and  
4 disadvantages to the United States Government, the  
5 United States defense industry, including United  
6 States small businesses, and to other public constitu-  
7 encies of co-locating relevant functions and per-  
8 sonnel of the Department of State, the Department  
9 of Homeland Security, and the Department of De-  
10 fense with the Office of Defense Trade Controls of  
11 the Department of State at a central location con-  
12 venient to the public and United States defense in-  
13 dustry, without prejudice to the responsibilities and  
14 prerogatives of the Secretary, the Secretary of  
15 Homeland Security, and the Secretary of Defense  
16 under existing law.

17 (2) REPORT.—Not later than 180 days after  
18 the date of the enactment of this Act, the Secretary  
19 shall prepare and submit to the appropriate congres-  
20 sional committees a report that contains the results  
21 of study conducted under paragraph (1).

1 **TITLE XIII—SECURITY ASSIST-**  
2 **ANCE AND RELATED PROVI-**  
3 **SIONS**

4 **Subtitle A—Foreign Military Sales**  
5 **and Financing Authorities**

6 **SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to the Presi-  
8 dent for grant assistance under section 23 of the Arms  
9 Export Control Act (22 U.S.C. 2763) and for the subsidy  
10 cost, as defined in section 502(5) of the Federal Credit  
11 Reform Act of 1990, of direct loans under such section  
12 \$4,414,000,000 for fiscal year 2004.

13 **SEC. 1302. PROVISION OF CATALOGING DATA AND SERV-**  
14 **ICES.**

15 Section 21(h)(2) (22 U.S.C. 2761(h)(2)) is amended  
16 by striking “or to any member government of that Organi-  
17 zation if that Organization or member government” and  
18 inserting “, to any member of that Organization, or to  
19 the Governments of Australia, New Zealand, or Japan if  
20 that Organization, member government, or the Govern-  
21 ments of Australia, New Zealand, or Japan”.

22 **SEC. 1303. ANNUAL ESTIMATE AND JUSTIFICATION FOR**  
23 **SALES PROGRAM.**

24 Section 25(a)(1) (22 U.S.C. 2765(a)(1)) is amended  
25 by inserting after “\$7,000,000 or more” the following

1 “(or, in the case of a member country of the North Atlan-  
2 tic Treaty Organization (NATO), Australia, New Zealand,  
3 or Japan, \$25,000,000 or more)”.

4 **SEC. 1304. ADJUSTMENT TO ADVANCE NOTIFICATION RE-**  
5 **QUIREMENT FOR TRANSFER OF CERTAIN EX-**  
6 **CESS DEFENSE ARTICLES.**

7 Section 516(f)(1) of the Foreign Assistance Act of  
8 1961 (22 U.S.C. 2321i) is amended by striking “signifi-  
9 cant military equipment (as defined in section 47(9) of  
10 the Arms Export Control Act)” and inserting “major de-  
11 fense equipment (as defined in section 47(6) of the Arms  
12 Export Control Act)”.

13 **Subtitle B—International Military**  
14 **Education and Training**

15 **SEC. 1311. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated to the Presi-  
17 dent \$91,700,000 for fiscal year 2004 to carry out chapter  
18 5 of part II of the Foreign Assistance Act of 1961 (22  
19 U.S.C. 2347 et seq.).

20 **SEC. 1312. ANNUAL FOREIGN MILITARY TRAINING REPORT-**  
21 **ING.**

22 Section 656(a)(1) of the Foreign Assistance Act of  
23 1961 (22 U.S.C. 2416(a)(1)) is amended—

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

1 (2) by striking “and all such training proposed  
2 for the current fiscal year”.

3 **Subtitle C—Assistance for Select**  
4 **Countries**

5 **SEC. 1321. ASSISTANCE FOR ISRAEL.**

6 Section 513 of the Security Assistance Act of 2000  
7 (Public Law 106–280) is amended—

8 (1) in subsection (b)(1), by striking “2002 and  
9 2003” and inserting “2003 through 2005”;

10 (2) in subsection (c)(1), by striking “2002 and  
11 2003” and inserting “2003 through 2005”;

12 (3) in subsection (e)(3)—

13 (A) by striking “fiscal years 2002 and  
14 2003” and inserting “fiscal years 2004 and  
15 2005”;

16 (B) by striking “fiscal year 2002” and in-  
17 serting “fiscal year 2004”; and

18 (C) by striking “fiscal year 2003, or” and  
19 inserting “fiscal year 2005, or”; and

20 (4) in subsection (e)(4)—

21 (A) by striking “2002 and 2003” and in-  
22 serting “2003 through 2005”; and

23 (B) by striking “\$535,000,000 for fiscal  
24 year 2002” and all that follows through “fiscal  
25 year 2003” and inserting “\$550,000,000 for

1           fiscal year 2003, not less than \$565,000,000  
 2           for fiscal year 2004, and not less than  
 3           \$580,000,000 for fiscal year 2005’.

4 **SEC. 1322. ASSISTANCE FOR EGYPT.**

5           Section 514 of the Security Assistance Act of 2000  
 6 (Public Law 106–280) is amended—

7           (1) by striking “2002 and 2003” each place it  
 8           appears and inserting “2003 through 2005”; and

9           (2) in subsection (e)—

10           (A) by striking “fiscal years 2002 and  
 11           2003” and inserting “fiscal years 2004 and  
 12           2005”;

13           (B) by striking “fiscal year 2002” and in-  
 14           serting “fiscal year 2004”; and

15           (C) by striking “fiscal year 2003, or” and  
 16           inserting “fiscal year 2005, or”.

17 **Subtitle D—International Narcotics**  
 18 **Control Assistance**

19 **SEC. 1331. ADDITIONAL AUTHORITIES RELATING TO INTER-**  
 20 **NATIONAL NARCOTICS CONTROL ASSIST-**  
 21 **ANCE.**

22           Notwithstanding any other provision of law, assist-  
 23           ance provided by the United States Government to sup-  
 24           port international efforts to combat aerial trafficking of  
 25           illicit narcotics under chapter 8 of part I of the Foreign

1 Assistance Act of 1961 or under any other provision of  
2 law shall include the authority to interdict illicit arms in  
3 connection with the trafficking of illicit narcotics.

4 **SEC. 1332. UNITED STATES OPIUM ERADICATION PROGRAM**  
5 **IN COLOMBIA.**

6 Not later than 180 days after the date of the enact-  
7 ment of this Act, the Secretary of State, acting through  
8 the Department of State's Narcotics Affairs Section  
9 (NAS) in Bogota, Colombia, shall ensure that all pilots  
10 participating in the United States opium eradication pro-  
11 gram in Colombia are Colombians and are fully trained,  
12 qualified, and experienced pilots, with preference provided  
13 to individuals who are members of the Colombian National  
14 Police.

15 **Subtitle E—Miscellaneous**  
16 **Provisions**

17 **SEC. 1341. UNITED STATES WAR RESERVE STOCKPILES FOR**  
18 **ALLIES.**

19 Section 514(b)(2) of the Foreign Assistance Act of  
20 1961 (22 U.S.C. 2321h(b)(2)) is amended—

21 (1) in subparagraph (A), by striking “for fiscal  
22 year 2003” and inserting “for each of fiscal years  
23 2003 and 2004”; and

1           (2) in subparagraph (B), by striking “for fiscal  
2       year 2003” and inserting “for each of fiscal years  
3       2003 and 2004”.

4 **SEC. 1342. TRANSFER TO ISRAEL OF CERTAIN DEFENSE AR-**  
5 **TICLES IN THE UNITED STATES WAR RE-**  
6 **SERVE STOCKPILES FOR ALLIES.**

7       (a) **AUTHORIZATION.**—Notwithstanding section 514  
8 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h),  
9 the President is authorized to transfer to Israel, in return  
10 for concessions to be negotiated by the Secretary of De-  
11 fense, with the concurrence of the Secretary, defense arti-  
12 cles, including armor, artillery, ammunition for automatic  
13 weapons, missiles, and other munitions that are—

- 14           (1) obsolete or surplus items;  
15           (2) in the inventory of the Department of De-  
16       fense;  
17           (3) intended for use as reserve stocks in Israel;  
18       and  
19           (4) are located in a stockpile in Israel as of the  
20       date of enactment of this Act.

21       (b) **CONCESSIONS.**—The value of concessions nego-  
22       tiated pursuant to subsection (a) shall be at least equal  
23       to the fair market value of the items transferred. The con-  
24       cessions may include cash compensation, services, waiver

1 of charges otherwise payable by the United States, and  
2 other items of value.

3 (c) ADVANCE NOTIFICATION OF TRANSFER.—

4 (1) IN GENERAL.—Not less than 30 days before  
5 making a transfer under the authority of this sec-  
6 tion, the President shall transmit a notification de-  
7 scribing the items to be transferred to Israel and the  
8 concessions to be received by the United States to  
9 the congressional committees specified in paragraph  
10 (2).

11 (2) CONGRESSIONAL COMMITTEES SPECI-  
12 FIED.—The congressional committees referred to in  
13 paragraph (1) are—

14 (A) the Committee on International Rela-  
15 tions and the Committee on Armed Services of  
16 the House of Representatives; and

17 (B) the Committee on Foreign Relations  
18 and the Committee on Armed Services of the  
19 Senate.

20 (d) EXPIRATION OF AUTHORITY.—No transfer may  
21 be made under the authority of this section following the  
22 expiration of the five-year period beginning on the date  
23 of enactment of this Act.

1 **SEC. 1343. EXPANSION OF AUTHORITIES FOR LOAN OF MA-**  
2 **TERIAL, SUPPLIES, AND EQUIPMENT FOR RE-**  
3 **SEARCH AND DEVELOPMENT PURPOSES.**

4 Section 65 (22 U.S.C. 2796d) is amended—

5 (1) in subsection (a)(1), by inserting “or a  
6 friendly foreign country” after “ally” each place  
7 such term appears; and

8 (2) in subsection (d) to read as follows:

9 “(d) For purposes of this section—

10 “(1) the term ‘NATO ally’ means a member  
11 country of the North Atlantic Treaty Organization  
12 (other than the United States); and

13 “(2) the term ‘friendly foreign country’ means  
14 any non-NATO member country determined by the  
15 President to be eligible for a cooperative project  
16 agreement with the United States pursuant to sec-  
17 tion 27(j) of this Act.”.

18 **SEC. 1344. ASSISTANCE FOR DEMINING AND RELATED AC-**  
19 **TIVITIES.**

20 (a) ASSISTANCE.—The Secretary is authorized to  
21 provide grants to, or enter into contracts or cooperative  
22 agreements with, public-private partnerships for the pur-  
23 pose of establishing and carrying out demining, clearance  
24 of unexploded ordnance, and related activities in foreign  
25 countries.

1 (b) LIMITATION.—Except as otherwise provided, the  
2 total amount provided on a grant basis to public-private  
3 partnerships under subsection (a) for a fiscal year may  
4 not exceed \$450,000.

5 (c) FUNDING.—Amounts made available to carry out  
6 “Nonproliferation, Anti-Terrorism, Demining, and Re-  
7 lated Programs” for fiscal year 2004 are authorized to  
8 be made available to carry out this section.

9 **SEC. 1345. COOPERATIVE DEVELOPMENT PROGRAM.**

10 Of the amounts made available for development as-  
11 sistance under the Foreign Assistance Act of 1961, not  
12 less than \$2,000,000 for each of the fiscal years 2004 and  
13 2005 are authorized to be made available to finance  
14 projects among the United States, Israel, and developing  
15 countries in Africa under the Cooperative Development  
16 Program.

17 **SEC. 1346. WEST BANK AND GAZA PROGRAM.**

18 (a) OVERSIGHT.—For fiscal year 2004, the Secretary  
19 of State shall certify to the appropriate committees of  
20 Congress not later than 30 days prior to the initial obliga-  
21 tion of funds for the West Bank and Gaza that procedures  
22 have been established to assure the Comptroller General  
23 will have access to appropriate United States financial in-  
24 formation in order to review the use of United States as-  
25 sistance for the West Bank and Gaza funded under chap-

1 ter 4 of part II of the Foreign Assistance Act of 1961  
2 (“Economic Support Fund”).

3 (b) VETTING.—Prior to any obligation of funds au-  
4 thorized to be appropriated to carry out chapter 4 of part  
5 II of the Foreign Assistance Act of 1961 for assistance  
6 for the West Bank and Gaza, the Secretary of State shall  
7 take all appropriate steps to ensure that such assistance  
8 is not provided to or through any individual or entity that  
9 the Secretary knows, or has reason to believe, advocates,  
10 plans, sponsors, engages in, or has engaged in, terrorist  
11 activity. The Secretary of State shall, as appropriate, es-  
12 tablish procedures specifying the steps to be taken in car-  
13 rying out this subsection.

14 (c) AUDITS.—

15 (1) IN GENERAL.—The Administrator of the  
16 United States Agency for International Development  
17 shall ensure that independent audits of all contrac-  
18 tors and grantees, and significant subcontractors  
19 and subgrantees, under the West Bank and Gaza  
20 Program, are conducted at least on an annual basis  
21 to ensure, among other things, compliance with this  
22 section.

23 (2) AUDITS BY INSPECTOR GENERAL OF  
24 USAID.—Of the funds authorized to be appropriated  
25 by this Act to carry out chapter 4 of part II of the

1 Foreign Assistance Act of 1961 that are made avail-  
2 able for assistance for the West Bank and Gaza, up  
3 to \$1,000,000 may be used by the Office of the In-  
4 spector General of the United States Agency for  
5 International Development for audits, inspections,  
6 and other activities in furtherance of the require-  
7 ments of paragraph (1). Such funds are in addition  
8 to funds otherwise available for such purposes.

9 **SEC. 1347. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON**  
10 **INCITEMENT TO ACTS OF DISCRIMINATION.**

11 (a) COUNTRIES RECEIVING ECONOMIC ASSIST-  
12 ANCE.—Section 116(d) of the Foreign Assistance Act of  
13 1961 (22 U.S.C. 2151n(d)) is amended—

14 (1) in paragraph (9), by striking “and” at the  
15 end;

16 (2) in paragraph (10), by striking the period at  
17 the end and inserting “; and”; and

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

19 “(11)(A) wherever applicable, in a separate sec-  
20 tion with a separate heading, a description of the  
21 nature and extent of—

22 “(i) propaganda in government and gov-  
23 ernment-controlled media and other sources, in-  
24 cluding government-produced educational mate-  
25 rials and textbooks, that attempt to justify or

1 promote racial hatred or incite acts of violence  
2 against any race or people; and

3 “(ii) complicity or involvement in the cre-  
4 ation of such propaganda or incitement of acts  
5 of violence against any race; and

6 “(B) a description of the actions, if any, taken  
7 by the government of the country to eliminate such  
8 propaganda or incitement.”.

9 (b) COUNTRIES RECEIVING SECURITY ASSIST-  
10 ANCE.—Section 502B(b) of the Foreign Assistance Act of  
11 1961 (22 U.S.C. 2304(b)) is amended by inserting after  
12 the eighth sentence the following: “Each report under this  
13 section shall also include wherever applicable, in a sepa-  
14 rate section with a separate heading, a description of (i)  
15 the nature and extent of (I) propaganda in government  
16 and government-controlled media and other sources, in-  
17 cluding government-produced educational materials and  
18 textbooks, that attempt to justify or promote racial hatred  
19 or incite acts of violence against any race, and (II) com-  
20 plicity or involvement in the creation of such propaganda  
21 or incitement of acts of violence against any race or peo-  
22 ple, and (ii) a description of the actions, if any, taken by  
23 the government of the country to eliminate such propa-  
24 ganda or incitement.”.

1 **SEC. 1348. ASSISTANCE TO EAST TIMOR.**

2 Section 632(b)(1) of the Foreign Relations Author-  
3 ization Act, Fiscal Year 2003 (Public Law 107-277) is  
4 amended by striking “the fiscal year 2003” and inserting  
5 “each of the fiscal years 2003, 2004, and 2005”.

6 **SEC. 1349. SUPPORT FOR DEMOCRACY-BUILDING EFFORTS**  
7 **FOR CUBA.**

8 (a) STATEMENT OF POLICY.—It is the policy of the  
9 United States to support those individuals and groups who  
10 struggle for freedom and democracy in Cuba, including  
11 human rights dissidents, independent journalists, inde-  
12 pendent labor leaders, and other opposition groups.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—

14 (1) IN GENERAL.—There are authorized to be  
15 appropriated to the President to carry out section  
16 109(a) of Public Law 104-114 (22 U.S.C. 6039(a))  
17 \$15,000,000 for each of the fiscal years 2004 and  
18 2005.

19 (2) ADDITIONAL AUTHORITIES.—Amounts ap-  
20 propriated pursuant to the authorization of appro-  
21 priations under subsection (a)—

22 (A) are authorized to remain available  
23 until expended; and

24 (B) are in addition to amounts otherwise  
25 available for such purposes.

1 **SEC. 1350. AMENDMENT TO THE AFGHANISTAN FREEDOM**  
2 **SUPPORT ACT OF 2002.**

3 The Afghanistan Freedom Support Act of 2002 (22  
4 U.S.C. 7501 et seq.) is amended—

5 (1) in section 103(a) by striking “section 512  
6 of Public Law 107–115 or any similar” and insert-  
7 ing “any other”; and

8 (1) in section 207(b) by striking “section 512  
9 of Public Law 107–115 or any similar” and insert-  
10 ing “any other”.

11 **SEC. 1351. CONGO BASIN FOREST PARTNERSHIP.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—There  
13 are authorized to be appropriated to the President to carry  
14 out the Congo Basin Forest Partnership (CBFP) program  
15 \$18,600,000 for each of the fiscal years 2004 and 2005.  
16 Of the amounts appropriated pursuant to the authoriza-  
17 tion of appropriations under the preceding sentence for  
18 a fiscal year, \$16,000,000 is authorized to be made avail-  
19 able to the Central Africa Regional Program for the Envi-  
20 ronment (CARPE) of the United States Agency for Inter-  
21 national Development.

22 (b) **AVAILABILITY.**—Amounts appropriated pursuant  
23 to the authorization of appropriations under subsection (a)  
24 are authorized to remain available until expended.

1 **SEC. 1352. COMBATTING THE PIRACY OF UNITED STATES**  
2 **COPYRIGHTED MATERIALS.**

3 In addition to such amounts as may otherwise be au-  
4 thorized to be appropriated for such purpose, there are  
5 authorized to be appropriated for the Department of  
6 State, \$10,000,000 to carry out the following activities in  
7 countries that are not members of the Organization for  
8 Economic Cooperation and Development (OECD):

9 (1) Provision of equipment and training for for-  
10 eign law enforcement officials.

11 (2) Training for judges and prosecutors.

12 (3) Assistance in complying with obligations  
13 under appropriate international copyright and intel-  
14 lectual property treaties and agreements.

15 **SEC. 1353. REPORTS RELATING TO TREATY BETWEEN THE**  
16 **UNITED STATES AND THE RUSSIAN FEDERA-**  
17 **TION ON STRATEGIC OFFENSIVE REDUC-**  
18 **TIONS.**

19 The President shall submit to the Committee on  
20 International Relations of the House of Representatives  
21 all reports submitted to the Committee on Foreign Rela-  
22 tions pursuant to section 2 of the Senate Resolution of  
23 Ratification to Accompany Treaty Document 107-8,  
24 Treaty Between the United States of America and the  
25 Russian Federation on Strategic Offensive Reductions.

1 **SEC. 1354. STATEMENT OF HOUSE OF REPRESENTATIVES**  
2 **REGARDING THE TREATY BETWEEN THE**  
3 **UNITED STATES AND THE RUSSIAN FEDERA-**  
4 **TION ON STRATEGIC OFFENSIVE REDUC-**  
5 **TIONS.**

6 The House of Representatives—

7 (1) concurs with the declarations of the  
8 Senate in section 3 of the Resolution of Ratifi-  
9 cation to Accompany Treaty Document 107–8,  
10 Treaty Between the United States of America  
11 and the Russian Federation on Strategic Offen-  
12 sive Reductions;

13 (2) encourages the President to continue  
14 strategic offensive reductions to the lowest pos-  
15 sible levels consistent with national security re-  
16 quirements and alliance obligations of the  
17 United States;

18 (3) urges the President to engage the Rus-  
19 sian Federation with the objectives of estab-  
20 lishing cooperative measures to give each party  
21 to the Treaty Between the United States of  
22 America and the Russian Federation on Stra-  
23 tegic Offensive Reductions improved confidence  
24 regarding the accurate accounting and security  
25 of nonstrategic nuclear weapons maintained by  
26 the other party; and

1           (4) encourages the President to accelerate  
2           United States strategic force reductions, to the  
3           extent feasible and consistent with the treaty, in  
4           order that the reductions required by Article I  
5           of the Treaty Between the United States of  
6           America and the Russian Federation on Stra-  
7           tegic Offensive Reductions may be achieved  
8           prior to December 31, 2012.

9 **SEC. 1355. NONPROLIFERATION AND DISARMAMENT FUND.**

10       (a) AUTHORIZATION OF APPROPRIATIONS.—

11           (1) IN GENERAL.—There are authorized to be  
12           appropriated to the President to carry out section  
13           504 of the Freedom for Russia and Emerging Eur-  
14           asian Democracies and Open Markets Support Act  
15           of 1992 (22 U.S.C. 5854; relating to the “Non-  
16           proliferation and Disarmament Fund”) \$60,000,000  
17           for each of the fiscal years 2004 and 2005.

18           (2) AVAILABILITY.—Amounts appropriated pur-  
19           suant to the authorization of appropriations under  
20           paragraph (1) are authorized to remain available  
21           until expended.

22       (b) NONPROLIFERATION OF HIGHLY ENRICHED  
23       URANIUM.—

24           (1) FINDINGS.—Congress finds the following:

1           (A) Highly enriched uranium is the most  
2 likely source material for terrorist or other out-  
3 law organizations that seek to acquire a nuclear  
4 weapon.

5           (B) Such organizations are not likely to  
6 produce this source material on their own, but  
7 will instead look to divert highly enriched ura-  
8 nium from some of the many vulnerable stock-  
9 piles in numerous facilities around the world.

10          (C) There is a need for a coordinated  
11 United States Government initiative to secure  
12 and dispose of highly enriched uranium stock-  
13 piles in these vulnerable facilities around the  
14 world.

15          (D) The Nonproliferation and Disar-  
16 mament Fund (NDF) is a unique and flexible  
17 entity that is well-suited to carry out the initia-  
18 tive described in subparagraph (C), in coopera-  
19 tion with other Federal departments and agen-  
20 cies, including the Department of Energy.

21          (2) INITIATIVE.—The Secretary of State is au-  
22 thorized to establish and carry out an initiative to  
23 secure and dispose of highly enriched uranium stock-  
24 piles in foreign countries, including the provision of

1 such assistance as may be required to secure host  
2 country cooperation under the initiative.

3 (3) AUTHORIZATION OF APPROPRIATIONS.—Of  
4 the amounts made available to carry out section 504  
5 of the Freedom for Russia and Emerging Eurasian  
6 Democracies and Open Markets Support Act of  
7 1992 (22 U.S.C. 5854) for fiscal years 2004 and  
8 2005, there are authorized to be appropriated to the  
9 Secretary to carry out paragraph (2) \$25,000,000  
10 for each such fiscal year.

11 **SEC. 1356. MARITIME INTERDICTION PATROL BOATS FOR**  
12 **MOZAMBIQUE.**

13 (a) IN GENERAL.—Of the amounts made available to  
14 carry out section 23 of the Arms Export Control Act for  
15 fiscal year 2004, there is authorized to be appropriated  
16 \$1,000,000 for refurbishment, delivery, operational train-  
17 ing, and related costs associated with the provision of not  
18 more than four excess coastal patrol boats to the Govern-  
19 ment of Mozambique for maritime patrol and interdiction  
20 activities.

21 (b) AVAILABILITY.—Amounts appropriated pursuant  
22 to the authorization of appropriations under subsection (a)  
23 are authorized to remain available until September 30,  
24 2006.

1     **TITLE XIV—MISSILE THREAT**  
2     **REDUCTION ACT OF 2003**

3     **SEC. 1401. SHORT TITLE.**

4     This title may be cited as the “Missile Threat Reduc-  
5     tion Act of 2003”.

6     **Subtitle A—Strengthening Inter-**  
7     **national Missile Nonprolifera-**  
8     **tion Law**

9     **SEC. 1411. FINDINGS.**

10     Congress makes the following findings:

11             (1) The spread of offensive ballistic missiles  
12     suitable for launching nuclear, chemical, and biologi-  
13     cal warheads is accelerating across the globe.

14             (2) According to the Carnegie Endowment for  
15     International Peace, more than 25 countries possess  
16     missiles with ranges in excess of 300 kilometers and  
17     capable of delivering a nuclear warhead.

18             (3)(A) Many of the countries now possessing  
19     such missiles, and engaging in the sale and transfer  
20     of such missiles and their production technology to  
21     other countries, are directly hostile to the United  
22     States, its interests, and its allies.

23             (B) Of particular concern in this regard is  
24     North Korea, which regularly sells ballistic missiles

1 and technology to countries in regions of instability  
2 and concern to the United States.

3 (4) The Central Intelligence Agency has stated  
4 in its most recent report on the foreign ballistic mis-  
5 sile threat the following:

6 “Emerging ballistic missile states continue  
7 to increase the range, reliability, and accuracy  
8 of the missile systems in their inventories—pos-  
9 ing ever greater risks to U.S. forces, interests,  
10 and allies throughout the world. A decade ago,  
11 U.S. and allied forces abroad faced threats  
12 from SRBM’s [Short Range Ballistic Mis-  
13 siles]—primarily the Scud and its variants.  
14 Today, countries have deployed or are on the  
15 verge of deploying MRBM’s [Medium Range  
16 Ballistic Missiles], placing greater numbers of  
17 targets at risk.

18 “Proliferation of ballistic missile-related  
19 technologies, materials, and expertise—espe-  
20 cially by Russian, Chinese, and North Korean  
21 entities—has enabled emerging missile states to  
22 accelerate the development timelines for their  
23 existing programs, acquire turnkey systems to  
24 gain previously non-existent capabilities—in the  
25 case of the Chinese sale of the M-11 SRBM to

1 Pakistan—and lay the groundwork for the ex-  
2 pansion of domestic infrastructures to poten-  
3 tially accommodate even more capable and  
4 longer range future systems.”.

5 (5) The same CIA report also noted the fol-  
6 lowing: “North Korea has assumed the role as the  
7 missile and manufacturing technology source for  
8 many programs. North Korean willingness to sell  
9 complete systems and components has enabled other  
10 states to acquire longer range capabilities earlier  
11 than otherwise would have been possible—notably  
12 the sale of the No Dong MRBM to Pakistan. The  
13 North also has helped countries to acquire tech-  
14 nologies to serve as the basis for domestic develop-  
15 ment efforts—as with Iran’s reverse-engineering of  
16 the No Dong in the Shahab-3 program. Meanwhile,  
17 Iran is expanding its efforts to sell missile tech-  
18 nology.”.

19 (6) Since 1987, 33 countries have committed to  
20 abide by a voluntary set of guidelines known as the  
21 Missile Technology Control Regime (MTCR), where-  
22 by adherents agreed to refrain from the transfer to  
23 nonadherents of certain categories of whole missiles,  
24 their constituent parts, and the facilities to manu-  
25 facture them, especially “Category I” missiles, which

1 at a range of 300 kilometers or more and a payload  
2 capacity of 500 kilograms or more are especially  
3 suited for delivering nuclear weapons.

4 (7) In October 2002, 93 countries committed to  
5 observe a nonbinding code of conduct derived from,  
6 but less restrictive than, the nonbinding MTCR.  
7 While this is a welcome achievement, it does not pro-  
8 vide a legal obligation on its adherents to refrain  
9 from the trade in missiles or missile technology.

10 (8) On December 10, 2002, the White House  
11 released its “National Strategy to Combat Weapons  
12 of Mass Destruction”, wherein it is stated that  
13 strengthening international nonproliferation controls  
14 on weapons of mass destruction (WMD) and upon  
15 the missiles that can deliver them is the second of  
16 three principal pillars of the National Strategy. The  
17 National Strategy also states that “effective inter-  
18 diction is a critical part of the U.S. strategy to com-  
19 bat WMD and their delivery means”.

20 (9) On December 11, 2002, the United States  
21 took control of an unflagged freighter that was at-  
22 tempting clandestinely to ship, from North Korea to  
23 Yemen, SCUD missiles of a type that would be gen-  
24 erally prohibited from transfer as Category I mis-  
25 siles.

1           (10) Neither North Korea nor Yemen is an ad-  
2 herent to the MTCR guidelines, which in any case  
3 are not legally binding, and there is no binding  
4 international legal instrument that would prohibit  
5 shipments of the missiles referred to in paragraph  
6 (9).

7           (11) At Yemen's request, the United States re-  
8 leased the shipment of North Korean Scud missiles  
9 to Yemen.

10          (12) Also on December 11, 2002, the White  
11 House press spokesman stated that existing inter-  
12 national law regarding halting the spread of missile  
13 proliferation could be strengthened. The new Na-  
14 tional Strategy to Combat Weapons of Mass De-  
15 struction also commits the United States to support  
16 those regimes that are currently in force, and to  
17 work to improve the effectiveness of, and compliance  
18 with, those regimes, and identifies the MTCR as a  
19 regime that the United States will seek to strength-  
20 en.

21          (13) Secretary of Defense Donald Rumsfeld,  
22 testifying on February 12, 2003, before the Com-  
23 mittee on Armed Services of the Senate, stated the  
24 following: "...[I]t's pretty clear that the prolifera-  
25 tion regimes that exist in the world worked pretty

1 well before, [but] they're not working very well right  
2 now... [U]nless the world wakes up and says this  
3 is a dangerous thing and creates a set of regimes  
4 that will in fact get cooperation to stop those weap-  
5 ons, we're going to be facing a very serious situation  
6 in the next five years."

7 (14) The MTCR has made an invaluable con-  
8 tribution to restraint in the international trade of of-  
9 fensive ballistic missiles. Strengthening international  
10 controls on ballistic missiles, however, will require a  
11 dramatic expansion of adherents that rigorously  
12 abide by the MTCR's guidelines, and a binding legal  
13 basis for the United Nations and countries devoted  
14 to nonproliferation to prevent, and when necessary  
15 act to prevent, further proliferation of offensive bal-  
16 listic missiles around the world.

17 (15) Therefore, it should be the policy of the  
18 United States to promote the creation of new inter-  
19 national mechanisms that would, in all future cir-  
20 cumstances, allow the peace-loving and law-abiding  
21 nations of the world the authority to interdict and  
22 prevent the transfer of such missiles.

23 **SEC. 1412. POLICY OF THE UNITED STATES.**

24 It shall be the policy of the United States to seek  
25 a binding international instrument or instruments to re-

1 strict the trade in offensive ballistic missiles with ranges  
2 of 300 kilometers or more that have a payload capacity  
3 of 500 kilograms or more. Such a binding international  
4 instrument may take the form of a multilateral treaty, a  
5 United Nations Security Council resolution, or other in-  
6 strument of international law, and should provide for en-  
7 forcement measures including interdiction, seizure, and  
8 impoundment of illicit shipments of offensive ballistic mis-  
9 siles and related technology, equipment, and components.

10 **SEC. 1413. SENSE OF CONGRESS.**

11 It is the sense of the Congress that the United States  
12 should immediately introduce a resolution in the United  
13 Nations Security Council to prohibit all members of the  
14 United Nations from purchasing, receiving, assisting or al-  
15 lowing the transfer of, and to authorize the subsequent  
16 interdiction, seizure, and impoundment of, any missile,  
17 missile-related equipment, means of producing missiles, or  
18 missile-related technology from North Korea.

19 **Subtitle B—Strengthening United**  
20 **States Missile Nonproliferation**  
21 **Law**

22 **SEC. 1421. PROBATIONARY PERIOD FOR FOREIGN PER-**  
23 **SONS.**

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 3  
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 he has determined that—

20 (1) the foreign person has—

21 (A) ceased all activity related to the origi-  
22 nal imposition of sanctions under section 73(a)  
23 of the Arms Export Control Act or section  
24 11B(b)(A) of the Export Administration Act of  
25 1979, as the case may be; and

1 (B) has instituted a program of trans-  
2 parency measures whereby the United States  
3 will be able to verify for at least a period of 3  
4 years that the foreign person is not engaging in  
5 prohibited activities under those provisions of  
6 law referred to in paragraph (1); and

7 (2) there has been an appropriate resolution of  
8 the original violation or violations, such as financial  
9 penalties, incarceration, destruction of prohibited  
10 items, or other appropriate measures taken to pre-  
11 vent a recurrence of the violation or violations.

12 **SEC. 1422. STRENGTHENING UNITED STATES MISSILE PRO-**  
13 **LIFERATION SANCTIONS ON FOREIGN PER-**  
14 **SONS.**

15 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)(2)  
16 (22 U.S.C. 2797b(a)(2)) is amended by striking “2 years”  
17 each place it appears and inserting “4 years”.

18 (b) PUBLIC INFORMATION.—Section 73(e)(2) (22  
19 U.S.C. 2797b(e)(2)) is amended by adding at the end the  
20 following new sentence: “Such report may be classified  
21 only to the extent necessary to protect intelligence sources  
22 and methods. If the report is so classified, the President  
23 shall make every effort to acquire sufficient alternative in-  
24 formation that would allow a subsequent unclassified  
25 version of the report to be issued.”.

1 (c) EXPORT ADMINISTRATION ACT OF 1979.—Any  
2 sanction imposed on a foreign person under section  
3 11B(b)(1) of the Export Administration Act of 1979 (50  
4 U.S.C. App. 2410b(b)(1)), as continued in effect under  
5 the International Emergency Economic Powers Act, shall  
6 be in effect for a period of 4 years beginning on the date  
7 on which the sanction was imposed.

8 (d) APPLICABILITY.—The amendments made by sub-  
9 sections (a) and (b) and the provisions of subsection (c)  
10 shall apply to all sanctions imposed under section 73(a)  
11 of the Arms Export Control Act or section 11B(b)(1) of  
12 the Export Administration Act of 1979, as continued in  
13 effect under the International Emergency Economic Pow-  
14 ers Act, by reason of acts giving rise to such sanctions  
15 that were committed by foreign persons on or after Janu-  
16 ary 1, 2003.

17 **SEC. 1423. COMPREHENSIVE UNITED STATES MISSILE PRO-**  
18 **LIFERATION SANCTIONS ON ALL RESPON-**  
19 **SIBLE PERSONS.**

20 (a) ARMS EXPORT CONTROL ACT.—Section 73(a)  
21 (22 U.S.C. 2797b(a)) is amended by adding at the end  
22 the following new paragraph:

23 “(3)(A) Sanctions imposed upon a foreign person  
24 under paragraph (2) shall also be imposed on any govern-  
25 mental entity that the President determines exercises ef-

1 fective control over, benefits from, or directly or indirectly  
2 facilitates the activities of that foreign person.

3 “(B) When a sanction is imposed on a foreign person  
4 under paragraph (2), the President may also impose that  
5 sanction on any other person or entity that the President  
6 has reason to believe has or may acquire items that may  
7 not be exported to that foreign person on account of the  
8 sanction imposed on that foreign person, with the intent  
9 to transfer to that foreign person, or provide to that for-  
10 eign person access to, such items.

11 “(C) The President may also prohibit, for such period  
12 of time as he may determine, any transaction or dealing,  
13 by a United States person or within the United States,  
14 with any foreign person on whom sanctions have been im-  
15 posed under this subsection.

16 “(D) The President shall report on an annual basis  
17 to the Committee on International Relations of the House  
18 of Representatives and the Committee on Foreign Rela-  
19 tions of the Senate the identity of any foreign person that  
20 engages in any transaction or activity with a foreign per-  
21 son on whom sanctions have been imposed under this sub-  
22 section that either—

23 “(i) would be the basis for imposing sanctions  
24 under subparagraph (B) but for which sanctions  
25 have not been imposed; or

1           “(ii) would be the basis for imposing sanctions  
2           under subparagraph (C) if the transaction or activity  
3           had been carried out by a United States person or  
4           by a person in the United States.

5           Such report shall be unclassified to the maximum extent  
6           feasible, but may include a classified annex.”.

7           (b) DEFINITION OF PERSON.—Section 74(a)(8)(A)  
8           (22 U.S.C. 2797c(a)(8)(A)) is amended to read as follows:

9           “(8)(A) the term ‘person’ means—

10           “(i) a natural person;

11           “(ii) a corporation, business association,  
12           partnership, society, trust, transnational cor-  
13           poration, or transnational joint venture, any  
14           other nongovernmental entity, organization, or  
15           group, and any governmental entity;

16           “(iii) any subsidiary, subunit, or parent en-  
17           tity of any business enterprise or other organi-  
18           zation or entity listed in clause (ii); and

19           “(iv) any successor of any business enter-  
20           prise or other organization or entity listed in  
21           clause (ii) or (iii); and”.

22           (c) EXPORT ADMINISTRATION ACT OF 1979.—

23           (1) SANCTIONS IMPOSED ON GOVERNMENT EN-  
24           TITIES.—Any sanction imposed on a foreign person  
25           under section 11B(b)(1)(B) of the Export Adminis-

1       tration Act of 1979 (50 U.S.C. App.  
2       2410b(b)(1)(B)), as continued in effect under the  
3       International Emergency Economic Powers Act (in  
4       this subsection referred to as a “dual use sanction”),  
5       shall also be imposed on any governmental entity  
6       that the President determines exercises effective con-  
7       trol over, benefits from, or directly or indirectly fa-  
8       cilitates the activities of that foreign person.

9           (2) OTHER ENTITIES.—When a dual use sanc-  
10       tion is imposed on a foreign person, the President  
11       may also impose that sanction on any other person  
12       or entity that the President has reason to believe  
13       has or may acquire items that may not be exported  
14       to that foreign person on account of the dual use  
15       sanction imposed on that foreign person, with the in-  
16       tent to transfer to that foreign person, or provide to  
17       that foreign person access to, such items.

18           (3) TRANSACTIONS BY THIRD PARTIES.—The  
19       President may also prohibit, for such period of time  
20       as he may determine, any transaction or dealing, by  
21       a United States person or within the United States,  
22       with any foreign person on whom dual use sanctions  
23       have been imposed.

24           (4) REPORT.—The President shall submit on  
25       an annual basis to the appropriate congressional

1 committees a report that contains the identity of any  
2 foreign person that engages in any transaction or  
3 activity with a foreign person on whom dual use  
4 sanctions have been imposed that either—

5 (A) would be the basis for imposing dual  
6 use sanctions under paragraph (2) but for  
7 which such sanctions have not been imposed; or

8 (B) would be the basis for imposing dual  
9 use sanctions under paragraph (3) if the trans-  
10 action or activity had been carried out by a  
11 United States person or by a person in the  
12 United States.

13 Such report shall be unclassified to the maximum  
14 extent feasible, but may include a classified annex.

15 (5) DEFINITIONS.—In this subsection:

16 (A) PERSON.—The term “person”  
17 means—

18 (i) a natural person;

19 (ii) a corporation, business associa-  
20 tion, partnership, society, trust,  
21 transnational corporation, or transnational  
22 joint venture, any other nongovernmental  
23 entity, organization, or group, and any  
24 governmental entity;

1 (iii) any subsidiary, subunit, or parent  
2 entity of any business enterprise or other  
3 organization or entity listed in clause (ii);  
4 and

5 (iv) any successor of any business en-  
6 terprise or other organization or entity list-  
7 ed in clause (ii) or (iii).

8 (B) In the case of countries where it may  
9 be impossible to identify a specific governmental  
10 entity referred to in subparagraph (A), the  
11 term “person” means—

12 (i) all activities of that government re-  
13 lating to the development or production of  
14 any missile equipment or technology; and

15 (ii) all activities of that government  
16 affecting the development or production of  
17 aircraft, electronics, and space systems or  
18 equipment.

19 (C) UNITED STATES PERSON.—The term  
20 “United States person” has the meaning given  
21 that term in section 16(2) of the Export Ad-  
22 ministration Act of 1979 (50 U.S.C. App.  
23 2415(2)).

24 (D) MISSILE EQUIPMENT OR TECH-  
25 NOLOGY.—The term “missile equipment or

1           technology” has the meaning given that term in  
2           section 11B(c) of the Export Administration  
3           Act of 1979 (50 U.S.C. App. 2410b(c)).

4           (d) EFFECTIVE DATE.—The amendments made by  
5 subsections (a) and (b) shall apply with respect to sanc-  
6 tions imposed on or after January 1, 2003, on foreign per-  
7 sons under section 73(a)(2) of the Arms Export Control  
8 Act, and the provisions of subsection (c) shall apply with  
9 respect to sanctions imposed on or after January 1, 2003,  
10 on foreign persons under section 11B(b) of the Export Ad-  
11 ministration Act of 1979 (50 U.S.C. App. 2410b(b)), as  
12 continued in effect under the International Emergency  
13 Economic Powers Act.

## 14       **Subtitle C—Incentives for Missile** 15                                   **Threat Reduction**

### 16       **SEC. 1431. FOREIGN ASSISTANCE.**

17           (a) TYPES OF ASSISTANCE.—The President is au-  
18 thorized to provide, on such terms as the President deems  
19 appropriate, the following assistance to countries that  
20 agree to destroy their ballistic missiles, and their facilities  
21 for producing ballistic missiles, that have a payload capac-  
22 ity of 500 kilograms or more over a distance of 300 kilo-  
23 meters or more:

24                   (1) Assistance under section 23 of the Arms  
25           Export Control Act (22 U.S.C. 2763).

1           (2) Assistance under chapter 4 of part II of the  
2 Foreign Assistance Act of 1961 (22 U.S.C. 2346 et  
3 seq.), notwithstanding section 531(e) or 660(a) of  
4 that Act (22 U.S.C. 2346(e) or 2420(a)).

5           (3) Drawdown of defense articles, defense serv-  
6 ices, and military education and training under sec-  
7 tion 506 of the Foreign Assistance Act of 1961 (22  
8 U.S.C. 2318).

9           (b) CONGRESSIONAL NOTIFICATION.—Assistance au-  
10 thorized under subsection (a) may not be provided until  
11 30 days after the date on which the President has pro-  
12 vided notice thereof to the appropriate congressional com-  
13 mittees in accordance with the procedures applicable to  
14 reprogramming notifications under section 634A(a) of the  
15 Foreign Assistance Act of 1961 (22 U.S.C. 2394–1(a)).

16           (c) LIMITATION.—Any assistance provided to a coun-  
17 try under subsection (a) may not be provided in more than  
18 3 fiscal years.

19 **SEC. 1432. AUTHORIZATION OF APPROPRIATIONS.**

20           (a) AUTHORIZATION.—There is authorized to be ap-  
21 propriated to the President to carry out section 1431 the  
22 sum of \$250,000,000.

23           (b) AVAILABILITY.—Amounts appropriated pursuant  
24 to the authorization of appropriations under subsection (a)  
25 are authorized to remain available until expended.

1 **SEC. 1433. AUTHORIZATION OF TECHNICAL ASSISTANCE IN**  
2 **MISSILE DISARMAMENT.**

3 The President is authorized to provide technical as-  
4 sistance in the destruction of any missile or facility for  
5 producing ballistic missiles, in any country that requests  
6 such assistance.

○

Chairman HYDE. Without objection, the bill will be considered as read and open for amendment at any point, and the Chair yields himself 5 minutes for purposes of a statement.

Before us is H.R. 1950, the Foreign Relations and Security Assistance Bill. This bill, which I introduced with Ranking Democratic Member Tom Lantos, authorizes the funding and activities for the Department of State for two fiscal years, 2004 and 2005. The accounts covered in this bill are funded at or above the President's fiscal year 2004 budget request. The President's request for these accounts is approximately \$14.3 billion. The total authorization for this bill, including State Department operation accounts and the security assistance provisions for 2004, is approximately \$15 billion.

The proposed amount for FY 2005 is approximately the same as that of FY 2004 with some modest percentage increases for typical cost-of-living adjustments. A significant portion of these increases reflects the need to improve the effectiveness of our public diplomacy programs and our international broadcasting, as well as to strengthen our democracy-building programs overseas.

This bill does carry some foreign assistance provisions, but we have tried to keep these to a minimum. There will be opportunities for further foreign assistance provisions when the Committee considers other bills, such as the Millennium Challenge Account. The measure contains several recommendations from the Administration and Committee Members. Many of the State Department requests are administrative in nature.

This bill incorporates the Public Diplomacy Bill, H.R. 3969, the Freedom Promotion Act of 2002, that was agreed to by this Committee and the full House during the last Congress. The provisions in this act are focused on enhancing the role of public diplomacy in our foreign policy and specifically places the responsibility for the formulation and execution of these programs on the Secretary of State. These provisions also authorize funding for student and other exchanges, as well as for a number of other public-diplomacy programs, with a focus on countries with predominantly Muslim populations.

H.R. 1950 includes a much-needed reorganization of the decision-making processes of our international broadcasting efforts. These provisions will allow the many innovative plans for this increasingly important element of our foreign policy to be implemented more vigorously and expeditiously, which all observers agree must be a high priority.

This bill includes the request from the Broadcasting Board of Governors regarding the establishment of a separate grantee to run the new Middle East Television and Radio Network. This network will add 24-hours-a-day TV and radio broadcasts to the Middle East and thereby greatly contribute to an enhancement of our efforts to combat the misinformation and propaganda that contribute to the rising anti-American sentiment in the region.

Constructing secure facilities for our overseas missions continues to be a top priority. To that end, we have fully funded State's requests in this area, while also encouraging the establishment of a cost-sharing program. This cost-sharing program is designed to collect funds from each agency that has staff stationed at a U.S. Em-

bassy or consulate. These funds will be used to supplement the construction costs of new facilities.

Last year, the President made the decision to rejoin UNESCO. As you are aware, the U.S. withdrew from that organization 19 years ago and refused to rejoin until UNESCO implemented a series of significant reforms designed to remedy its many abuses. Careful consideration has been given to the terms of U.S. reentry to this organization, and this bill makes well-considered recommendations to that end.

Division B of H.R. 1950 contains four titles which address defense trade and security assistance issues, as well as missile-proliferation policy and laws.

Concerning defense trade reforms, title XI contains several amendments to the Arms Export Control Act (AECA) that will strengthen the terrorist-related prohibitions contained in that law and enhance the ability of our Government to enforce the law should violations occur. Together with measures designed to strengthen the effectiveness of the U.S. Government program for defense trade in title XI, there are other measures, title XII and title XIII, that will improve the administration of export controls by the State Department; reflect new priorities in the U.S. defense trade systems; and facilitate the participation of the U.S. defense industry; and provide modifications to AECA to implement security assistance programs.

Title XIV incorporates an important initiative by the Ranking Democratic Member, Mr. Lantos, which I am pleased to support, aimed at curbing the proliferation of ballistic missiles that can be armed with weapons of mass destruction.

I appreciate the bipartisan cooperation we have received in developing this bill, and I hope we can continue this bipartisan approach in the amendment process. We expect to be on the Floor with this bill in June, and I now recognize Mr. Lantos for any comments he may wish to make.

[The prepared statement of Mr. Hyde follows:]

PREPARED STATEMENT OF THE HONORABLE HENRY J. HYDE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS, AND CHAIRMAN, COMMITTEE ON INTERNATIONAL RELATIONS

Before us is H.R. 1950, the Foreign Relations and Security Assistance bill. This bipartisan bill, which I introduced with Ranking Democratic Member Tom Lantos, authorizes the funding and activities for the Department of State for two fiscal years, 2004 and 2005.

The accounts covered in this bill are funded at or above the President's Fiscal Year 2004 budget request. The President's request for these accounts is approximately \$14.3 billion. The total authorization for this bill, including the State Department Operation accounts and the Security Assistance provisions for FY 2004, is approximately \$15 billion.

The proposed amount for FY 2005 is approximately the same as that of FY 2004 with some modest percentage increases for typical cost-of-living adjustments. A significant portion of these increases reflects the need to improve the effectiveness of our public diplomacy programs and our international broadcasting, as well as to strengthen our democracy-building programs overseas.

This bill does carry some foreign assistance provisions, but we have tried to keep these to a minimum. There will be opportunities for further foreign assistance provisions when the committee considers other bills, such as the Millennium Challenge Account.

The measure contains several recommendations from the Administration and Committee members. Many of the State Department requests are administrative in nature.

This bill incorporates the public diplomacy bill—H.R. 3969, the Freedom Promotion Act of 2002—that was agreed to by this Committee and the full House during the last Congress. The provisions in this Act are focused on enhancing the role of public diplomacy in our foreign policy and specifically place the responsibility for the formulation and execution of these programs on the Secretary of State. These provisions also authorize funding for student and other exchanges, as well as for a number of other public diplomacy programs, with a focus on countries with predominantly Muslim populations.

H.R. 1950 includes a much-needed reorganization of the decision-making processes of our international broadcasting efforts. These provisions will allow the many innovative plans for this increasingly important element of our foreign policy to be implemented more vigorously and expeditiously, which all observers agree must be a high priority.

This bill includes the request from the Broadcasting Board of Governors regarding the establishment of a separate grantee to run the new Middle East Television and Radio Network. This new network will add 24-hours-a-day TV and radio broadcasts to the Middle East and thereby greatly contribute to an enhancement of our efforts to combat the misinformation and propaganda that contribute to the rising anti-American sentiment in the region.

Constructing secure facilities for our overseas missions continues to be a top priority. To that end, we have fully funded State's requests in this area while also encouraging the establishment of a cost-sharing program. This cost-sharing program is designed to collect funds from each agency that has staff stationed at a U.S. embassy or consulate. These funds will be used to supplement the construction costs of new facilities.

Last year, the President made the decision to rejoin UNESCO. As you are aware, the U.S. withdrew from that organization nineteen years ago and refused to rejoin until UNESCO implemented a series of significant reforms designed to remedy its many abuses. Careful consideration has been given to the terms of U.S. reentry to this organization, and this bill makes well-considered recommendations to that end.

Division B of H.R. 1950 contains four titles which address defense trade and security assistance issues as well as missile proliferation policy and laws.

Concerning defense trade reform, Title eleven contains several amendments to the Arms Export Control Act ("AECA") that will strengthen the terrorist-related prohibitions contained in that law and enhance the ability of our Government to enforce the law, should violations occur.

Together with measures designed to strengthen the effectiveness of the U.S. Government program for defense trade in Title eleven, there are also other measures, Title twelve and Title thirteen, that will improve the administration of export controls by the State Department; reflect new priorities in the U.S. defense trade system; facilitate the participation of the U.S. defense industry; and provide modifications to the AECA to implement security assistance programs.

Title fourteen incorporates an important initiative by the Ranking Democratic Member, Mr. Lantos, which I am pleased to support, aimed at curbing the proliferation of ballistic missiles that can be armed with weapons of mass destruction.

I appreciate the bipartisan cooperation we have received in developing this bill and hope that we can continue this bipartisan approach in the amendment process. We expect to be on the floor with this bill in June.

I now recognize Mr. Lantos for any opening comments he may wish to make.

Mr. LANTOS. Well, let me first thank you, Mr. Chairman. Our Committee, because of your leadership, is an oasis of bipartisanism in an otherwise deeply split Congress and profoundly divided capital.

I would like to begin by commending you for the tremendous work you do to support this Committee's leading role in shaping our nation's foreign policy. The United States is truly blessed to have your leadership during a time of this great challenge. Mr. Chairman, based on the work you and I and our staffs have done together, I am pleased to cosponsor the critical legislation before us today, which strengthens the Department of State and improves its ability to promote the foreign policy of the United States, to pursue U.S. national-security interests, and to play the leading role in the development of our policies toward the entire world.

I am pleased that our bill fully funds the Administration's request for the Department of State and contains many of the provisions that Secretary Powell has requested to help him better manage the department. I want to commend the Secretary for his effort to strengthen what has traditionally been one of our nation's greatest resources, our diplomatic corps.

I am also pleased to say that, under the authority provided in this bill, the Secretary's Diplomatic Readiness Initiative will reach its final goal in putting an additional 1,158 new professionals in place to serve our country.

Mr. Chairman, I am proud to be joining you in the continuing effort to make sure that we quickly reduce the period in which our Embassy employees are left in buildings and compounds that are vulnerable to terrorist attack. In some parts of the world, our Embassies are exposed to physical threats, which are truly dangerous. I just visited our Embassy in Amman, Jordan, which is one of the very first facilities providing maximum security for Embassy staff in a very vulnerable part of the world. We need such facilities throughout the globe.

To support the goal of Embassy security, our bill provides more than \$1,300,000,000 for worldwide security upgrades. Our bill also contains a number of new initiatives that will give our Department of State the tools it needs to promote and protect our national interests in an increasingly complex world.

I am particularly proud to have had a chance to work with our distinguished colleague, Chairman of our Rules Committee, David Dreier, in crafting one such measure, the International Leadership Act of 2003, which has been folded into this bill. The leadership act is designed to give our diplomats the tools they need to ensure that America once again punches at its weight class at the United Nations. It does so by creating a Democracy Caucus to support the U.S. at the U.N. by directing the President to use our influence to reform U.N. rules so rogue regimes cannot gain leadership positions. It is a disgrace that, as we speak, Libya still chairs the Human Rights Commission. It is an absurdity, and it undermines whatever respect there has historically been for this organization. We provide in our International Leadership Act new training for our diplomats for effective, multilateral diplomacy.

An important initiative included in our legislation is the International Free Media Act of 2003, which will help the Department of State to encourage the development of sources of accurate, objective reporting in societies currently polluted by messages of propaganda and hate in state-controlled media. I am particularly pleased that this initiative includes a new, \$15 million fund to support independent and ethical journalism, a concept which is nonexistent in many parts of the world.

One final measure I would like to highlight is the Missile Threat Reduction Act of 2003. This is designed to confront the alarming spread of offensive ballistic missiles for launching nuclear, chemical, and biological warheads. Our measure commits the United States to seeking a new international mechanism to restrict the trade in missiles, strengthens U.S. sanctions against missile traders, and provides assistance to countries that agree to destroy their missile arsenals.

I am very pleased that the bill authorizes all funds necessary to pay our assessed dues upon reentry to UNESCO in full and on time. When my wife, Annette, and I had the pleasure of visiting UNESCO in our longstanding effort to facilitate our reentry to UNESCO, we did not dream that our efforts would be as successful as soon as they have become, and I want to pay particular attention and respect to my friend, Congressman Leach, for his leadership on seeing to it that we reenter the United Nations Educational, Scientific, and Cultural Organization.

At this moment of military tension, Mr. Chairman, it is important to recall the founding motto of UNESCO: "It is in the minds of men that the defenses of peace must first be constructed," and UNESCO is designed as the entity to create an intellectual and educational climate which can create a more peaceful world.

Mr. Chairman, I want to commend you once more for the extraordinary leadership in working with all Members of the Committee that you have provided in crafting this very good bill. We have tried to include here many provisions that the State Department has requested. We have tried to include, to the maximum extent possible, some of the provisions of Members on both the Republican and Democratic sides. I am sure there will be others added through the course of this markup, but throughout the process you and your staff have been cooperative and collegial, and I look forward to the consideration of our colleagues' proposals and to the passage of this legislation before the end of the day.

Chairman HYDE. Thank you very much for your generous comments, Mr. Lantos. Without objection, any Member—

Mr. KING. Mr. Chairman, I move to strike the last word.

Chairman HYDE. Just a moment. Without objection, any Member may place his or her opening statements in the record of today's proceedings.

Mr. King, the gentleman from New York, has asked to address the Committee briefly, so for that purpose, he is recognized.

Mr. KING. Thank you, Mr. Chairman. Mr. Chairman, I appreciate you letting me take this opportunity to engage in a colloquy with you regarding funding for the protection of foreign missions and other dignitaries.

As you are aware, the cost of providing security services since September 11th has increased significantly. For instance, New York City's reimbursement costs for 2002 alone were approximately \$35.2 million. Unfortunately, the authorization and appropriation levels for municipalities such as the City of New York to protect U.N. Assembly meetings, foreign missions, and officials under the State Department reimbursement program have not kept pace. Under current formulas, for instance, New York would receive only \$8.1 million of that \$35.2 million, and these costs are projected to run into future years as well.

So in order to keep up with the current costs of providing these necessary protective services and to compensate New York City's repair shortages, I hope we can make necessary adjustments on increased levels as changes are made to this legislation. I look forward to working with you and the State Department on this important issue between now and when the legislation reaches the Floor, and, Mr. Chairman, I yield back.

Chairman HYDE. I thank the gentleman. The Chair has an amendment at the desk which all Members have before them. I offer this amendment on behalf of myself and Mr. Lantos, which contains suggestions made by 14 different Members on both sides of the aisle and the Department of State. The clerk will report the amendment.

[The amendment of Chairman Hyde follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. HYDE AND MR. LANTOS**

Page 15, after line 14, insert the following new subparagraph:

1                   (E) GEORGE J. MITCHELL SCHOLARSHIP  
2                   PROGRAM.—Of the amounts authorized to be  
3                   available under subparagraph (A), \$500,000 for  
4                   the fiscal year 2004 and \$500,000 for the fiscal  
5                   year 2005 is authorized to be available for the  
6                   “George J. Mitchell Scholarship Program”  
7                   which provides for one year of postgraduate  
8                   study for American scholars at institutions of  
9                   higher education in Ireland and Northern Ire-  
10                  land.

Page 18, line 9, strike “secondary and”.

Page 27, line 5, the second place it appears strike  
“\$40,000,000” and insert “such sums as may be necessary”.

Page 28, line 6, strike “\$618,854,000” and insert  
“\$600,354,000”.

Page 29, line 1, strike “\$11,395,000” and insert  
“\$29,895,000”.

Page 56, after line 8, insert the following new section (and conform the table of contents accordingly):

1 **SEC. 256. AUTHORIZING EAST TIMORESE SCHOLARSHIPS**  
 2 **FOR GRADUATE STUDY.**

3 Section 237 of the Foreign Relations Authorization  
 4 Act, Fiscal Years 1994 and 1995 (Public Law 103–236)  
 5 is amended by inserting “graduate or” after “at the”.

Page 62, after line 21, insert the following new section:

6 **SEC. 310. MERITORIOUS STEP INCREASES.**

7 Section 406(b) of the Foreign Service Act of 1980  
 8 (22 U.S.C. 3966(b)) is amended by striking “receiving an  
 9 increase in salary under subsection (a),”.

Page 71, line 17, insert “(a) UNITED STATES POLICY.—” before “The”.

Page 72, line 13, strike “organizations” and insert “organizations, or for membership of the United Nations Security Council”

Page 72, after line 17, insert the following:

10 (b) REPORT TO CONGRESS.—Not later than 15 days  
 11 after a country subject to to a determination under section  
 12 620A of the Foreign Assistance Act of 1961, section 40  
 13 of the Arms Export Control Act, or section 6(j) of the  
 14 Export Administration Act is selected for a leadership post

1 in an international organization of which the United  
2 States is a member or a membership of the United Na-  
3 tions Security Council, the Secretary of State shall submit  
4 a report to the appropriate congressional committees on  
5 any steps taken pursuant to subsection (a)(3).

Page 88, after line 6, insert the following new sec-  
tion (and conform the table of contents accordingly):

6 **SEC. 504. PILOT PROGRAM FOR THE PROMOTION OF TRAV-**  
7 **EL AND TOURISM IN THE UNITED STATES**  
8 **THROUGH UNITED STATES INTERNATIONAL**  
9 **BROADCASTING.**

10 (a) **PILOT PROGRAM.**—The Broadcasting Board of  
11 Governors, in consultation with the Department of Com-  
12 merce and other appropriate Federal, State, and local  
13 agencies, shall conduct a pilot program for the promotion  
14 of travel and tourism in the United States through United  
15 States international broadcasting, particularly to regional  
16 economies that have been affected by the decrease in tour-  
17 ism following the events of September 11, 2001.

18 (b) **PROGRAMMING.**—The pilot program shall devote  
19 regular programming to broadcasting information on lo-  
20 calities of the United States with the purpose of promoting  
21 travel and tourism to regional economies heavily reliant  
22 on such tourism.

1 (c) REPORT TO CONGRESS.—Not later than 180 days  
2 after the date of the enactment of this Act, the Broad-  
3 casting Board of Governors shall submit to the appro-  
4 priate congressional committees a report detailing the ac-  
5 tions taken by the Board in carrying out this section.

Page 96, lines 20, 22, and 23, strike “Executive”.

Page 97, line 3, strike “Executive”.

Page 102, line 20, strike “Executive”.

Page 103, line 1, strike “Executive”.

Page 105, line 7, strike “Executive”.

Page 106, lines 6 and 11, strike “Executive”.

Page 116, lines 15 and 16, strike “Executive”.

Page 122, after line 8, insert the following new paragraph (and redesignate the subsequent paragraphs accordingly):

(5) reporting foreign media that advocates national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence consistent with article 20, section 2, of the International Covenant on Civil and Political Rights and making available to the public and to the United States Agency for International Broadcasting translations of such media to the extent practicable;

Page 143, after line 9, insert the following new sections (and conform the table of contents accordingly):

1 **SEC. 708. REQUIREMENT FOR REPORT ON UNITED STATES**

2 **POLICY TOWARD HAITI.**

3 (a) FINDINGS.—Congress makes the following find-  
4 ings:

5 (1) The United States has a political and eco-  
6 nomic interest and a humanitarian and moral re-  
7 sponsibility in assisting the Government and people  
8 of Haiti in resolving the country's problems and  
9 challenges.

10 (2) The situation in Haiti is increasingly cause  
11 for alarm and concern, and a sustained, coherent,  
12 and active approach by the United States Govern-  
13 ment is needed to make progress toward resolving  
14 Haiti's political and economic crises.

15 (b) REQUIREMENT FOR REPORT.—Not later than 60  
16 days after the date of enactment of this Act, the Sec-  
17 retary, in consultation with the Secretary of the Treasury,  
18 shall submit to the appropriate congressional committees  
19 a report that describes United States policy toward Haiti.  
20 The report shall include the following:

21 (1) A description of the activities carried out by  
22 the United States Government to resolve Haiti's po-

1       litical crisis and to promote the holding of free and  
2       fair elections in Haiti at the earliest possible date.

3               (2) A description of the activities that the  
4       United States Government anticipates initiating to  
5       resolve the political crisis and promote free and fair  
6       elections in Haiti.

7               (3) An assessment of whether Resolution 822  
8       issued by the Permanent Council of the Organiza-  
9       tion of American States on September 4, 2002, is an  
10      appropriate framework for a multilateral approach  
11      to resolving the political and economic crises in  
12      Haiti.

13              (4) A description of the status of efforts to re-  
14      lease the approximately \$146,000,000 in loan funds  
15      that have been approved by the Inter-American De-  
16      velopment Bank to Haiti for the purposes of reha-  
17      bilitating rural roads, reorganizing the health sector,  
18      improving potable water supply and sanitation, and  
19      providing basic education, a description of any ob-  
20      stacles that are delaying the release of the loan  
21      funds, and recommendations for overcoming such  
22      obstacles, including whether any of the following  
23      would facilitate the release of such funds:

24                      (A) Establishing an International Mone-  
25                      etary Fund staff monitoring program in Haiti.

1           (B) Obtaining bridge loans or other  
2 sources of funding to pay the cost of any ar-  
3 rears owed by the Government of Haiti to the  
4 Inter-American Development Bank.

5           (C) Providing technical assistance to the  
6 Government of Haiti to permit the Government  
7 to meet international financial transparency  
8 and other requirements.

9 **SEC. 709. REPORT ON THE EFFECTS OF PLAN COLOMBIA**  
10 **ON ECUADOR.**

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

13           (1) Section 695 of the Foreign Relations Au-  
14 thorization Act, Fiscal Year 2003 (Public Law 107–  
15 228) required the Secretary of State to submit a re-  
16 port to Congress on the impact of Plan Colombia on  
17 Ecuador and the other adjacent countries to Colom-  
18 bia within 150 days after the date of the enactment  
19 of that Act.

20           (2) The 150 day time period for the submission  
21 of such report has lapsed without a report being  
22 submitted to the Congress.

23           (3) There continues to be growing alarm con-  
24 cerning the spillover effect of Plan Colombia on Ec-  
25 uador, a frontline state, especially in the northern

1 region of Ecuador which includes the Sucumbios  
2 province.

3 (b) REPORT TO CONGRESS.—Not later than 30 days  
4 after the date of the enactment of this Act, the Secretary  
5 of State shall submit a report to the appropriate congres-  
6 sional committees which sets forth—

7 (A) a statement of policy and comprehen-  
8 sive strategy for United States activities in Co-  
9 lombia related to the impact of Plan Colombia  
10 on Ecuador and the other adjacent countries to  
11 Colombia; and

12 (B) the reasons for the failure of the De-  
13 partment of State to submit the report required  
14 by section 695 of Public Law 107–228 within  
15 the time period mandated by law.

Page 154, after line 12, insert the following new sec-  
tions (and conform the table of contents accordingly):

16 **SEC. 726. UNDER SECRETARY OF COMMERCE FOR INDUS-**  
17 **TRY AND SECURITY.**

18 (a) UNDER SECRETARY.—There shall be in the De-  
19 partment of Commerce an Under Secretary of Commerce  
20 for Industry and Security who shall serve as the head of  
21 the Bureau of Industry and Security and perform such  
22 duties as the Secretary of Commerce shall prescribe. The  
23 Under Secretary of Commerce for Industry and Security

1 shall be appointed by the President by and with the advice  
2 and consent of the Senate.

3 (b) INCUMBENT.—The individual serving on the date  
4 of the enactment of this Act as the Under Secretary of  
5 Commerce for Export Administration shall serve as the  
6 Under Secretary of Commerce for Industry and Security  
7 until such time as a successor is appointed under sub-  
8 section (a).

9 (c) COMPENSATION.—Section 5314 of title 5, United  
10 States Code, is amended by striking “Under Secretary of  
11 Commerce for Export Administration” and inserting  
12 “Under Secretary of Commerce for Industry and Secu-  
13 rity”.

14 (d) CONFORMING AMENDMENTS.—Section 15(a) of  
15 the Export Administration Act of 1979 (50 U.S.C. App.  
16 2414(a)) is amended—

17 (1) by striking the first sentence; and

18 (2) in the second sentence, by striking “in car-  
19 rying out such functions” and inserting “of Com-  
20 merce for Industry and Security in carrying out the  
21 functions of the Under Secretary”.

22 **SEC. 727. CONCERNING THE SPREAD OF WEAPONS OF MASS**  
23 **DESTRUCTION.**

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

1           (1) The proliferation of weapons of mass de-  
2           struction presents a direct threat to the stability, se-  
3           curity, and safety of nations around the globe.

4           (2) Combatting the spread of such weapons is  
5           a responsibility borne by all nations.

6           (3) United States efforts to stop the further  
7           spread of these weapons can be further enhanced by  
8           cooperative efforts between the United States and  
9           the European Union.

10          (4) There are many different components in  
11          this effort that require a comprehensive approach,  
12          immediate attention, and vigorous action, including  
13          the “10+10 over 10 Initiative” agreed to by the  
14          United States and many members of the European  
15          Union.

16          (5) Stopping the spread of weapons of mass de-  
17          struction is made more difficult when states willingly  
18          participate in, or contribute to, their development or  
19          their sale or transfer to other nations.

20          (6) Stopping the spread of weapons of mass de-  
21          struction is made more difficult when private compa-  
22          nies willingly participate in, or contribute to, their  
23          development or their sale or transfer to other na-  
24          tions.

1           (7) United States security and safety is under-  
2           mined when companies engage in such commerce.

3           (b) SENSE OF CONGRESS.—The Congress call on the  
4           European Union to—

5           (1) develop an aggressive and robust regulatory  
6           system designed to—

7                   (A) investigate allegations of companies  
8                   contributing to the development of weapons of  
9                   mass destruction or their sale or transfer to  
10                  other nations;

11                  (B) isolate and condemn companies found  
12                  to participate in, or contribute to, the develop-  
13                  ment of such weapons or their sale or transfer  
14                  to other nations; and

15                  (C) develop a punitive response designed to  
16                  punish such companies, thereby preventing fur-  
17                  ther actions on their part and discouraging  
18                  other companies from engaging in such actions;

19           (2) condemn, by name, states known to be con-  
20           tributing to the development or spread of weapons of  
21           mass destruction; and

22           (3) develop appropriate punitive measures de-  
23           signed to discourage further actions.

1 **SEC. 728. COMMUNICATION OF PLANT BIOTECHNOLOGY IN-**  
2 **FORMATION.**

3 (a) IN GENERAL.—The Department of State shall  
4 provide to other countries, as appropriate, the scientific  
5 evidence on the benefits, safety, and potential uses of agri-  
6 cultural biotechnology.

7 (b) SPECIFIC OBJECTIVES.—The Department of  
8 State shall—

9 (1) cooperate with efforts of other government  
10 agencies to disseminate accurate scientific informa-  
11 tion on the potential benefits of agricultural bi-  
12 technology for human and animal nutrition, the en-  
13 vironment, food and feed production, agricultural  
14 sustainability, and bioenergy development;

15 (2) cooperate with efforts of other government  
16 agencies to become knowledgeable of, and dissemi-  
17 nate scientifically-based facts regarding, the safety  
18 and regulation of biotechnology-derived food and  
19 feed products;

20 (3) coordinate with the United States Agency  
21 for International Development (USAID) to achieve a  
22 better understanding of the potential benefits of ag-  
23 ricultural biotechnology to develop products that can  
24 be grown under local soil and climate conditions and  
25 better meet the health and nutritional needs of local  
26 populations; and

1           (4) ensure that Department personnel are  
2 knowledgeable of, and disseminate information on,  
3 the United States regulatory safeguards that assure  
4 food and environmental safety.

5 **SEC. 729. REFUGEE RESETTLEMENT BURDENSARING.**

6 It is the sense of the Congress that—

7           (1) the Secretary of State should actively en-  
8 courage the international community to accept refu-  
9 gees for resettlement on a more equitable basis;

10          (2) the Secretary of State should raise the issue  
11 of refugee resettlement burdensharing at the United  
12 Nations and other multilateral and bilateral meet-  
13 ings;

14          (3) developed countries should be encouraged to  
15 increase the percentage of the world's refugees ac-  
16 cepted for resettlement; and

17          (4) the Secretary of State should encourage de-  
18 veloping stable countries in regions with refugee  
19 flows to accept for resettlement as many of their  
20 neighbors as possible.

Page 193, line 3, insert “(a) AUTHORIZATION OF  
APPROPRIATIONS.—” before “In”.

Page 193, line 10, strike “enforcement officials” and  
insert “enforcement, including in the interpretation of in-  
tellectual property laws”.

Page 193, line 11, strike “prosecutors” and insert “prosecutors, including in the interpretation of intellectual property laws”.

Page 193, after line 14, insert the following new subsection:

1       (b) CONSULTATION WITH WORLD INTELLECTUAL  
2 PROPERTY ORGANIZATION.—In carrying out subsection  
3 (a), the Department of State should make every effort to  
4 consult with, and provide appropriate assistance to, the  
5 World Intellectual Property Organization to promote the  
6 integration of non-OECD countries into the global intel-  
7 lectual property system.

Page 197, after line 24, insert the following sections (and conform the table of contents accordingly):

8 **SEC. 1357. ASSISTANCE FOR LAW ENFORCEMENT FORCES**  
9 **IN CERTAIN FOREIGN COUNTRIES.**

10       Notwithstanding section 660 of the Foreign Assist-  
11 ance Act of 1961 (22 U.S.C. 2420), the Administrator of  
12 the United States Agency for International Development  
13 is authorized to provide assistance for fiscal years 2004  
14 and 2005 to—

15           (1) law enforcement agencies of the Govern-  
16 ment of India for the purposes of enhancing their  
17 capacity for medical-first-response and search-and-

1 rescue operations after a natural disaster, improving  
2 the access of women to justice, and combating the  
3 trafficking of persons; and

4 (2) the new police force of Northern Ireland for  
5 the purpose of providing computer-based, human-  
6 rights and other professional training, and the law  
7 enforcement agencies of the Republic of Ireland  
8 (ROI) for the purposes of fostering greater coopera-  
9 tion and communication between the police force of  
10 the Republic of Ireland and the new police force of  
11 Northern Ireland, as recommended by the Patten  
12 Commission.

13 **SEC. 1358. HUMAN RIGHTS AND DEMOCRACY FUND.**

14 Section 664(c)(1) of the Freedom Investment Act of  
15 2002 (subtitle E of title VI of division A of Public Law  
16 107-228; 22 U.S.C. 2151n-2(c)(1)) is amended—

17 (1) by striking “for fiscal year 2003” and in-  
18 serting “for each of the fiscal years 2003 through  
19 2005”; and

20 (2) by striking “\$21,500,000 is” and inserting  
21 “\$21,500,000 for fiscal year 2003, \$24,000,000 for  
22 fiscal year 2004, and such sums as may be nec-  
23 essary for fiscal year 2005 are”.

1 **SEC. 1359. REPORT ON MISSILE DEFENSE COOPERATION.**

2 Not later than December 31, 2003, and December  
 3 31, 2004, the Secretary of State shall submit to the appro-  
 4 priate congressional committees a report on cooperative ef-  
 5 forts that have been undertaken by the United States with  
 6 foreign governments to foster the development and deploy-  
 7 ment of defenses against missile attack. Such report shall  
 8 include a detailed description of such efforts on a country-  
 9 by-country basis, and may be submitted in classified and  
 10 unclassified form, as appropriate.

Page 215, after line 6, add the following new title  
 (and conform the table of contents accordingly):

11 **TITLE XV—PROMOTION OF DE-**  
 12 **MOCRACY, HUMAN RIGHTS,**  
 13 **AND RULE OF LAW IN**  
 14 **BELARUS**

15 **SEC. 1501. ASSISTANCE TO PROMOTE DEMOCRACY AND**  
 16 **CIVIL SOCIETY IN BELARUS.**

17 (a) **PURPOSES OF ASSISTANCE.**—The assistance  
 18 under this section shall be available for the following pur-  
 19 poses:

20 (1) To assist the people of the Republic of  
 21 Belarus in regaining their freedom and to enable  
 22 them to join the European community of democ-  
 23 racies.

1           (2) To encourage free and fair presidential,  
2       parliamentary, and local elections in Belarus, con-  
3       ducted in a manner consistent with internationally  
4       accepted standards and under the supervision of  
5       internationally recognized observers.

6           (3) To assist in restoring and strengthening in-  
7       stitutions of democratic governance in Belarus.

8       (b) AUTHORIZATION FOR ASSISTANCE.—To carry out  
9       the purposes of subsection (a), the President is authorized  
10      to furnish assistance and other support for the activities  
11      described in subsection (c), to be provided primarily for  
12      indigenous Belarusian groups that are committed to the  
13      support of democratic processes.

14      (c) ACTIVITIES SUPPORTED.—Activities that may be  
15      supported by assistance under subsection (b) include—

16           (1) the observation of elections and the pro-  
17      motion of free and fair electoral processes;

18           (2) development of democratic political parties;

19           (3) radio and television broadcasting to and  
20      within Belarus;

21           (4) the development of nongovernmental organi-  
22      zations promoting democracy and supporting human  
23      rights;

24           (5) the development of independent media  
25      working within Belarus and from locations outside

1 the country and supported by nonstate-controlled  
2 printing facilities;

3 (6) international exchanges and advanced pro-  
4 fessional training programs for leaders and members  
5 of the democratic forces in skill areas central to the  
6 development of civil society; and

7 (7) other activities consistent with the purposes  
8 of this title.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There is authorized to be  
11 appropriated to the President to carry out this sec-  
12 tion such sums as may be necessary for fiscal years  
13 2004 and 2005.

14 (2) AVAILABILITY OF FUNDS.—Amounts appro-  
15 priated pursuant to the authorization of appropria-  
16 tions under paragraph (1) are authorized to remain  
17 available until expended.

18 **SEC. 1502. RADIO BROADCASTING TO BELARUS.**

19 (a) PURPOSE.—It is the purpose of this section to  
20 authorize increased support for United States Government  
21 and surrogate radio broadcasting to the Republic of  
22 Belarus that will facilitate the unhindered dissemination  
23 of information.

24 (b) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
25 tion to such sums as are otherwise authorized to be appro-

1 priated, there is authorized to be appropriated such sums  
2 as may be necessary for each fiscal year for Voice of Amer-  
3 ica and RFE/RL, Incorporated for radio broadcasting to  
4 the people of Belarus in languages spoken in Belarus.

5 **SEC. 1503. SENSE OF CONGRESS RELATING TO SANCTIONS**  
6 **AGAINST THE GOVERNMENT OF BELARUS.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-  
8 gress that the sanctions described in subsections (c) and  
9 (d) should apply with respect to the Republic of Belarus  
10 until the President determines and certifies to the appro-  
11 priate congressional committees that the Government of  
12 Belarus has made significant progress in meeting the con-  
13 ditions described in subsection (b).

14 (b) CONDITIONS.—The conditions referred to in sub-  
15 section (a) are the following:

16 (1) The release of individuals in Belarus who  
17 have been jailed based on political or religious be-  
18 liefs.

19 (2) The withdrawal of politically motivated legal  
20 charges against all opposition figures and inde-  
21 pendent journalists in Belarus.

22 (3) A full accounting of the disappearances of  
23 opposition leaders and journalists in Belarus, includ-  
24 ing Victor Gonchar, Anatoly Krasovsky, Yuri  
25 Zakharenka, and Dmitry Zavadsky, and the prosecu-

1 tion of those individuals who are responsible for  
2 their disappearances.

3 (4) The cessation of all forms of harassment  
4 and repression against the independent media, inde-  
5 pendent trade unions, nongovernmental organiza-  
6 tions, religious organizations (including their leader-  
7 ship and members), and the political opposition in  
8 Belarus.

9 (5) The implementation of free and fair presi-  
10 dential and parliamentary elections in Belarus con-  
11 sistent with OSCE standards on democratic elections  
12 and in cooperation with relevant OSCE institutions.

13 (c) DENIAL OF ENTRY INTO THE UNITED STATES  
14 OF BELARUSIAN OFFICIALS.—The President should use  
15 his authority under section 212(f) of the Immigration and  
16 Nationality Act (8 U.S.C. 1182(f)) to deny the entry into  
17 the United States of any alien who—

18 (1) holds a position in the senior leadership of  
19 the Government of Belarus; or

20 (2) is a spouse, minor child, or agent of a per-  
21 son inadmissible under paragraph (1).

22 (d) PROHIBITION ON LOANS AND INVESTMENT.—

23 (1) UNITED STATES GOVERNMENT FINANC-  
24 ING.—No loan, credit guarantee, insurance, financ-  
25 ing, or other similar financial assistance should be

1 extended by any agency of the United States Gov-  
2 ernment (including the Export-Import Bank and the  
3 Overseas Private Investment Corporation) to the  
4 Government of Belarus, except with respect to the  
5 provision of humanitarian goods and agricultural or  
6 medical products.

7 (2) TRADE AND DEVELOPMENT AGENCY.—No  
8 funds available to the Trade and Development Agen-  
9 cy should be available for activities of the Agency in  
10 or for Belarus.

11 (e) MULTILATERAL FINANCIAL ASSISTANCE.—It is  
12 further the sense of Congress that, in addition to the ap-  
13 plication of the sanctions described in subsections (c) and  
14 (d) to the Republic of Belarus (until the President deter-  
15 mines and certifies to the appropriate congressional com-  
16 mittees that the Government of Belarus has made signifi-  
17 cant progress in meeting the conditions described in sub-  
18 section (b)), the Secretary of the Treasury should instruct  
19 the United States Executive Director of each international  
20 financial institution to which the United States is a mem-  
21 ber to use the voice and vote of the United States to op-  
22 pose any extension by those institutions of any financial  
23 assistance (including any technical assistance or grant) of  
24 any kind to the Government of Belarus, except for loans  
25 and assistance that serve humanitarian needs.

1 **SEC. 1504. MULTILATERAL COOPERATION.**

2 It is the sense of Congress that the President should  
3 continue to seek to coordinate with other countries, par-  
4 ticularly European countries, a comprehensive, multilat-  
5 eral strategy to further the purposes of this title, includ-  
6 ing, as appropriate, encouraging other countries to take  
7 measures with respect to the Republic of Belarus that are  
8 similar to measures described in this title.

9 **SEC. 1505. REPORT.**

10 (a) REPORT.—Not later than 90 days after the date  
11 of enactment of this Act, and every year thereafter, the  
12 President shall transmit to the appropriate congressional  
13 committees a report that describes, with respect to the  
14 preceding 12-month period, the following:

15 (1) The sale or delivery of weapons or weapons-  
16 related technologies from the Republic of Belarus to  
17 any country, the government of which the Secretary  
18 of State has determined, for purposes of section  
19 6(j)(1) of the Export Administration Act of 1979  
20 (50 U.S.C. App. 2405(j)(1)), has repeatedly pro-  
21 vided support for acts of international terrorism.

22 (2) An identification of each country described  
23 in paragraph (1) and a detailed description of the  
24 weapons or weapons-related technologies involved in  
25 the sale.

1           (3) An identification of the goods, services,  
2 credits, or other consideration received by Belarus in  
3 exchange for the weapons or weapons-related tech-  
4 nologies.

5           (4) The personal assets and wealth of Alek-  
6 sandr Lukashenka and other senior leadership of the  
7 Government of Belarus.

8           (b) FORM.—A report transmitted pursuant to sub-  
9 section (a) shall be in unclassified form but may contain  
10 a classified annex.

11 **SEC. 1506. DEFINITIONS.**

12       In this title:

13           (1) OSCE.—The term “OSCE” means the Or-  
14 ganization for Security and Cooperation in Europe.

15           (2) SENIOR LEADERSHIP OF THE GOVERNMENT  
16 OF BELARUS.—The term “senior leadership of the  
17 Government of Belarus” includes—

18               (A) the President, Prime Minister, Deputy  
19 Prime Ministers, government ministers, Chair-  
20 men of State Committees, and members of the  
21 Presidential Administration of Belarus;

22               (B) any official of the Government of  
23 Belarus who is personally and substantially in-  
24 volved in the suppression of freedom in Belarus,  
25 including judges and prosecutors; and

1           (C) any other individual determined by the  
2           Secretary of State (or the Secretary's designee)  
3           to be personally and substantially involved in  
4           the formulation or execution of the policies of  
5           the Lukashenka regime that are in contradic-  
6           tion of internationally recognized human rights  
7           standards.

Ms. RUSH. Amendment offered by Mr. Hyde: "Page 15, after line 14, insert the following new subparagraph."

Chairman HYDE. Without objection, further reading of the amendment is dispensed with, and without objection, the question occurs on the adoption of the manager's amendment. All of those in favor, say aye.

[A chorus of ayes.]

Chairman HYDE. Opposed, nay.

[No response.]

Chairman HYDE. The ayes have it, and the amendment is agreed to.

Are there other amendments? Mr. Leach.

Mr. LEACH. Mr. Chairman, I have an amendment at the desk.

[The amendment of Mr. Leach follows:]

**AMENDMENT TO FOREIGN RELATIONS AUTHORIZATION BILL, FISCAL YEARS 2004 AND 2005**  
**OFFERED BY MR. LEACH**

In title II (relating to Department of State authorities and activities) at the end of subtitle A (relating to United States public diplomacy) insert the following new section:

1 **SEC. \_\_\_\_ . THE COLIN POWELL CENTER FOR AMERICAN DI-**  
2 **PLOMACY.**

3 Title I of the State Department Basic Authorities Act  
4 of 1956 is amended by adding after section 59 (22 U.S.C.  
5 2730) the following new section:

6 **“SEC. 60. COLIN POWELL CENTER FOR AMERICAN DIPLO-**  
7 **MACY.**

8 “(a) DESIGNATION.—The diplomacy center of the  
9 Department of State, located in the Harry S Truman  
10 building, is hereby designated as the ‘Colin Powell Center  
11 for American Diplomacy’ (hereinafter in this section re-  
12 ferred to as the ‘Center’).

13 “(b) ACTIVITIES.—

14 “(1) SUPPORT AUTHORIZED.—The Secretary of  
15 State is authorized to provide by contract, grant, or  
16 otherwise, for the performance of appropriate mu-  
17 seum visitor and educational outreach services, in-

1 including organizing conference activities, museum  
2 shop services, and food services, in the public exhibit  
3 and related space utilized by the Center.

4 “(2) PAYMENT OF EXPENSES.—The Secretary  
5 may pay all reasonable expenses of conference activi-  
6 ties conducted by the Center, including refreshments  
7 and reimbursement of travel expenses incurred by  
8 participants.

9 “(3) RECOVERY OF COSTS.—Any revenues gen-  
10 erated under the authority of paragraph (1) for vis-  
11 itor services may be retained, as a recovery of the  
12 costs of operating the Center, and credited to any  
13 Department of State appropriation.

14 “(c) DISPOSITION OF CENTER ARTIFACTS AND MA-  
15 TERIALS.—

16 “(1) PROPERTY OF SECRETARY.—All historic  
17 documents, artifacts, or other articles permanently  
18 acquired by the Department of State and deter-  
19 mined by the Secretary to be suitable for display in  
20 the Center shall be considered to be the property of  
21 the Secretary in the Secretary’s official capacity and  
22 shall be subject to disposition solely in accordance  
23 with this subsection.

24 “(2) SALE OR TRADE.—Whenever the Secretary  
25 makes the determination under paragraph (3) with

1       respect to an item, the Secretary may sell at fair  
2       market value, trade, or transfer the item, without re-  
3       gard to the requirements of subtitle I of title 40,  
4       United States Code. The proceeds of any such sale  
5       may be used solely for the advancement of the Cen-  
6       ter’s mission and may not be used for any purpose  
7       other than the acquisition and direct care of collec-  
8       tions.

9               “(3) DETERMINATIONS PRIOR TO SALE OR  
10       TRADE.—The determination referred to in para-  
11       graph (2), with respect to an item, is a determina-  
12       tion that—

13                   “(A) the item no longer serves to further  
14                   the purposes of the Center established in the  
15                   collections management policy of the Center; or

16                   “(B) in order to maintain the standards of  
17                   the collections of the Center, the sale or ex-  
18                   change of the item would be a better use of the  
19                   item.

20               “(4) LOANS.—The Secretary may also lend  
21       items covered by paragraph (1), when not needed for  
22       use or display in the Center, to the Smithsonian In-  
23       stitution or a similar institution for repair, study, or  
24       exhibition.”.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Leach: "In title II, relating to—"

Mr. LEACH. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Chairman HYDE. Without objection, so ordered. The gentleman is recognized for 5 minutes.

Mr. LEACH. Mr. Chairman, this amendment authorizes the establishment of a Diplomacy Museum and conference center and auditorium to be located in the Department of State's headquarters at the Harry S. Truman Building. The authorization for the center that was requested by the Administration and is contained in the version of the legislation now before the Senate.

The purpose of the center is to organize and sponsor educational and outreach programs explaining the role of U.S. diplomats in American foreign policy in advancing our national interests throughout our history and throughout the world. The center is being developed through a partnership with the nonprofit, Foreign Affairs Museum Council, a 501[c][3] organization. The council has already raised approximately \$750,000 privately toward the establishment of the center. In fiscal year 2002, the State Department requested and received \$950,000 in appropriated funds to support the planning for the center.

Peoples and nations reaching beyond their borders to engage their neighbors is as old as civilization itself. In this pursuit, American diplomacy is unique, reflecting the complexity of the American experience and our evolving role in the world. The Diplomacy Museum will tell this often-unheralded story and inform people how diplomacy shaped our nation and the world.

In conclusion, let me just note and alert the Committee that there is one change to the Administration request, in that the center is designated the Colin Powell Center for American Diplomacy. This designation breaks from tradition, but I think it is particularly appropriate at this time given the leadership of the Secretary in revitalizing the Department of State and upgrading the Department of State's personnel practices, and because of the incredibly important role that diplomacy plays as a living instrument in world affairs today. And so I am hopeful that the Committee will give this their sympathetic consideration.

Chairman HYDE. The gentleman from California, Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. I want to commend my good friend from Iowa, Mr. Leach, for his usual thoughtful initiative. The diplomatic history of the United States is replete with absolutely fascinating events that deserve special recognition, from Benjamin Franklin's mission to France during the American Revolution to U.S. efforts through President Roosevelt's prize-winning work to negotiate an end to the Russo-Japanese War to our most ambitious efforts to bring democracy to the Muslim world.

American diplomacy deserves its own museum. I think it is also appropriate that our very distinguished Secretary of State, Colin Powell, have the honor of having this important, new museum designated as the Colin Powell Museum of Diplomacy, and I urge all of my colleagues to support Mr. Leach's amendment.

Chairman HYDE. Thank you, Mr. Lantos. The Chair is prepared to accept the gentleman's amendment as a worthy addition to the bill. If anybody wishes to speak, I certainly will recognize them, but we have a very long day and lots of amendments, so brevity is to be encouraged.

All right. The question occurs on the gentleman's amendment. All of those in favor, say aye.

[A chorus of ayes.]

Chairman HYDE. Opposed, nay.

[A chorus of nos.]

Chairman HYDE. The ayes have it, and the amendment is agreed to. Mr. Crowley.

Mr. CROWLEY. Chairman Hyde and Ranking Member Lantos, I have an amendment at the desk.

[The amendment of Mr. Crowley follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. CROWLEY**

Page 24, line 11, after the dollar amount, insert  
“(increased by \$25,000,000)”.

Page 24, line 12, after the dollar amount, insert  
“(increased by \$25,000,000)”.

Page 26, after line 19, insert the following new sub-  
section:

1       (e)   UNITED   NATIONS   POPULATION   FUND  
2 (UNFPA).—

3           (1) AUTHORIZATION OF APPROPRIATIONS.—Of  
4 the amounts authorized to be appropriated under  
5 subsection (a), \$50,000,000 for each of the fiscal  
6 years 2004 and 2005 is authorized only to be avail-  
7 able for a United States voluntary contribution to  
8 the United Nations Population Fund (UNFPA).

9           (2) PERMANENT GUIDELINES FOR VOLUNTARY  
10 CONTRIBUTIONS TO UNFPA.—Section 301 of the  
11 Foreign Assistance Act of 1961 (22 U.S.C. 2221) is  
12 amended by inserting after subsection (a) the fol-  
13 lowing new subsection:

14       “(b)(1) For fiscal year fiscal year 2004 and each sub-  
15 sequent fiscal year, funds appropriated to the President  
16 or the Department of State under any law for a voluntary

1 contribution to the United Nations Population Fund  
2 (UNFPA) may be obligated and expended for such pur-  
3 pose beginning 30 days after such funds become available  
4 and only if the President certifies to the Congress that  
5 the United Nations Population Fund (UNFPA) does not  
6 directly support or participate in coercive abortion or in-  
7 voluntary sterilization. The certification authority of the  
8 President under the preceding sentence may not be dele-  
9 gated.

10       “(2) In paragraph (1), the term ‘directly supports or  
11 participates in coercive abortion or involuntary steriliza-  
12 tion’ means knowingly and intentionally working with a  
13 purpose to continue, advance, or expand the practice of  
14 coercive abortion or involuntary sterilization, or playing a  
15 primary and essential role in a coercive or involuntary as-  
16 pect of a country’s family planning program.”.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Crowley: "Page 24, line 11—"

Chairman HYDE. Without objection, further reading of the amendment is dispensed with, and Mr. Crowley is recognized for 5 minutes in support thereof.

Mr. CROWLEY. Thank you, Mr. Chairman, and thank you, Ranking Member Lantos. I am pleased to offer an amendment on behalf of myself and Congressman Lee of California.

This amendment is designed to assist the United Nations Population Fund while strengthening its requirements to doubly ensure that none of these funds will ever be used for abortions or coercive sterilizations, something that everyone on this Committee on both sides of the aisle finds morally repugnant.

While it has been proven time and time again by authorities no less than our own Secretary of State, Colin Powell, and President Bush's own hand-picked team investigating UNFPA, that the UNFPA program does not fund abortions, abortion services, or involuntary sterilizations, I have drafted this amendment to further clarify this point to reassure every Member of this Committee and of this chamber.

Firstly, my amendment provides \$50 million in annual funding for UNFPA for each year over the next 2 years.

Secondly, it clarifies Kemp-Casten to ensure that U.S. funds do not go to the promotion of abortion or involuntary sterilization, while also recognizing that UNFPA provides desperately needed supplies and services for women, men, and children around the world.

UNFPA is the largest, internationally funded source of population assistance to the developing countries. In 1969, the United States helped establish UNFPA to provide support for population programs in developing countries, and over the past 30 years, UNFPA has provided more than \$4.3 billion in assistance to more than 160 countries for voluntary family planning and maternal and child health care.

Over the past 30 years, UNFPA has played a key role throughout the world, often working in countries where few other donors provide population assistance, such as Iran and Vietnam.

Make no mistake: The need for UNFPA's services is definitely there. Nearly 600,000 women die each year from causes related to pregnancy. Ninety-nine percent of these women are in the developing world. Many of these deaths could be prevented by providing women with the means or information to choose the size and spacing of their families. This is just one of the areas UNFPA focuses on.

UNFPA's priorities include working to increase access to reproductive-health services, improve approaches to adolescent reproductive health, promote safe pregnancy and delivery, reduce maternal mortality, provide emergency assistance to refugee situations, and prevent and treat HIV and AIDS.

UNFPA also supports research and data collection to improve population activities and activities to improve the status of women worldwide. UNFPA has provided emergency reproductive health kits, including equipment for safe deliveries and emergency contra-

ceptives for rape victims, for Kosovo refugees, earthquake victims in Turkey, cyclone victims in India, and women in East Timor.

I know this is a long list to go through, but this incredibly long and incredibly important list is why we must fund UNFPA.

Of course, it is also important to talk about what UNFPA is not and what it does not do. UNFPA provides no support for abortion. UNFPA is not a partisan issue. Secretary of State Colin Powell has publicly commended the UNFPA for its good work. Republicans and Democrats in Congress support funding UNFPA.

Following September 11th and the U.S. military response in Afghanistan, the U.S. provided an emergency grant of \$600,000 for UNFPA to provide reproductive-health and safe-delivery supplies and services to Afghan refugees. President Bush initially proposed \$25 million for UNFPA. He later increased the funding to \$34 million.

The Administration's own blue-ribbon, assessment team sent to China to investigate family-planning programs found, and I quote:

“. . . no evidence that UNFPA has knowingly supported or participated in the management of a program of coercive abortion of involuntary sterilization.”

The Administration's own team recommended a full funding of UNFPA, but the unfortunate reality is that there have been inconsistent interpretations of what Kemp-Casten. My amendment would address that. It says that Kemp-Casten can be invoked if it is found that UNFPA directly supports or participates in coercive abortion of sterilization. That is what we want to protect against, and that is what my amendment provides for.

There have been growing concerns about the actions in China, and this was the justification for the President's withholding of this money in both fiscal years 2002 and 2003. While UNFPA never financed abortions or sterilization, there is some evidence that the Chinese have performed these horrific actions with their own money. Stating that, I strongly supported the fiscal year 2003 omnibus that prohibits any UNFPA assistance from being used in China just as one more firewall to ensure that these funds are used to promote families and not to promote abortions. To argue China is now to argue a red herring.

UNFPA does so much good work while not providing abortions. Again, President Bush's own task force has said this. Now it is time to free up this previously appropriated funding and pass my amendment to allow this program to continue with its core mission, promoting families. The good of UNFPA must be supported. Americans, from Secretary Powell to President Bush, have supported this good and worthwhile cause over the years, and with the exception of UNFPA funding levels, not much has changed since their outright support.

UNFPA still does not support coercive sterilization or abortion, and there is unfortunately still a massive need for UNFPA's services. My amendment deals with saving lives, those of both the mother and of her child, not the reverse, and that is why I call for the passage of my amendment, and I yield back the balance of my time.

Chairman HYDE. The gentleman from New Jersey, Mr. Smith.

Mr. SMITH OF NEW JERSEY. Thank you very much. Mr. Chairman, I rise in very strong opposition to this amendment, the Crowley Amendment. I would like to ask the maker of the amendment a very simple question. Can he explain social compensation fees as it relates to the PRC's program?

Mr. CROWLEY. Social compensation fees?

Mr. SMITH OF NEW JERSEY. Yes.

Mr. CROWLEY. No, I can't. In terms of what?

Mr. SMITH OF NEW JERSEY. The People's Republic of China's population control program; can he explain it?

Mr. CROWLEY. I am not making reference to that. No, I cannot explain—

Mr. SMITH OF NEW JERSEY. I reclaim my time. Let me just say—

Mr. CROWLEY. If the gentleman could explain it for us.

Mr. SMITH OF NEW JERSEY. Well, let me just say to my colleagues, to offer an amendment to change fundamental human rights law that has been in existence for 17 years that takes very seriously the horrific practice of coercive population control, including forced abortion and forced sterilization, and for the maker of that amendment not to know what is the integral part of the PRC's process, the population-control program, relies on what they call "social compensation fees."

Now, let me just make a couple of points. Secretary of State Colin Powell made the determination this year, pursuant to the Kemp-Casten language that says, and let me remind my colleagues what Kemp-Casten says, that none of the funds made available in this act may be available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion of involuntary sterilization.

Secretary of State Colin Powell made the determination, after a very significant, a massive, review of what is happening on the ground in China and the complicity of the UNFPA in what was going on, and made this statement, and I quote:

"The PRC has in place a regimen of severe penalties on women who have unapproved births. This regime plainly operates to coerce pregnant women to have abortions in order to avoid the penalties and, therefore, amounts to a program of coercive abortion."

The State Department put out very extensive reporting in the *Country Reports on Human Rights Practices* this year, and I commend it to the reading of my friend and colleague from New York. If you are going to offer an amendment to nullify human rights law, and that is what his amendment does, I would hope—

Mr. CROWLEY. Will the gentleman yield?

Mr. SMITH OF NEW JERSEY. No. I won't yield. I will yield at the end of my statement. I would hope that he would know in advance what a social compensation fee is. The State Department points out, after the review of what is going on in UNFPA-sponsored counties, the 32 counties where they operate,

“The PRC Government publicly establishes and enforces detailed, planned-birth policies with legal births distinguished from out-of-plan births.”

In other words, children are either legal or illegal, and the state decides those that are illegal are then destined to be killed by the state.

Fines on out-of-state births are typically severe. They are called “social compensation fees.” For example, the laws in one of the counties in which UNFPA operates expressly provide that, and I quote:

“The birth of a child which violates government family-planning policy will result in the levying of a fee of two to three times the annual income of both respective parties,”

and then it gets worse after that.

In other words, if you or I and our wives or the women who are on the Committee or anyone in this room were to have a child that was not deemed permissible by the Government of the PRC, we would lose 3 years of my salary and 3 years of my wife’s salary, 6 years, and it is called a compensation fee. That is at the core of the one-child-per-couple policy in the PRC, and UNFPA has been lauding this program since its inception back in 1979.

I would point out to my colleagues that the former executive director of the UNFPA has said, when she got an award upon leaving, to show the complicity and the hand-in-glove relationship between a U.N. agency that ought to be on the side of the oppressed but, instead, stands on the side of the oppressor—this is Dr. Sedyk talking, the executive director of the UNFPA:

“I have had the honor of being associated with China’s reproductive-health and family-planning program for more than 2 decades. I feel proud that UNFPA made the wise decision to resist external pressures,”

and read that, human rights pressures,

“external pressures in its fruitful cooperation with China.”

I would point out to my colleagues that that is standing hand in hand, shoulder to shoulder, with the oppressors of women. UNFPA has covered itself with shame, I say to my friend and colleague. The Kemp-Casten language says, get out of China, and then you will get your money. Cease this cooperation with a coercive population-control program.

I commend to my colleagues the State report this year, the *Country Reports on Human Rights Practices*, which is very thorough and talks about this coercive regime and the fact that the one-child-per-couple policy is implemented in the 32 counties, birth quotas are used throughout all of China.

Let me ask my friend another question. A new law went into effect in September 2002. Has he looked at it? Is he aware of it?

Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. SMITH OF NEW JERSEY. I would be happy to yield.

Mr. CROWLEY. Mr. Chairman, as you know, in my statement, this bill does not refer to China in that sense. I understand the processes that take place in China. I understand the compensation

plan, having been to China in January of this year. I understand that China is not a model nation in this world, and because of that, we are saying, build the firewall and support the firewall—

Mr. SMITH OF NEW JERSEY. I reclaim my time and just say to my colleague, you say you understand it. A moment ago, you didn't even know what it was,—

Mr. CROWLEY. Mr. Chairman.

Mr. SMITH OF NEW JERSEY [continuing]. And I find that outrageous, I say to my colleague, outrageous.

Mr. CROWLEY. Will the gentleman yield? There is no need for the combative nature between—

Mr. SMITH OF NEW JERSEY. Oh, combative. We are talking about women who are coerced.

Chairman HYDE. The Chair, for the first time in several years, calls for order.

Mr. SMITH OF NEW JERSEY. I would be happy to yield.

Chairman HYDE. The gentleman from New Jersey still has a few moments left.

Mr. SMITH OF NEW JERSEY. Let me just remind my colleagues that, again, in the past, in this Committee, we have not had the votes to defeat this kind of amendment, and it probably will require a Floor fight, which we would welcome, especially to bring some light and scrutiny to the abusive practices of the PRC and those who would aid and abet those abusive practices.

The UNFPA should be out in front, saying that volunteerism is the only way for family-planning and population control, that coercion, in any manifestation, in any manner, needs to be repudiated absolutely.

I commend Secretary of State Colin Powell. What you would take out of the loop in your amendment, if I read it carefully, the President cannot delegate that authority to the Secretary of State. Traditionally, over the last 17 years, that is exactly what has happened, and that is what happened last year. The Secretary of State, who is the prime funder and originator and implementer of our U.S. foreign policy, gathered together all of his respective people on this issue and then made a very, very insightful judgment, and I would hope that the Secretary of State would retain that authority as well.

Chairman HYDE. The gentleman's time has expired. The gentleman from California, Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. Let me, at the outset, state that I strongly support Mr. Crowley's amendment, and I urge all of my colleagues, with all of the emphasis at my command, to join me in that effort.

Let me also say parenthetically that our colleague, Mr. Crowley, was the Democratic leader of an important congressional delegation to the People's Republic of China and displayed a degree of passionate commitment to human rights that was extraordinary, and I want to pay public tribute to him at this forum.

As the founding Chairman of the Congressional Human Rights Caucus, I take second place to no one in criticism of China's horrendous human rights record, and I want to pay tribute to my good friend from New Jersey, Mr. Smith, with whom I have stood, shoulder to shoulder, for almost a quarter of a century in fighting Chi-

nese human rights abuses. No one has been more articulate, effective, and passionate about fighting China's horrendous human rights record than my good friend from New Jersey, Mr. Smith.

China's use of forced abortion and forced sterilization to control population growth is a horrendous violation of internationally recognized human rights, and the United States must make every effort to convince Chinese officials to cease these horrendous practices. What is so sad about China's use of coercive family-planning practices is that China could accomplish the same goal, controlling its population, through active promotion of voluntary family planning. That is why it is so critically important that UNFPA operate in China and that the United States contribute financially to the work of UNFPA in China.

UNFPA's program in China is specifically designed to demonstrate to the Chinese Government that voluntary family-planning programs, free of coercion and free of quotas, will effectively control China's population explosion. This is exactly the approach that opponents of the Crowley Amendment should be supporting. Instead, they want to cut all U.S. funding for UNFPA, create millions of more unintended pregnancies and unsafe abortions around the world in countries that have nothing to do with China's family-planning program.

Mr. Chairman, don't just take my word for it. The Bush Administration sent its own team to China last year to investigate the UNFPA's work in 32 countries in which it was operating. This delegation, which, I underscore, was hand picked by the White House, hand picked by the White House, concluded that there was no evidence of UNFPA's involvement in coercive family-planning practices in these countries. The delegation concluded that UNFPA is a positive force in China, promoting voluntary practices and greater respect for individual human rights. Most importantly, the delegation recommended that the United States' contribution to UNFPA, held up by the Bush Administration, be released to the UNFPA.

Mr. Chairman, I do not understand why the President ignored the recommendation of his hand-picked delegation and refused to give the needed funds to UNFPA. By authorizing \$50 million to the program and by clarifying the rules under which our funds are given, the Crowley Amendment, very carefully crafted, will ensure that the U.S. once again supports the exceptional and vital work of this important organization.

I strongly support Mr. Crowley's amendment, and I urge all of my colleagues to do so.

Chairman HYDE. The gentleman from Indiana, Mr. Pence.

Mr. PENCE. Thank you, Mr. Chairman. I am, as you know, Mr. Chairman, like you, a Midwesterner, meaning I am not from New Jersey or New York, so my tone will be a little different and considerably less entertaining, but I am every bit as passionate.

I have worked with everyone who has spoken so far on a variety of issues and have great respect for Mr. Crowley and his passion and the sincerity of his purpose in this amendment, but I would respectfully argue against it, not because I challenge Mr. Crowley's sincerity but, rather, because I truly believe this is about the moral bankruptcy of the UNFPA. As we learned before this Committee in

October of the year 2001, the reality of coercive abortion and voluntary sterilization, truly a brutal human rights record on reproductive issues is the reality in China.

The testimony before this International Relations Committee, and I quote now:

“On the first day of our investigation, we interviewed women in a family-planning clinic one mile from the county office of the UNFPA. We interviewed a 19-year-old who told us she was too young to be pregnant, according to the unbending family-planning policy. She was receiving a nonvoluntary abortion in an adjacent room. Her friends told us sadly that she, indeed, desired to keep her baby, but she had no choice since the law forbid it.”

Forced abortion is the reality in China, as so many have already acknowledged.

China itself has recognized the contribution of the UNFPA. Mr. Smith, my good friend from New Jersey and co-laborer on many of these issues, pointed out the quote for Ms. Sedyk, the UNFPA executive director from 1987 to 2000, but when she spoke glowingly of the honor that she felt being associated with China’s reproductive policy, she did so, accepting from the Chinese Government the International Cooperation Honorary Prize on January 12, 2002. So China certainly thinks the UNFPA has been supportive, and the UNFPA have themselves spoken very plainly.

Sven Burmister famously said, in August 2001,

“For all of the bad press, China has achieved the impossible,” and he would say to the French press a few months later,

“China has had the most successful family-planning policy in the history of mankind in terms of quantity, and with that, China has done mankind a favor.”

Speaking of human life as quantity is deeply offensive to the sensibility, I believe, of virtually every American and certainly everyone who has spoken on this panel so far. Even Secretary of State Colin Powell, who has been alluded to already, said, in a letter to Congress, July 21, 2002,

“The UNFPA’s support of and involvement in China’s population-planning activities allows the Chinese Government to implement more effectively its program of coercive abortion.”

And so I respectfully would encourage my colleagues to oppose the Crowley Amendment, not because of its lack of good intention but, rather, because this is an organization that has consistently, through a variety of its leadership and through testimony before this Committee, demonstrated a level of moral bankruptcy. That we should simply continue to maintain this current prohibition on the expenditure of the funds of the American people who find these policies and any who would promote them, anyone who would speak favorable of them in the world community, deeply and morally offensive, and I yield back the balance of my time, Mr. Chairman.

Chairman HYDE. The gentleman’s time has expired. The gentlelady from California, Ms. Lee.

Ms. LEE. Thank you, Mr. Chairman. Let me thank my colleague, Mr. Crowley from New York, for his hard work and his leadership in putting together this very well-crafted amendment to restore vital, life-saving, and that is what this is about, life-saving, UNFPA funds and to clarify the intent of the Kemp-Casten provision.

Today, women all over the world are suffering because of the misapplication of Kemp-Casten and the Administration's unjustified decision to unilaterally cut off UNFPA funding. The suspension of U.S. funds, to the tune of \$34 million in fiscal year 2002 and \$35 million in fiscal year 2003, has caused UNFPA to begin major program cuts across the globe.

Now, what kind of programs are we talking about? We are talking about HIV/AIDS prevention and treatment initiatives. We are talking about voluntary family-planning programs, maternal and child health care programs. UNFPA does not, and let me repeat this, it does not provide assistance for abortion, abortion services, or abortion-related equipment or supplies as a method of family planning anywhere in the world.

Now, what is the impact of these cuts in terms of the impact on its programs? It is estimated that the elimination of U.S. funds could result in, could result in, mind you, 552,000 abortions, over a million unintended pregnancies, over half a million wanted births, thousands of maternal and child deaths, and nearly 2.7 million women going without modern contraception.

This is not about China, Mr. Chairman. This has nothing to do with China. This has to do with UNFPA and not punishing women as a result of our cutting these funds. We must avoid these devastating consequences by restoring this funding. We must also maintain and reaffirm the protections in the Kemp-Casten while clarifying its intent, and this amendment achieves that objective by prohibiting U.S. funds from going to UNFPA only if, and the amendment says, only if it directly supports—it prohibits U.S. funds, prohibits, if it supports directly or participates in coercive abortion or sterilization.

So, Mr. Chairman, this is written into this amendment. It is very clear. So contrary to the claims that we are hearing today, UNFPA's presence in China is having, as Mr. Crowley saw this year, having really positive, not harmful, effects.

So on behalf of the unnecessary, and really unjustified, suffering of poor women all across the globe, I urge adoption of this amendment and to do it in a way that helps to save lives and helps to accomplish all of the things that I know both sides want to accomplish. Thank you, and I yield back the balance of my time.

Chairman HYDE. The Governor seeks recognition.

Mr. JANKLOW. Thank you, Mr. Chairman. I am going to be extremely brief in my comments.

As I read the Kemp-Casten provisions, the operative language says that the President of the United States has to determine that an organization supports or participates in the management of a program of coercive abortion or involuntary sterilization. If that is unclear, there is no way you can write anything in the English language to make it any clearer. That is as clear as language can be.

I don't care what somebody is on the abortion issue, whether they are pro-choice or pro-life, but I have met very, very few people in this country who say that they support in any way anything that participates in a program of coerced abortion or involuntary sterilization. Well, we have had involuntary sterilizations in this country where it pertained to the mentally ill. There has been a huge amount of outrage and an outcry that has come up from our citizenry.

So, to me, it is not a question of whether you are pro-choice or pro-life; it is a question of whether or not we are willing to allow our funding, taken from the taxpayers of this country, to support organizations that participate in the management of a program of coercive abortion or involuntary sterilization. That language is as clear as any language in the English language can be. Thank you.

Chairman HYDE. Thank you. The question occurs on the amendment.

Mr. ROHRABACHER. Mr. Chairman.

Chairman HYDE. The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. Mr. Chairman, I have been here a long time, and I have learned to respect people on both sides of the aisle. I have learned to respect the point of view of my new friend from New York, but I have also worked many, many years with my friend, Mr. Smith from New Jersey, on this particular issue. It is pretty hard for us not to have faith in Chris Smith on this issue, although I have ample respect for my newfound friend on the other side of the aisle on this. But I think I would like to hear Mr. Smith's retorts to some of the things that have been said on this, so I yield my time to Mr. Smith.

Mr. SMITH OF NEW JERSEY. I thank my good friend for yielding and for his very kind comments.

Let me just make a couple of points again. I believe wholeheartedly that this amendment absolutely trivializes the horrific human rights abuse, a crime against humanity, that is practiced daily—it is commonplace; it is prevalent, including in the 32 counties where the UNFPA operates—and they are coercive population control, forced abortion, and ruinous, draconian fines that give a woman no other choice but to walk into that clinic. That is the situation on the ground, and I would hope that Members would be aware of it.

The UNFPA has covered itself, I say, with all due respect to my colleagues, in shame. For over 2 decades, they have provided a whitewash of these crimes against humanity—against women and against children. The one-child-per-couple policy relies, first and foremost, on a social compensation fee, and if that doesn't work, other more draconian measures are incrementally levied upon that woman until she gives up the ghost and has that abortion because she has nowhere else to turn.

We have had numerous hearings, as you know, Mr. Chairman, right here in this Committee room and have heard from women who have been coerced into having abortions. We have talked to women who have had their babies on the run, only to be finally apprehended by the family-planning cadres, and severe punishments were meted out against them.

This amendment, make no mistake about it, isn't about clarification at all. We always want to clarify. It is a nullifying amendment, pure and simple. It is clever, but it is a nullifying amendment nonetheless.

Let me just say, in response to my colleagues about this money not being used for family planning via the UNFPA. Secretary of State Colin Powell, back in July, when he tendered his letter to Congress, made it very clear that, dollar for dollar, all \$34 million would be given over to reproductive-health and family-planning programs elsewhere, and that effort was blocked by those who are enamored of the UNFPA, who said, no, only the UNFPA.

So that money is sitting fallow, gathering dust. The State Department would love to provide that money to Afghanistan, to Pakistan, to help the women who are suffering right now on the ground, but that reprogramming has been blocked by the pro-abortion side of this debate. I say that with sadness. I want that money lifted and out the door and to those people who need it so badly. So when you talk about women who are in need, this money is available, but it is being blocked.

Let me also say, when we talk about the language in this bill, and this is where the "cleverness" comes in, it kind of now puts a legal intent, that they have to knowingly. The UNFPA has said there is no coercion in China for 2 decades. We are not going to have a court of law. This isn't a criminal proceeding. This is about who gets grant money that U.S. taxpayers provide via their taxes to the Federal Government.

It is grant money, and I would want our Secretary of State and our President and our State Department to have the flexibility and the law, the backdrop of a law, that says we do not want to support any organization, not just the UNFPA, any organization, that supports or participates in the management of a coercive, population-control program. Coercive, population-control programs to the women, and they are the ones who bear the most serious brunt of that kind of brutality, with forced abortion and involuntary sterilization, are crimes against women, are crimes against humanity. We don't want to in any way enable or facilitate those kinds of crimes.

So let me remind my colleagues, every dollar of the \$34 million would go to family planning and reproductive health if the Administration were given the ability, which it has not been given by the pro-abortion Members, to do so.

So I strongly urge Members not to send a message to the dictatorship in the PRC that coercion doesn't matter. That is what the Crowley Amendment does. Maybe it is unwittingly because we can talk and rhetorically talk about we are against coercion, but for the woman who is suffering a coercive, population-control policy—forced abortion or forced sterilization—talking about legal intent—What did they know? When did they know it? Are they doing it? Is the consequence that the program is made more effective in its coercion or not? That is what the Secretary of State concluded. I urge opposition to the amendment.

Chairman HYDE. The gentleman's time has expired. The question occurs on the amendment offered by the gentleman from New York, Mr. Crowley. All those in favor say aye.

[A chorus of ayes.]

Chairman HYDE. Opposed, nay. No.

[A chorus of nos.]

Chairman HYDE. The Chair is in doubt and asks Ms. Rush if she will call the roll.

Ms. RUSH. Mr. Leach?

[No response.]

Ms. RUSH. Mr. Bereuter?

Mr. BEREUTER. No.

Ms. RUSH. Mr. Bereuter votes no. Mr. Smith of New Jersey?

Mr. SMITH OF NEW JERSEY. No.

Ms. RUSH. Mr. Smith of New Jersey votes no. Mr. Burton?

Mr. BURTON. No.

Ms. RUSH. Mr. Burton votes no. Mr. Gallegly?

[No response.]

Ms. RUSH. Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. No.

Ms. RUSH. Ms. Ros-Lehtinen votes no. Mr. Ballenger?

Mr. BALENGER. No.

Ms. RUSH. Mr. Ballenger votes no. Mr. Rohrabacher?

Mr. ROHRABACHER. No.

Ms. RUSH. Mr. Rohrabacher votes no. Mr. Royce?

Mr. ROYCE. No.

Ms. RUSH. Mr. Royce votes no. Mr. King?

Mr. KING. No.

Ms. RUSH. Mr. King votes no. Mr. Chabot?

[No response.]

Ms. RUSH. Mr. Houghton?

Mr. HOUGHTON. Yes.

Ms. RUSH. Mr. Houghton votes yes. Mr. McHugh?

[No response.]

Ms. RUSH. Mr. Tancredo?

Mr. TANCREDO. No.

Ms. RUSH. Mr. Tancredo votes no. Mr. Paul?

Mr. PAUL. No.

Ms. RUSH. Mr. Paul votes no. Mr. Smith of Michigan?

Mr. SMITH OF MICHIGAN. No.

Ms. RUSH. Mr. Smith of Michigan votes no. Mr. Pitts?

Mr. PITTS. No.

Ms. RUSH. Mr. Pitts votes no. Mr. Flake?

Mr. FLAKE. No.

Ms. RUSH. Mr. Flake votes no. Mrs. Davis?

Mrs. DAVIS. Mrs. Davis votes no. Mr. Green?

[No response.]

Ms. RUSH. Mr. Weller?

Mr. WELLER. No.

Ms. RUSH. Mr. Weller votes no. Mr. Pence?

Mr. PENCE. No.

Ms. RUSH. Mr. Pence votes no. Mr. McCotter?

Mr. MCCOTTER. No.

Ms. RUSH. Mr. McCotter votes no. Mr. Janklow?

Mr. JANKLOW. No.

Ms. RUSH. Mr. Janklow votes no. Ms. Harris?

Ms. HARRIS. No.

Ms. RUSH. Ms. Harris votes no. Mr. Lantos?  
 Mr. LANTOS. Yes.  
 Ms. RUSH. Mr. Lantos votes yes. Mr. Berman?  
 Mr. BERMAN. Yes.  
 Ms. RUSH. Mr. Berman votes yes. Mr. Ackerman?  
 Mr. ACKERMAN. Yes.  
 Ms. RUSH. Mr. Ackerman votes yes. Mr. Faleomavaega?  
 Mr. FALEOMAVAEGA. Yes.  
 Ms. RUSH. Mr. Faleomavaega votes yes. Mr. Payne?  
 Mr. PAYNE. Yes.  
 Ms. RUSH. Mr. Payne votes yes. Mr. Menendez?  
 Mr. MENENDEZ. Aye.  
 Ms. RUSH. Mr. Menendez votes yes. Mr. Brown?  
 [No response.]  
 Ms. RUSH. Mr. Sherman?  
 Mr. SHERMAN. Yes.  
 Ms. RUSH. Mr. Sherman votes yes. Mr. Wexler?  
 [No response.]  
 Ms. RUSH. Mr. Engel?  
 Mr. ENGEL. Yes.  
 Ms. RUSH. Mr. Engel votes yes. Mr. Delahunt?  
 Mr. DELAHUNT. Yes.  
 Ms. RUSH. Mr. Delahunt votes yes. Mr. Meeks?  
 Mr. MEEKS. Yes.  
 Ms. RUSH. Mr. Meeks votes yes. Ms. Lee?  
 Ms. LEE. Yes.  
 Ms. RUSH. Ms. Lee votes yes. Mr. Crowley?  
 Mr. CROWLEY. Yes.  
 Ms. RUSH. Mr. Crowley votes yes. Mr. Hoeffel?  
 Mr. HOFFEL. Yes.  
 Ms. RUSH. Mr. Hoeffel votes yes. Mr. Blumenauer?  
 Mr. BLUMENAUER. Aye.  
 Ms. RUSH. Mr. Blumenauer votes yes. Ms. Berkley?  
 Ms. BERKLEY. Yes.  
 Ms. RUSH. Ms. Berkley votes yes. Ms. Napolitano?  
 Ms. NAPOLITANO. Yes.  
 Ms. RUSH. Ms. Napolitano votes yes. Mr. Schiff?  
 Mr. SCHIFF. Aye.  
 Ms. RUSH. Mr. Schiff votes yes. Ms. Watson?  
 Ms. WATSON. Yes.  
 Ms. RUSH. Ms. Watson votes yes. Mr. Smith of Washington?  
 Mr. SMITH OF WASHINGTON. Yes.  
 Ms. RUSH. Mr. Smith of Washington votes yes. Ms. McCollum?  
 Ms. MCCOLLUM. Aye.  
 Ms. RUSH. Ms. McCollum votes yes. Mr. Bell?  
 Mr. BELL. Yes.  
 Ms. RUSH. Mr. Bell votes yes. Mr. Chairman?  
 Chairman HYDE. No.  
 Ms. RUSH. Mr. Hyde votes no.  
 Chairman HYDE. Mr. Green of Wisconsin?  
 Ms. RUSH. Mr. Green is not recorded.  
 Mr. GREEN. No.  
 Mr. WEXLER. Mr. Chairman.  
 Ms. RUSH. Mr. Green votes no.

Chairman HYDE. Who seeks recognition?  
 Mr. WEXLER. Wexler, Robert Wexler.  
 Chairman HYDE. Yes, sir.  
 Mr. WEXLER. How am I recorded?  
 Ms. RUSH. Mr. Wexler is not recorded.  
 Mr. WEXLER. May I please vote yes?  
 Ms. RUSH. Mr. Wexler votes yes.  
 Mr. MCHUGH. Mr. Chairman.  
 Chairman HYDE. Who is seeking?  
 Mr. MCHUGH. Mr. McHugh, John McHugh.  
 Chairman HYDE. Mr. McHugh?  
 Mr. MCHUGH. How am I recorded?  
 Ms. RUSH. Mr. McHugh is not recorded.  
 Mr. MCHUGH. I vote no.  
 Ms. RUSH. Mr. McHugh votes no.  
 Chairman HYDE. Have all voted who wish?  
 Mr. MENENDEZ. Mr. Chairman.  
 Chairman HYDE. Who is seeking recognition?  
 Mr. MENENDEZ. Mr. Menendez.  
 Chairman HYDE. Mr. Menendez?  
 Mr. MENENDEZ. Mr. Chairman, how am I recorded?  
 Ms. RUSH. Mr. Menendez is recorded as voting yes.  
 Mr. MENENDEZ. Thank you.  
 Chairman HYDE. Ms. Lee. The gentlelady is recorded as yes. I watched very carefully. [Laughter.]  
 Mr. PAYNE. Mr. Chairman. Mr. Chairman.  
 Chairman HYDE. Who is seeking recognition?  
 Mr. PAYNE. I would like to know how I am recorded.  
 Chairman HYDE. Don't you remember, Mr. Payne? [Laughter.]  
 Mr. PAYNE. No. [Laughter.]  
 Chairman HYDE. The clerk will report.  
 Mr. ACKERMAN. Mr. Chairman.  
 Chairman HYDE. Who is trying to slow this down? Mr. Ackerman, of all people.  
 Mr. ACKERMAN. At my advanced age, I have forgotten if I voted or not. How might I be recorded?  
 Chairman HYDE. Tell Mr. Ackerman he voted no. No, he voted yes. I am sorry.  
 Ms. RUSH. Mr. Ackerman?  
 Mr. ACKERMAN. Yes. How did I vote?  
 Ms. RUSH. Yes.  
 Chairman HYDE. All right. The clerk will report.  
 Ms. RUSH. On this vote, there are 23 yeases and 22 nos.  
 Chairman HYDE. And the amendment is agreed to. Mr. Rohrabacher.  
 Mr. ROHRABACHER. Well, all right. [Laughter.]  
 Congratulations to someone and condolences to others.  
 I have an amendment at the desk, Mr. Chairman.  
 [The amendment of Mr. Rohrabacher follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. ROHRABACHER**

Add at the end the following new title, and conform  
the table of contents accordingly:

1           **TITLE XV—EXPORTS OF**  
2                           **SATELLITES**

3   **SEC. 1501. EXPORT CONTROLS ON SATELLITES AND RE-**  
4                           **LATED ITEMS.**

5           Notwithstanding any other provision of law, in the  
6 case of the export of commercial communications satellites  
7 and related items to a country that is a member of the  
8 North Atlantic Treaty Organization or that is a major  
9 non-NATO ally of the United States, the President may  
10 determine to what extent, and under which provisions of  
11 law, such export may be controlled.

12   **SEC. 1502. MANDATORY STATE DEPARTMENT REVIEW.**

13           (a) CERTAIN DEFENSE SERVICES.—The provision of  
14 defense services by United States persons, including serv-  
15 ices or assistance provided during technical interchange  
16 meetings, in connection with the launch of a satellite from,  
17 or by nationals of, the People's Republic of China, are sub-  
18 ject to section 38 of the Arms Export Control Act.

19           (b) NOTIFICATION TO CONGRESS.—At least 30 days  
20 before any export license or any technical assistance agree-  
21 ment is approved under subsection (a), the President shall

1 transmit a certification with respect to such export license  
2 or technical assistance agreement in the manner provided  
3 in section 36(d) of the Arms Export Control Act, to the  
4 Speaker of the House of Representatives and the chair-  
5 man of the Committee on Foreign Relations of the Senate.  
6 The export license or technical assistance agreement shall  
7 not be approved if the Congress, within that 30-day pe-  
8 riod, enacts a joint resolution prohibiting such approval.  
9 The provisions of section 36(d)(5) of that Act shall apply  
10 with respect to any such joint resolution, and the provi-  
11 sions of section 36(f) of that Act shall apply with respect  
12 to any certification submitted under this subsection.

13 **SEC. 1503. EXPORT RESTRICTIONS NOT AFFECTED.**

14 Nothing in this title shall be construed to—

15 (1) modify any restriction on exports imposed  
16 under any other provision of law, including—

17 (A) restrictions on exports to—

18 (i) any country the government of  
19 which has been determined by the Sec-  
20 retary of State to have repeatedly provided  
21 support for acts of international terrorism;

22 (ii) any country that does not adhere  
23 to the Missile Technology Control Regime;

24 or

1 (iii) any other country of proliferation  
2 concern; and

3 (B) restrictions imposed under title IX of  
4 the Foreign Relations Authorization Act, Fiscal  
5 Years 1990 and 1991; or

6 (2) affect any provision of section 1514 or 1515  
7 of the Strom Thurmond National Defense Author-  
8 ization Act for Fiscal Year 1999 (22 U.S.C. 2778  
9 note), or of title XIV of the National Defense Au-  
10 thorization Act for Fiscal Year 2000 (22 U.S.C.  
11 2778 note).

12 **SEC. 1504. DEFINITIONS.**

13 In this title:

14 (1) **DEFENSE SERVICE.**—The term “defense  
15 service” means—

16 (A) the furnishing of assistance (including  
17 training) to foreign persons, whether in the  
18 United States or abroad, in the design, develop-  
19 ment, engineering, manufacture, production, as-  
20 sembly, testing, repair, maintenance, modifica-  
21 tion, operation, destruction, processing, or use  
22 of a satellite or related items; and

23 (B) the furnishing to foreign persons,  
24 whether in the United States or abroad, of any

1           technical data in connection with a satellite or  
2           related items.

3           (2) RELATED ITEMS.—The term “related  
4           items” means the satellite fuel, ground support  
5           equipment, test equipment, payload adapter or inter-  
6           face hardware, replacement parts, and nonembedded  
7           solid propellant orbit transfer engines described in  
8           the report submitted to Congress by the Department  
9           of State on February 6, 1998, pursuant to section  
10          38(f) of the Arms Export Control Act (22 U.S.C.  
11          2778(f)), as well as systems, components, parts, ac-  
12          cessories, and associated equipment for satellites, in-  
13          cluding ground control equipment.

14          (3) UNITED STATES PERSON.—The term  
15          “United States person” has the meaning given that  
16          term in section 16(2) of the Export Administration  
17          Act of 1979 (50 U.S.C. 1415(2)).

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Rohrabacher: "Add at the end the following new title and—"

Chairman HYDE. Without objection, further reading of the amendment is dispensed with, and the gentleman is recognized for 5 minutes in support of his amendment.

Mr. ROHRABACHER. Mr. Chairman, what basically this amendment does is permit the President of the United States to set the regulatory policies toward the export of satellite technology to other countries.

Today, we have placed all of our satellite exports on the U.S. munitions list, which is very, very restrictive, and I support that restriction to countries that could be adversarial and hostile to the United States.

Chairman HYDE. Would the gentleman yield?

Mr. ROHRABACHER. Yes, I would.

Chairman HYDE. We expect some Floor votes very shortly. We are certainly prepared to accept this very fine amendment, if the gentleman will take yes for an answer.

Mr. ROHRABACHER. The answer is, yes, I will. If it needs further explanation, I will be happy to do so. This takes care of American security while making sure we can export to our friends while keeping restrictions on our potential enemies. Thank you.

Chairman HYDE. Mr. Faleomavaega seems to have something to say.

Mr. FALEOMAVAEGA. No. I just wanted to seek immediate—

Chairman HYDE. You were agreeing. The question occurs on the amendment offered by the gentleman from California. All of those in favor, say aye.

[A chorus of ayes.]

Chairman HYDE. Opposed, nay.

[No response.]

Chairman HYDE. The ayes have it. The amendment is agreed to. Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman. Mr. Chairman, I have an amendment at the desk.

[The amendment of Mr. Lantos follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. LANTOS, MR. HYDE, AND MR.**  
**ACKERMAN**

At the end of division B of the bill, add the following  
 (and conform the table of contents accordingly):

1 **TITLE XV—ISRAELI-PALES-**  
 2 **TINIAN PEACE ENHANCE-**  
 3 **MENT ACT OF 2003**

4 **SEC. 1501. SHORT TITLE.**

5 This title may be cited as the “Israeli-Palestinian  
 6 Peace Enhancement Act of 2003”.

7 **SEC. 1502. FINDINGS.**

8 Congress makes the following findings:

9 (1) The security of the State of Israel is a  
 10 major and enduring national security interest of the  
 11 United States.

12 (2) A lasting peace in the Middle East region  
 13 can only take root in an atmosphere free of violence  
 14 and terrorism.

15 (3) The Palestinian people have been ill-served  
 16 by leaders who, by resorting to violence and ter-  
 17 rorism to pursue their political objectives, have  
 18 brought economic and personal hardship to their

1 people and brought a halt to efforts seeking a nego-  
2 tiated settlement of the conflict.

3 (4) The United States has an interest in a Mid-  
4 dle East in which two states, Israel and Palestine,  
5 will live side by side in peace and security.

6 (5) In his speech of June 24, 2002, and in  
7 other statements, President George W. Bush out-  
8 lined a comprehensive vision of the possibilities of  
9 peace in the Middle East region following a change  
10 in Palestinian leadership.

11 (6) A stable and peaceful Palestinian state is  
12 necessary to achieve the security that Israel longs  
13 for, and Israel should take concrete steps to support  
14 the emergence of a viable, credible Palestinian state.

15 (7) The Palestinian state must be a reformed,  
16 peaceful, and democratic state that abandons forever  
17 the use of terror.

18 (8) On April 29, 2003, the Palestinian Legisla-  
19 tive Council confirmed in office, by a vote of 51  
20 yeas, 18 nays, and 3 abstentions, the Palestinian  
21 Authority's first prime minister, Mahmoud Abbas  
22 (Abu Mazen), and his cabinet.

23 (9) In his remarks prior to the vote of the Pal-  
24 estinian Legislative Council, Mr. Abbas declared:  
25 "The government will concentrate on the question of

1 security . . . The unauthorized possession of weap-  
2 ons, with its direct threat to the security of the pop-  
3 ulation, is a major concern that will be relentlessly  
4 addressed . . . There will be no other decision-mak-  
5 ing authority except for the Palestinian Authority.”.

6 (10) In those remarks, Mr. Abbas further stat-  
7 ed: “We denounce terrorism by any party and in all  
8 its forms both because of our religious and moral  
9 traditions and because we are convinced that such  
10 methods do not lend support to a just cause like  
11 ours but rather destroy it.”.

12 (11) Israel has repeatedly indicated its willing-  
13 ness to make painful concessions to achieve peace  
14 once there is a partner for peace on the Palestinian  
15 side.

16 **SEC. 1503. PURPOSES.**

17 The purposes of this title are—

18 (1) to express the sense of Congress with re-  
19 spect to United States recognition of a Palestinian  
20 state; and

21 (2) to demonstrate United States willingness to  
22 provide substantial economic and humanitarian as-  
23 sistance, and to support large-scale multilateral as-  
24 sistance, after the Palestinians have achieved the re-

1 forms outlined by President Bush and have achieved  
2 peace with the State of Israel.

3 **SEC. 1504. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) peace between Israel and the Palestinians  
6 cannot be negotiated until the Palestinian system of  
7 government has been transformed along the lines  
8 outlined in President Bush's June 24, 2002, speech;

9 (2) substantial United States and international  
10 economic assistance will be needed after the Pal-  
11 estinians have achieved the reforms described in sec-  
12 tion 620K(c)(2) of the Foreign Assistance Act of  
13 1961 (as added by section 1506 of this Act) and  
14 have made a lasting and secure peace with Israel;

15 (3) the Palestinian people merit commendation  
16 on the confirmation of the Palestinian Authority's  
17 first prime minister, Mahmoud Abbas (Abu Mazen),  
18 and his cabinet;

19 (4) the new Palestinian administration urgently  
20 should take the necessary security-related steps to  
21 allow for implementation of a performance-based  
22 road map to resolve the Israeli-Palestinian conflict;

23 (5) the United States Administration should  
24 work vigorously toward the goal of two states living  
25 side-by-side in peace within secure and internation-

1 ally-recognized boundaries free from threats or acts  
2 of force; and

3 (6) the United States has a vital national secu-  
4 rity interest in a permanent, comprehensive, and  
5 just resolution of the Arab-Israeli conflict, and par-  
6 ticularly the Palestinian-Israeli conflict, based on the  
7 terms of United Nations Security Council Resolu-  
8 tions 242 and 338.

9 **SEC. 1505. RECOGNITION OF A PALESTINIAN STATE.**

10 It is the sense of Congress that a Palestinian state  
11 should not be recognized by the United States until the  
12 President determines that—

13 (1) a new leadership of a Palestinian governing  
14 entity, not compromised by terrorism, has been  
15 elected and taken office; and

16 (2) the newly-elected Palestinian governing  
17 entity—

18 (A) has demonstrated a firm and tangible  
19 commitment to peaceful coexistence with the  
20 State of Israel and to ending anti-Israel incite-  
21 ment, including the cessation of all officially  
22 sanctioned or funded anti-Israel incitement;

23 (B) has taken appropriate measures to  
24 counter terrorism and terrorist financing in the  
25 West Bank and Gaza, including the dismantling

1 of terrorist infrastructures and the confiscation  
2 of unlawful weaponry;

3 (C) has established a new Palestinian secu-  
4 rity entity that is fully cooperating with the ap-  
5 propriate Israeli security organizations;

6 (D) has achieved exclusive authority and  
7 responsibility for governing the national affairs  
8 of a Palestinian state, has taken effective steps  
9 to ensure democracy, the rule of law, and an  
10 independent judiciary, and has adopted other  
11 reforms ensuring transparent and accountable  
12 governance; and

13 (E) has taken effective steps to ensure that  
14 its education system promotes the acceptance of  
15 Israel's existence and of peace with Israel and  
16 actively discourages anti-Israel incitement.

17 **SEC. 1506. LIMITATION ON ASSISTANCE TO A PALESTINIAN**  
18 **STATE.**

19 Chapter 1 of part III of the Foreign Assistance Act  
20 of 1961 (22 U.S.C. 2351 et seq.) is 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 A PALES-**  
2 **TINIAN STATE.**

3 “(a) LIMITATION.—

4 “(1) IN GENERAL.—Notwithstanding any other  
5 provision of law, assistance may be provided under  
6 this Act or any other provision of law to the govern-  
7 ment of a Palestinian state only during a period for  
8 which a certification described in subsection (c) is in  
9 effect. The limitation contained in the preceding sen-  
10 tence shall not apply (A) to humanitarian or devel-  
11 opment assistance that is provided through non-  
12 governmental organizations for the benefit of the  
13 Palestinian people in the West Bank and Gaza, or  
14 (B) to assistance that is intended to reform the Pal-  
15 estinian Authority and affiliated institutions, or a  
16 newly elected Palestinian governing entity, in order  
17 to help meet the requirements contained in subpara-  
18 graphs (A) through (H) of subsection (c)(2) or to  
19 address the matters described in subparagraphs (A)  
20 through (E) of section 1505(2) of the Israeli-Pales-  
21 tinian Peace Enhancement Act of 2003.

22 “(2) WAIVER.—The President may waive the  
23 limitation of the first sentence of paragraph (1) if  
24 the President determines and certifies to the Com-  
25 mittee on International Relations of the House of  
26 Representatives and the Committee on Foreign Re-

1 lations of the Senate that it is vital to the national  
2 interest of the United States to do so.

3 “(b) CONGRESSIONAL NOTIFICATION.—

4 “(1) IN GENERAL.—Assistance made available  
5 under this Act or any other provision of law to a  
6 Palestinian state may not be provided until 15 days  
7 after the date on which the President has provided  
8 notice thereof to the Committee on International Re-  
9 lations and the Committee on Appropriations of the  
10 House of Representatives and to the Committee on  
11 Foreign Relations and the Committee on Appropria-  
12 tions of the Senate in accordance with the proce-  
13 dures applicable to reprogramming notifications  
14 under section 634A(a) of this Act.

15 “(2) SUNSET.—Paragraph (1) shall cease to be  
16 effective beginning ten years after the date on which  
17 notice is first provided under such paragraph.

18 “(c) CERTIFICATION.—A certification described in  
19 this subsection is a certification transmitted by the Presi-  
20 dent to Congress that—

21 “(1) a binding international peace agreement  
22 exists between Israel and the Palestinians that—

23 “(A) was freely signed by both parties;

24 “(B) guarantees both parties’ commitment  
25 to a border between two states that constitutes

1 a secure and internationally recognized bound-  
2 ary for both states, with no remaining terri-  
3 torial claims;

4 “(C) provides a permanent resolution for  
5 both Palestinian refugees and Jewish refugees  
6 from Arab countries; and

7 “(D) includes a renunciation of all remain-  
8 ing Palestinian claims against Israel through  
9 provisions that commit both sides to the “end  
10 of the conflict”; and

11 “(2) the new Palestinian government—

12 “(A) has been democratically elected  
13 through free and fair elections, has exclusive  
14 authority and responsibility for governing the  
15 national affairs of the Palestinian state, and  
16 has achieved the reforms outlined by President  
17 Bush in his June 24, 2002, speech;

18 “(B) has completely renounced the use of  
19 violence against the State of Israel and its citi-  
20 zens, is vigorously attempting to prevent any  
21 acts of terrorism against Israel and its citizens,  
22 and punishes the perpetrators of such acts in a  
23 manner commensurate with their actions;

1           “(C) has dismantled, and terminated the  
2 funding of, any group within its territory that  
3 conducts terrorism against Israel;

4           “(D) is engaging in ongoing and extensive  
5 security cooperation with the State of Israel;

6           “(E) refrains from any officially sanctioned  
7 or funded statement or act designed to incite  
8 Palestinians or others against the State of  
9 Israel and its citizens;

10          “(F) has an elected leadership not com-  
11 promised by terror;

12          “(G) is demilitarized; and

13          “(H) has no alliances or agreements that  
14 pose a threat to the security of the State of  
15 Israel.

16          “(d) RECERTIFICATIONS.—Not later than 90 days  
17 after the date on which the President transmits to Con-  
18 gress an initial certification under subsection (c), and  
19 every 6 months thereafter for the 10-year period beginning  
20 on the date of transmittal of such certification—

21           “(1) the President shall transmit to Congress a  
22 recertification that the requirements contained in  
23 subsection (c) are continuing to be met; or



1 the economy and living conditions of the Palestinians by,  
2 among other things, providing for economic development  
3 in the West Bank and Gaza, continuing to promote democ-  
4 racy and the rule of law, developing water resources, as-  
5 sisting in security cooperation between Israelis and Pal-  
6 estinians, and helping with the compensation and rehabili-  
7 tation of Palestinian refugees.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—Of the  
9 amounts made available to carry out chapter 4 of part  
10 II of this Act for a fiscal year, there are authorized to  
11 be appropriated to the President to carry out subsections  
12 (a) and (b) such sums as may be necessary for each such  
13 fiscal year.

14 “(d) COORDINATION OF INTERNATIONAL ASSIST-  
15 ANCE.—

16 “(1) IN GENERAL.—Beginning on the date on  
17 which the President transmits to Congress an initial  
18 certification under section 620K(c), the Secretary of  
19 State shall seek to convene one or more donors con-  
20 ferences to gain commitments from other countries,  
21 multilateral institutions, and nongovernmental orga-  
22 nizations to provide economic assistance to Palestin-  
23 ians to ensure that such commitments to provide as-  
24 sistance are honored in a timely manner, to ensure  
25 that there is coordination of assistance among the

1 United States and such other countries, multilateral  
2 institutions, and nongovernmental organizations, to  
3 ensure that the assistance provided to Palestinians is  
4 used for the purposes for which it was provided, and  
5 to ensure that other countries, multilateral institu-  
6 tions, and nongovernmental organizations do not  
7 provide assistance to Palestinians through entities  
8 that are designated as terrorist organizations under  
9 United States law.

10 “(2) REPORT.—Not later than 180 days after  
11 the date of the enactment of this section, and on an  
12 annual basis thereafter, the Secretary of State shall  
13 prepare and submit to the Committee on Inter-  
14 national Relations and the Committee on Appropria-  
15 tions of the House of Representatives and the Com-  
16 mittee on Foreign Relations and the Committee on  
17 Appropriations of the Senate a report that describes  
18 the activities undertaken to meet the requirements  
19 of paragraph (1), including a description of amounts  
20 committed, and the amounts provided, to a Pales-  
21 tinian state or Palestinians during the reporting pe-  
22 riod by each country and organization.”.

Chairman HYDE. The clerk will report.

Ms. RUSH. Amendment offered by Mr. Lantos. At the end of division B of the bill, add the following [and conform the table of contents accordingly.]

Mr. LANTOS. I ask unanimous consent that the reading be dispensed with.

Chairman HYDE. Without objection, so ordered. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. LANTOS. Mr. Chairman, the room is not in order.

Chairman HYDE. Could we have order, please? It is a very important amendment, very significant. I would like to have everyone's attention. Thank you. The gentleman is recognized.

Mr. LANTOS. Thank you very much, Mr. Chairman. Mr. Chairman, this is a time of some hope, cautious hope, in Israeli-Palestinian relations. However bright or dim that glimmer of hope may be, it is our responsibility in Congress to make sure that it shines as brightly as possible and into the right places. The amendment that I and my good friend from New York, Mr. Ackerman, are proposing will do exactly that, and I would like to explain it.

As you know, Mr. Chairman, a few days ago, I was in Ramallah, and I met with the Palestinian Prime Minister, Mahmoud Abbas, known as Abu Massin, and I had a long and very candid discussion with him. I made it clear to him that he will have the support of the Congress and the American people if, in fact, he undertakes the task of effectively terminating terrorist activities against the people of the state of Israel.

I made it clear to him that this can be done by only one method. It cannot be done by negotiating a cease fire with the terrorist organizations like Hamas or Islamic Jihad because a cease fire would give us a momentary respite, which would be received by most with euphoria, and when negotiations turned difficult, terrorism would resume with intensified fury, and the process would collapse.

The only way Abu Massin will be able to lead his people, who so richly deserve an infinitely better life than their current leadership has given them, is to destroy the terrorist mechanism, and this will clearly be possible only by confronting Hamas, Islamic Jihad by force, confiscating their weapons, arresting their leaders, and destroying their infrastructure. Unless Abu Massin is prepared to do this, we will continue to see suicide bombing and the justified retaliation and the tragic anguish of both the Palestinian and Israeli people.

Mr. Abu Massin's words were encouraging. He wrote to me in a letter following our meeting: "I believe that terrorism is wrong, on both religious and moral grounds, because it damages our cause." Nevertheless, Abu Massin's and the Palestinians' success will be determined by performance, not by statements. Abu Massin understands, and he and I discussed this at great length, that no progress can take place unless the new Palestinian Authority puts an end to terror and violence by totally dismantling the terrorist infrastructure.

Our amendment seeks to reward positive Palestinian performance. It foresees a day when the vision of two states living side by side in peace and security will be more than a dream. Our amendment makes it clear that the United States will recognize and pro-

vide significant assistance to the Palestinian state, and it will go beyond even that. Our amendment calls on our Secretary of State to organize a vast, international assistance program for the Palestinians, based, as a first step, on an international donors conference. At the same time, our amendment ensures that the United States will undertake all of these initiatives on behalf of the government of a future Palestinian state only if it has ascertained that that state has earned those benefits.

To do so, broadly speaking, Mr. Chairman, that state shall have made permanent peace with the state of Israel, it established that it has dismantled all terrorist infrastructure, and is otherwise effectively combating terrorism. It has reformed its government along the lines set out by our President in his landmark speech of June 24, in particular, by establishing a democracy that features the rule of law, an independent judiciary, and transparency in all governmental actions. All of the criteria for U.S. recognition and assistance, set out in greater detail in our amendment, are rooted in these principles.

Our amendment is inspired by the classic, carrot-and-stick diplomacy. On the one hand, it sends a clear message to the Palestinian people that they can have no better friend than the United States Congress, but it sends an equally powerful message that they must be deserving of that friendship by terminating terrorism once and for all.

I am honored to join my good friend, Congressman Ackerman, in sponsoring this important amendment. I am deeply grateful for your support of this amendment, Mr. Chairman, and I urge all of our colleagues to join us in supporting it. It is my fondest wish that it will be an incentive for peace, that it will serve the interests and fulfill the dreams of both the Israeli and Palestinian people and that, at long last, will bring peace, stability, and a civilized life to that long-suffering part of the world. Thank you, Mr. Chairman.

Chairman HYDE. Thank you, Mr. Lantos. Mr. Pence.

Mr. PENCE. Thank you, Mr. Chairman. I want to strongly support and admire the Lantos Amendment and express my appreciation for Mr. Lantos's extraordinary leadership in this area on behalf of the United States.

As an evangelical, Christian conservative from the Midwest, I have a passion for the dream that is Israel. It has been a dream that has been a reality this last half-century, and there are little buckboard churches that dot the landscape of my heartland district where that dream and that passion is every bit as real as the precincts that Mr. Ackerman and the esteemed Mr. Lantos represent.

Mr. Chairman, if the Palestinian militants put their weapons down today, there would be no more suicide bombings, there would be no more innocent students killed, civilians killed at sidewalk cafes. If Israel were to put its weapons down, there would be no more Israel. It is, therefore, only logical that we support the Lantos Amendment, which expresses a Palestinian's first approach to concessions in the road map for peace that Secretary of State Powell will begin to implement when he arrives in Israel this weekend.

In some sense, Mr. Chairman, I am not entirely certain we even need a road map for peace. What we do need, as Mr. Lantos has said again and again on the national and international stage and

even to the new leadership of the Palestinian Authority, we need Palestinians to recognize the right of Israel to exist, which is a blood-bought right established with six million souls, an American and Allied military power a half-century ago.

Now, we need this approach particularly, Mr. Chairman, because Palestinian militants have made it clear that they want no part of this road map for peace. They have one goal in mind. Hamas Spokesman Abdel Aziz Rantesi has even said,

“We will strike the Zionist enemy in each and every corner of Palestine until the end of the occupation, rejecting the road map for peace.”

He even called Prime Minister Habas’s plea for an end to suicide bombings “strange and unrealistic.”

I also want to associate myself with Mr. Lantos’s call that the Prime Minister must not only crack down on terrorism, but he must also crack down on the infrastructure of terrorism within the jurisdiction of the Palestinian Authority: Hamas, Islamic Jihad, and others. If he cannot control the terrorist factions and their infrastructure from within his own people, it is difficult for this Midwesterner to see how he can possibly be able to negotiate a peaceful, long-term solution under a road map.

I support the Lantos Amendment to this Department of State authorization and strongly and urgently encourage every Member of this Committee and this institution to do the same.

Chairman HYDE. The gentleman from New York, Mr. Ackerman, a co-sponsor of the amendment.

Mr. ACKERMAN. Thank you very much, Mr. Chairman. I strongly support the amendment and urge all of our colleagues to do so as well. I want to express my great appreciation for Mr. Lantos and his staff, as well as Chairman Hyde and his staff, for working so diligently to come up with the language that was acceptable to all parties in this amendment.

Mr. Chairman, the victory of coalition forces in Iraq has changed the facts on the ground in the Middle East and provided the United States with a new momentum to pursue peace between Israelis and Palestinians. The Palestinians have appointed a new Prime Minister, with whom I had the opportunity to speak with over the phone last week and came away with the same very cautious degree of new optimism in this process. As we know, Abu Mazen, the new Prime Minister, appointed a new cabinet, ousted much of Arafat’s cabinet, and they together must undertake the hard and necessary work of stopping terror.

The Government of Israel has said numerous times that if terror stops, then Israel is ready to make the painful concessions for peace. Secretary Powell is on his way to the region to try to move that process forward.

Now is the time when the Congress should be heard. We should speak loudly and clearly regarding how we will help the Palestinian people when they have forever renounced terror and truly fight it, when they establish a transparent and accountable government, and when they reach peace with Israel. As President Bush has said,

“If the Palestinian people actively pursue these goals, America and the world will actively support their efforts.”

This is our opportunity to support the President’s words and his efforts.

The amendment does two basic things. First, it highlights the President’s vision of peace in the Middle East by authorizing the full range of economic and development assistance to a new Palestinian state that the United States commonly provides to other developing nations, but it does so after the Palestinian people elect new leaders not compromised by terror, after the Palestinian people create new democratic and transparent governing institutions and have reached peace with Israel.

The second thing the amendment does is further emphasize the concerns that many of us have, which were expressed in a letter sent to the President, which was signed by over 300 House Members, that the peace process remain a performance-based initiative. The amendment does this by urging the President not to recognize a Palestinian state until they have achieved the goals that he laid out in his June 24, 2002 speech.

I thank all of the Members for cooperating on this, and I urge adoption of the amendment.

Chairman HYDE. Mr. Bereuter.

Mr. BEREUTER. Thank you, Mr. Chairman. I speak in support of the amendment, and I want to commend the gentleman from California, Mr. Lantos, Mr. Ackerman, and the Chairman for their initiative.

President Bush, I think, is the first President to say we will have no peace between Palestine and Israel until we have a separate Palestinian state, and he has reiterated that on a couple of other public occasions, and I think that is exactly right.

The certification requirements that the gentleman has crafted here, I think, are entirely reasonable, responsible, and sufficiently comprehensive that it provides the carrots, the incentives, and the limitations necessary, and I just think it is an extraordinarily fine effort, and it should move us along if the parties are willing to be moved. And so I strongly support them and commend them for their effort. Thank you.

Chairman HYDE. I appreciate the efforts of the gentleman from California to work with us on this very important amendment. The idea here is to send a signal, and we hope it is a signal that won’t be ignored. What we are trying to say is if the Palestinians follow through, they will be embraced by the United States. We will provide support. We will seek support for them from others, and we are going to permit aid to flow to a provisional Palestinian state even before a final peace treaty is signed that helps the Palestinians meet the President’s and the world’s standards as expressed in the road map.

I hope we will be heard loudly and clearly and that responsible Palestinians will heed us, and I am going to ask that we do this by voice vote.

Mr. ENGEL. Mr. Chairman.

Chairman HYDE. Who is seeking recognition?

Mr. ENGEL. Engel.

Chairman HYDE. Mr. Engel.

Mr. ENGEL. Thank you, Mr. Chairman. I will be brief.

Chairman HYDE. Just a moment, Mr. Engel. We will adjourn, recess, to cover the vote. There are three votes on the Floor, three post offices that must be named. [Laughter.]

And so we will go over and do that, grab a bite to eat, wolf it down, and come back by, let us say—1:15 p.m.—and then we will finish this amendment and other amendments of equal import. The Committee stands in recess.

[Whereupon, a recess was taken.]

Chairman HYDE. The Committee will come to order. If we could close the doors? Thank you. That keeps out the walk-in trade, which can be disruptive.

When the Committee recessed, the Lantos amendment relating to the Israeli-Palestinian Peace Enhancement Act of 2003 was pending, and the Chair recognizes the gentlelady from Florida, Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. I commend the work that you and Mr. Lantos have done on this very important amendment, and I support the tone, the framework and the overall text of the amendment. We are all hopeful that a secure and lasting peace will become a reality and soon.

This amendment clearly sets out the conditions established by President Bush in his June 24, 2002, speech requiring an end to Palestinian terrorism as an unconditional, over arching prerequisite for a two state solution.

However, I would like to simply note some concerns that I and others have about a few of the changes made to the text prior to its submission as an amendment such as the waiver section, which is now at a lower threshold by allowing the President to waive if it is merely in the national interest rather than vital to the national security interest of the United States. However, I know that we can work on these in the coming weeks as we prepare the bill for Floor consideration.

I look forward to working closely with you, Mr. Chairman and our Ranking Member, Mr. Lantos, on these issues, and that is why I hope our Committee adopts the amendment as is, and we will move forward as we continue to draft the bill on to the House Floor consideration.

Thank you, Mr. Chairman.

Chairman HYDE. I thank the gentlelady.

The gentleman from New York, Mr. Engel?

Mr. ENGEL. Thank you, Mr. Chairman. I rise in support, of course, in support of this excellent and balanced amendment.

I think it really says what all of us believe—that we hope and pray that there will be peace. And there will be ultimately a two state solution and that everyone understands that terrorism cannot be used as a negotiating tool. It lays out very, very distinctly what the Palestinian side, as well as the Israeli side, has to do in order to have this kick in.

I want to emphasize that it is the sense of Congress, and I quote:

“ . . . that a Palestinian state should not be recognized by the United States until the President determines . . . ”

and it goes on. One is:

“A new leadership of Palestinian governing entity not compromised by terrorism,”

and talks about:

“. . . has taken appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures and the confiscation of unlawful weaponry.”

To me, the terrorism issue is key, and I believe that the Palestinian side needs to show that it is ending terrorism as a negotiating tool and proactively going after terrorists. That needs to be the bottom line that needs to happen first before the road map can be implemented. I do not think that you can have any party sitting and negotiating as long as terror is going on.

I think we have to keep in mind the many reasons why Oslo failed, and to me the primary reason why Oslo failed is because Arafat's feet were not held to the fire. He was allowed to constantly wink and say one thing in Arabic and quite another thing in English and look the other way, and everybody so hoped for there to be a peaceful settlement that everybody did not hold his feet to the fire. We will not make that same mistake again.

There is a new Palestinian Prime Minister, and while we are all hopeful that he will follow a different path, I do not think the euphoria should happen just quite yet. I hope that he will be able to curb the violence. I hope that Mr. Arafat will not continue to undermine him, but again I want to say that we need to stop the terror first.

I also want to mention that I think the road map needs to be performance based and not time based. I think that the Palestinian statehood in 2004 and 2005 should come about again only if the Palestinians meet their obligation. You do not move from step one to step two and then from step two to step three unless step one and step two have been fulfilled, and we need to make clear that that is the situation. I think this amendment does that, and that is one of the reasons why I support it.

Again, I believe the curbing of terrorism is the key. Let us not forget that Yassir Arafat walked away from an agreement that the Israelis accepted that was negotiated under the previous Administration, which was very, very generous. It gave him 100 percent of Gaza, 97 percent of the West Bank, a Palestinian state, billions of dollars of international aid.

He walked away, did not offer a counter proposal, which showed he was not really serious about coming to a signed agreement. He then used the Intifada as a negotiating tool to perpetuate the violence to further his ways. I think we have to keep that in mind.

I think this again is an excellent amendment, and I fully support it. Thank you, Mr. Chairman.

Chairman HYDE. Is there any further discussion?

Mr. JANKLOW. Mr. Chairman? Mr. Chairman?

Chairman HYDE. Mr. Janklow?

Mr. JANKLOW. Mr. Chairman, thank you very much. I will be extremely brief.

When the meetings were held in Oslo, everybody was excited. Everybody was enthusiastic that now the corner would be turned.

When the meetings were held in Dayton, people thought that now maybe the corner will be turned. When peace was made with Jordan and Israel, and Sadat sat down with the Prime Minister of Israel, and they were able to work out many—not all, but many—of their problems, the world was hopeful.

Now we are down to the point where once again we see certain steps being taken on the Palestinian side, and we also hear words which make us all feel that once again it is time to be hopeful. Now the time has really come to match the hopeful words with the hopeful deeds.

This proposed amendment goes right to the heart and core of what it is the government really ought to be doing, and that is to encourage other governments. I should say this Committee and this Congress. That is to encourage other governments to settle their disputes in a peaceful manner, to settle their disputes in a sensible manner.

Not long ago I was in Israel. As a Member of this Committee, we took a tour of Israel. It was just incredible that I saw a Palestinian mother and a Jewish mother sitting side by side in the basement of a shopping center filling out their forms to get free gas masks. Here were two mothers, one a Palestinian and the other a Jew, trying to figure out how to get their forms filled out so they could get free gas masks for their children. If they can sit side by side to make sure that their families are safe, they can all work side by side to figure out how to bring peace.

For too long we have lived in a world, we have really lived in a world where people are measured on the basis of their nationality or their race or their color or where they happen to come from. It is terribly important that the additional steps now be made by the right people in the Palestinian and the Israeli world to truly do what they can to bring peace to the area.

This is a good piece of legislation, Mr. Chairman, and I am enthusiastic about being able to say that I support it and I believe in it. Thank you.

Chairman HYDE. Thank you.

Mr. Rohrabacher?

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. I rise in support of the amendment.

Let me note that I have not always supported different efforts that portended to be in this direction and the direction that this amendment is all about. I have not found that the only cause for the problem in the Middle East has been intransigence on the part of the Palestinians or the Arabs.

I have found there are people with hearts that are filled with hate on both sides of this conflict. I have found that in the past, just as there are certainly many Palestinians and Arabs who have suggested that the right of Israel to exist—that they denied the right of Israel to exist in the strongest of terms, but I will have to say that among my Jewish friends and Israeli supporters I have also found a commitment by many people whose hearts are hardened that the Palestinian people just do not exist, and they do not have a right to exist.

This type of notion and mind set on both sides I think has created a horrible catastrophe for the Middle East, the people of Israel

and the Palestinian people. I believe that now, after our President has made the commitment that he did months ago to free and liberate the people of Iraq and that we made ourselves activists in this region, we now, because of the success of the operation in Iraq, have a tremendous opportunity to end this impasse between the Palestinians and the Israelis.

I think this legislation is a positive step forward in trying to end that impasse. I think that in this piece of legislation, and I might add, Mr. Chairman, I did not sign onto the letter that went to the President which only stressed the things the Palestinians must do in order to end the impasse. I received some criticism because of that.

Let me note that this bill also suggests some things that Israel is expected to do and will do under certain preconditions, and the preconditions are totally justified, and that is, of course, the ending of terrorist acts, et cetera.

I would hope that nobody is waiting for the other side to move and that both sides begin to move simultaneously toward doing those things that will end this horrible blood letting and this impasse that has paralyzed that part of the world.

In this amendment, we see for the first time and I believe this will be the first time that a Committee of Congress has voted that there will be a recognition of a State of Palestinian if certain preconditions are met. As I say, I believe the preconditions are reasonable.

Also, I note in here that it mentions fulfilling a peace agreement that also is consistent with U.N. Security Council Resolution 242 and 338. These resolutions are not often quoted by supporters of Israel.

Let me note that is a tremendous step forward, and I would hope that people in the Arab states and the Palestinian people note this as a very positive step, and then we need to see from them the positive steps that are talked about from them in this bill, which is a no tolerance policy for the killing of Israeli women and children in order to try to terrorize the State of Israel into one policy or another or try to eliminate Israel from the face of the earth. What we need now is both sides, the good-hearted people on both sides, to take a step forward, and I believe this amendment is a major step forward.

One note as well. I understand that there is some possible movement on the part of Syria. I would encourage all the players in the Middle East, the Syrians and the Palestinians and the Israelis and the people from Lebanon and Egypt. All of them now should look at this as a window of opportunity to try to end the conflict and to try to establish a new order which will permit Israel to live side by side in peace and security with the rest of the countries of that region, and thus that region will prosper, and that region will be at peace.

There is no better gift than we can give to all of the people—Arabs, Muslims, Christians, Palestinians, Israelis, you name it—than to try to bring about peace in that region, and I am deeply in support of this as a step forward in that direction.

Chairman HYDE. The question occurs on the amendment offered by the gentleman from California. All those in favor say aye?

[Chorus of ayes.]

Chairman HYDE. Opposed, nay?

[No response.]

Chairman HYDE. The ayes have it unanimously, and the amendment is agreed to.

Mr. SMITH OF MICHIGAN. Mr. Chairman?

Chairman HYDE. Mr. Nick Smith is recognized.

Mr. SMITH OF MICHIGAN. Mr. Chairman, I have an amendment at the desk which I had intended to offer when the Hyde-Lantos amendment was pending. My intention was to make clarifying changes in that part of the amendment dealing with the international ag biotechnology program.

[The amendment of Mr. Smith of Michigan follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. SMITH OF MICHIGAN**

Page 154, after line 12, insert the following new section:

1 **SEC. 726. INTERNATIONAL AGRICULTURAL BIO-**  
2 **TECHNOLOGY INFORMATION PROGRAM.**

3 (a) IN GENERAL.—The Department of State shall  
4 provide to other countries, as appropriate, the scientific  
5 evidence on the benefits, safety, and potential uses of agri-  
6 cultural biotechnology.

7 (b) SPECIFIC OBJECTIVES.—The Secretary of State  
8 shall—

9 (1) chair an interagency task force comprised of  
10 representatives of the Department of Commerce, the  
11 Department of Agriculture, and the United States  
12 Agency for International Development to develop  
13 and disseminate accurate written scientific informa-  
14 tion on the potential benefits of agricultural bio-  
15 technology for human and animal nutrition, the en-  
16 vironment, food and feed production, agricultural  
17 sustainability, and bioenergy development;

18 (2) coordinate the development and dissemina-  
19 tion of scientifically-based facts regarding, the safety

1 and regulation of biotechnology-derived food and  
2 feed products;

3 (3) instruct the United States Agency for Inter-  
4 national Development (USAID) to develop a pro-  
5 gram to demonstrate the potential benefits of agri-  
6 cultural biotechnology to develop products that can  
7 be grown under local soil and climate conditions and  
8 better meet the health and nutritional needs of local  
9 populations in the developing world; and

10 (4) ensure that personnel undertaking these ac-  
11 tivities are knowledgeable of, and disseminate infor-  
12 mation on, the United States regulatory safeguards  
13 that assure food and environmental safety.

Mr. SMITH OF MICHIGAN. I apologize. I was not prepared to offer it at that time, and now I do have the text prepared. It is before the clerk, and I would ask unanimous consent to offer the amendment and that it be considered as read.

Chairman HYDE. Without objection, the gentleman is recognized, and the clerk will designate the amendment.

Ms. RUSH. Amendment offered by Mr. Smith of Michigan. Page 154, after line 12, and—

Chairman HYDE. Without objection, the amendment will be considered as read.

The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. SMITH OF MICHIGAN. Mr. Chairman, very briefly. The title has changed. Instead of the Department of State, we say the Secretary of State. Instead of cooperation, the Secretary of State is instructed to coordinate. Instead of cooperate with, make certain instructions.

If there are any questions, I would be glad to—

Mr. LANTOS. Would the gentleman yield?

Mr. SMITH OF MICHIGAN. I would certainly yield to Mr. Lantos.

Mr. LANTOS. I want to thank my friend from Michigan for yielding.

Mr. Chairman, I carefully studied the gentleman's amendment. I think it is a well thought amendment, and I strongly support it. We accept it on our side.

Mr. SMITH OF MICHIGAN. Thank you very much.

Chairman HYDE. The question occurs on the Smith amendment. All those in favor say aye?

[Chorus of ayes.]

Chairman HYDE. Opposed, nay?

[No response.]

Chairman HYDE. The ayes have it. The amendment is agreed to. The Chair recognizes Mr. Menendez of New Jersey.

Mr. MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, I have an amendment, amendment 1, at the desk, and ask that it be—

[The amendment of Mr. Menendez follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. MENENDEZ**

Add at the end of title VII the following:

1 **SEC. 726. SENSE OF CONGRESS ON CLIMATE CHANGE.**

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

4 (1) Evidence continues to build that increases  
5 in atmospheric concentrations of manmade green-  
6 house gases are contributing to global climate  
7 change.

8 (2) The Intergovernmental Panel on Climate  
9 Change (in this section referred to as the “IPCC”)  
10 has concluded that “there is new and stronger evi-  
11 dence that most of the warming observed over the  
12 last 50 years is attributable to human activities”  
13 and that the Earth’s average temperature can be ex-  
14 pected to rise between 2.5 and 10.4 degrees Fahr-  
15 enheit in this century.

16 (3) The National Academy of Sciences con-  
17 firmed the findings of the IPCC, stating that “the  
18 IPCC’s conclusion that most of the observed warm-  
19 ing of the last 50 years is likely to have been due  
20 to the increase of greenhouse gas concentrations ac-  
21 curately reflects the current thinking of the scientific

1 community on this issue” and that “there is general  
2 agreement that the observed warming is real and  
3 particularly strong within the past twenty years”.  
4 The National Academy of Sciences also noted that  
5 “because there is considerable uncertainty in current  
6 understanding of how the climate system varies nat-  
7 urally and reacts to emissions of greenhouse gases  
8 and aerosols, current estimates of the magnitude of  
9 future warming should be regarded as tentative and  
10 subject to future adjustments upward or down-  
11 ward”.

12 (4) The IPCC has stated that in the last 40  
13 years, the global average sea level has risen, ocean  
14 heat content has increased, and snow cover and ice  
15 extent have decreased, which threatens to inundate  
16 low-lying island nations and coastal regions through-  
17 out the world.

18 (5) In October 2000, a report of the United  
19 States interagency Global Change Research Program  
20 found that global climate change may harm the  
21 United States by altering crop yields, accelerating  
22 sea-level rise, and increasing the spread of tropical  
23 infectious diseases.

24 (6) In 1992, the United States ratified the  
25 United Nations Framework Convention on Climate

1 Change (in this section referred to as the  
2 “UNFCCC”), the ultimate objective of which is the  
3 “stabilization of greenhouse gas concentrations in  
4 the atmosphere at a level that would prevent dan-  
5 gerous anthropogenic interference with the climate  
6 system. Such a level should be achieved within a  
7 time-frame sufficient to allow ecosystems to adapt  
8 naturally to climate change, to ensure that food pro-  
9 duction is not threatened and to enable economic de-  
10 velopment to proceed in a sustainable manner”.

11 (7) The UNFCCC stated in part that the Par-  
12 ties to the UNFCCC are to implement policies “with  
13 the aim of returning . . . to their 1990 levels an-  
14 thropogenic emissions of carbon dioxide and other  
15 greenhouse gases” under the principle that “policies  
16 and measures . . . should be appropriate for the  
17 specific conditions of each Party and should be inte-  
18 grated with national development programmes, tak-  
19 ing into account that economic development is essen-  
20 tial for adopting measures to address climate  
21 change”.

22 (8) There is a shared international responsi-  
23 bility to address this problem, as industrial nations  
24 are the largest historic and current emitters of

1 greenhouse gases and developing nations' emissions  
2 will significantly increase in the future.

3 (9) The UNFCCC further stated that "devel-  
4 oped country Parties should take the lead in com-  
5 bating climate change and the adverse effects there-  
6 of", as these nations are the largest historic and  
7 current emitters of greenhouse gases. The UNFCCC  
8 also stated that "steps required to understand and  
9 address climate change will be environmentally, so-  
10 cially and economically most effective if they are  
11 based on relevant scientific, technical and economic  
12 considerations and continually re-evaluated in the  
13 light of new findings in these areas".

14 (10) Any future, binding treaty on climate  
15 change must not result in serious harm to the  
16 United States economy, and should not cause the  
17 United States to abandon its shared responsibility to  
18 help reduce the risks of climate change and its im-  
19 pacts. Future international efforts in this regard  
20 should focus on recognizing the equitable respon-  
21 sibilities for addressing climate change by all na-  
22 tions, including commitments by the largest devel-  
23 oping country emitters in a future, binding climate  
24 change treaty.

1           (11) While the United States has elected  
2 against becoming a party to the Kyoto Protocol to  
3 the UNFCCC at this time, it is the position of the  
4 United States that it will not interfere with the  
5 plans of any nation that chooses to ratify and imple-  
6 ment the Kyoto Protocol.

7           (12) United States businesses need to know  
8 how governments worldwide will address the risks of  
9 climate change. By committing themselves to reduc-  
10 ing their greenhouse gas emissions, leading compa-  
11 nies in the United States and worldwide are doing  
12 more than addressing the problem of climate  
13 change—they are also improving their competitive  
14 positioning. More than 30 major corporations, most  
15 with operations in the United States, have specifi-  
16 cally committed themselves to reducing their green-  
17 house gas emissions.

18           (13) The United States benefits from invest-  
19 ments in the research, development, and deployment  
20 of a range of clean energy and efficiency tech-  
21 nologies that can reduce the risks of climate change  
22 and its impacts and that can make the United  
23 States economy more productive, bolster energy se-  
24 curity, create jobs, and protect the environment.

1 (b) SENSE OF CONGRESS.—It is the sense of the  
2 Congress that the United States should demonstrate inter-  
3 national leadership and responsibility in reducing the  
4 health, environmental, and economic risks posed by cli-  
5 mate change by—

6 (1) taking responsible action to ensure signifi-  
7 cant and meaningful reductions in emissions of  
8 greenhouse gases from all sectors;

9 (2) creating flexible international and domestic  
10 mechanisms, including joint implementation, tech-  
11 nology deployment, tradable credits for emissions re-  
12 ductions, and carbon sequestration projects that will  
13 reduce, avoid, and sequester greenhouse gas emis-  
14 sions;

15 (3) participating in international negotiations,  
16 including putting forth a proposal to the Conference  
17 of the Parties to the UNFCCC, with the objective of  
18 securing United States participation in a future  
19 binding treaty on climate change in a manner that  
20 protects the economic interests of the United States,  
21 is consistent with the environmental objectives of the  
22 UNFCCC, and recognizes the shared international  
23 responsibility for addressing climate change, includ-  
24 ing developing country participation; and

1           (4) establishing a bipartisan observer group of  
2       Members of the House of Representatives, des-  
3       ignated by the chairman and ranking member of the  
4       Committee on International Relations of the House  
5       of Representatives, to monitor any international ne-  
6       gotiations on climate change.

Chairman HYDE. The clerk will designate the amendment.

Ms. RUSH. Amendment offered by Mr. Menendez. Add at the end of title VII the following. Section 726—

Chairman HYDE. Without objection, further reading of the amendment is dispensed with.

The gentleman from New Jersey is recognized for 5 minutes in support of his amendment.

Mr. MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, my amendment is a simple, yet important, proposition. The United States, the nation with the most at stake in climate change, should lead in climate change, not shrink from the issue, which in time will only become more prominent and its effects more pronounced.

Now, President Bush is fond of saying that we should lead in the world. I agree, and I ask my colleagues what are we afraid of in terms of leading on climate change? I say let us be responsible. Engage and lead. Let us re-engage in good faith in international climate change negotiations.

The resolution before you is similar to the one I sponsored and passed in this Committee as an amendment to the Foreign Relations Authorizing Act in 2001. It was subsequently included in the bill passed by the House. It is also similar to amendments that the Senate Foreign Relations Committee accepted unanimously in 2001 and again just a few weeks ago in its markup of this bill.

Mr. Chairman, I do not need to impress upon you the importance of addressing global climate change. The National Academy of Sciences, in a special report requested by President Bush, has confirmed the overwhelming scientific consensus that human activities are steadily warming our planet. If allowed to continue, this warming trend poses grave consequences to both the environment and the economy of the United States.

In a report last year to the United Nations, the Bush Administration described the potential impact of climate change on various regions of our country—greater storm surges along our coast, reduced snow pack and water supplies in the west, declining water levels in the Great Lakes, stronger hurricanes, more extreme weather events and greater risk of both flooding and drought.

Now let me make it clear. I am not here to advocate the Kyoto protocol. Other nations are moving forward on that agreement—Japan, Canada, the European nations. Virtually every one of our closest allies has ratified the protocol, but the President has made it clear he has no intention of submitting the protocol to our colleagues in the Senate, and I take the President at his word.

Rejecting Kyoto in no way absolves the United States of its responsibility to work with other nations to address climate change. If anything, it makes it all the more incumbent upon the United States to show leadership and creativity in forging a truly effective, long-term response.

Mr. Chairman, we should not forget that the first President Bush helped launch the international effort against climate change nearly a dozen years ago when he signed the Framework Convention on Climate Change and submitted it to the Senate where it was swiftly ratified. This landmark treaty was a start, but it was only a start. It is our job now to help lead the world further down the path of climate protection.

What happens after Kyoto? The commitments taken on by other nations under the protocol run only from 2008 to 2012. Negotiations toward a new round of commitments are to begin the year after next. These negotiations present a critical opportunity to build a fair and effective long-term agreement.

Will the United States be a leader in those negotiations, or will it sit on the sidelines or, worse yet, be an obstacle? Will the United States bring ideas to the table for reducing emissions and encouraging strong, sustainable prosperity, expanding growth worldwide?

Climate change, of course, poses risk not only to the United States, but to every other nation as well. Similarly, the greenhouse gas emissions that cause global warming do not originate from just one country. They arise from fossil combustion and deforestation and a host of other activities around the globe.

In these and other ways, Mr. Chairman, climate change is quintessentially a global challenge, and this challenge will be met only when we and other nations agree on an effective, long-term global response.

A vote for my amendment is a vote for active U.S. leadership toward a treaty that truly addresses climate change, protects the economic interests of the United States and recognizes a responsibility of all countries in meeting this profound challenge.

It is in line with the Administration's own report. It is in line with the Administration's own comments. It has been supported by this Committee in the past, unanimously in the Senate, ultimately in the last reauthorization, and I believe we should continue on the course again. I urge my colleagues to support this amendment.

Chairman HYDE. The Chair yields himself 5 minutes in opposition to the amendment.

Lest the impression persist that we are doing nothing—having rejected Kyoto, I would cite last month's CBO study, *The Economics of Climate Change, A Primer*, where on page 49 it says,

“The Bush Administration, having withdrawn the United States from subsequent protocol negotiations, has largely continued the previous Administration's level of climate related expenditures. The President's budget for fiscal year 2003 proposed \$4.5 billion of climate related spending with \$1.7 billion dedicated to climate science.”

That ought to be taken note of.

Over the next several weeks, the energy bill will be debated in the Senate, and several amendments are expected on the issue of global climate change. This, in my view, is the appropriate place to consider changes to our current energy related policy.

Inclusion of the Menendez amendment now pending is not only unnecessary, but I think it is unwise. A climate change provision of this type will jeopardize the enactment of this bill. Two years ago, a similar provision was removed from our pending State Department measure at the insistence of House leadership. This bill is too important and its provisions too timely to put at risk, especially in the consideration of an extraneous measure that will be fully debated and considered by other appropriate Committees.

Furthermore, the President has made clear he is opposed to the Kyoto protocol. Why should we pass this amendment that would

seek to have the U.S. engage in yet another binding treaty on climate change?

There are enormous costs associated with any proposals like the Kyoto agreement to sharply cut greenhouse gas emissions as high as \$400 billion for the U.S. alone. To meet the goals set under the Kyoto protocol, it has been estimated that Illinois, my State, alone would have to spend at least \$1 billion per year, and the Illinois Government would stand to lose up to \$6.5 billion each year in tax revenue as a result of slower economic growth.

Since the adoption of the Kyoto agreement, many nations have admitted they will not be able to meet the amendments to emissions reductions. At a time of global recession and budget reductions, let us not put the U.S. on a track of negotiating yet another failed treaty and in the same position as many nations who cannot live up to their commitments, so I respectfully urge the defeat of this amendment.

Does anyone else wish to——

Mr. LANTOS. Mr. Chairman?

Chairman HYDE. Mr. Lantos?

Mr. LANTOS. Mr. Chairman, I have a lengthy statement which, due to the pressure of many additional amendments, I will not read. I would merely like to commend my good friend from New Jersey for proposing his sense of the Congress language. I support him in this.

I think it is reasonable for us to urge the Administration to make good on its own commitment to work with the international community to tackle the threat of global climate change, and I urge all of my colleagues to support the Menendez amendment.

Chairman HYDE. Is there further discussion?

[No response.]

Chairman HYDE. If not, the clerk will call the roll.

Ms. RUSH. Mr. Leach?

Mr. LEACH. Aye.

Ms. RUSH. Mr. Leach votes yes.

Mr. Bereuter?

Mr. BEREUTER. No.

Ms. RUSH. Mr. Bereuter votes no.

Mr. Smith of New Jersey?

Mr. SMITH OF NEW JERSEY. Yes.

Ms. RUSH. Mr. Smith of New Jersey votes yes.

Mr. Burton?

[No response.]

Ms. RUSH. Mr. Gallegly?

[No response.]

Ms. RUSH. Ms. Ros-Lehtinen?

[No response.]

Ms. RUSH. Mr. Ballenger?

[No response.]

Ms. RUSH. Mr. Rohrabacher?

Mr. ROHRABACHER. No.

Ms. RUSH. Mr. Rohrabacher votes no.

Mr. Royce?

Mr. ROYCE. No.

Ms. RUSH. Mr. Royce votes no.

Mr. King?  
Ms. RUSH. Mr. King votes no.  
Mr. Chabot?  
Mr. CHABOT. No.  
Ms. RUSH. Mr. Chabot votes no.  
Mr. Houghton?  
[No response.]  
Ms. RUSH. Mr. McHugh?  
[No response.]  
Ms. RUSH. Mr. Tancredo?  
[No response.]  
Ms. RUSH. Mr. Paul?  
Mr. PAUL. No.  
Ms. RUSH. Mr. Paul votes no.  
Mr. Smith of Michigan?  
[No response.]  
Ms. RUSH. Mr. Pitts?  
Mr. PITTS. No.  
Ms. RUSH. Mr. Pitts votes no.  
Mr. Flake?  
[No response.]  
Ms. RUSH. Mrs. Davis?  
[No response.]  
Ms. RUSH. Mr. Green?  
Mr. GREEN. No.  
Ms. RUSH. Mr. Green votes no.  
Mr. Weller?  
Mr. WELLER. No.  
Ms. RUSH. Mr. Weller votes no.  
Mr. Pence?  
Mr. PENCE. No.  
Ms. RUSH. Mr. Pence votes no.  
Mr. McCotter?  
Mr. McCOTTER. No.  
Ms. RUSH. Mr. McCotter votes no.  
Mr. Janklow?  
Mr. JANKLOW. No.  
Ms. RUSH. Mr. Janklow votes no.  
Ms. Harris?  
[No response.]  
Ms. RUSH. Mr. Lantos?  
Mr. LANTOS. Aye.  
Ms. RUSH. Mr. Lantos votes yes.  
Mr. Berman?  
[No response.]  
Ms. RUSH. Mr. Ackerman?  
Mr. ACKERMAN. Aye.  
Ms. RUSH. Mr. Ackerman votes yes.  
Ms. RUSH. Mr. Faleomavaega?  
Mr. FALEOMAVAEGA. Yes.  
Ms. RUSH. Mr. Faleomavaega votes yes.  
Mr. Payne?  
Mr. PAYNE. Yes.  
Ms. RUSH. Mr. Payne votes yes.

Mr. Menendez?  
 Mr. MENENDEZ. Yes.  
 Ms. RUSH. Mr. Menendez votes yes.  
 Mr. Brown?  
 Mr. BROWN. Yes.  
 Ms. RUSH. Mr. Brown votes yes.  
 Mr. Sherman?  
 Mr. SHERMAN. Yes.  
 Ms. RUSH. Mr. Sherman votes yes.  
 Mr. Wexler?  
 [No response.]  
 Ms. RUSH. Mr. Engel?  
 Mr. ENGEL. Yes.  
 Ms. RUSH. Mr. Engel votes yes.  
 Mr. Delahunt?  
 [No response.]  
 Ms. RUSH. Mr. Meeks?  
 [No response.]  
 Ms. RUSH. Ms. Lee?  
 Ms. LEE. Yes.  
 Ms. RUSH. Ms. Lee votes yes.  
 Mr. Crowley?  
 Mr. CROWLEY. Yes.  
 Ms. RUSH. Mr. Crowley votes yes.  
 Mr. Hoeffel?  
 Mr. HOEFFEL. Yes.  
 Ms. RUSH. Mr. Hoeffel votes yes.  
 Mr. Blumenauer?  
 Mr. BLUMENAUER. Aye.  
 Ms. RUSH. Mr. Blumenauer votes yes.  
 Ms. Berkley?  
 Ms. BERKLEY. Yes.  
 Ms. RUSH. Ms. Berkley votes yes.  
 Ms. Napolitano?  
 [No response.]  
 Ms. RUSH. Mr. Schiff?  
 Mr. SCHIFF. Aye.  
 Ms. RUSH. Mr. Schiff votes yes.  
 Ms. Watson?  
 [No response.]  
 Ms. RUSH. Mr. Smith of Washington?  
 Mr. SMITH OF WASHINGTON. Aye.  
 Ms. RUSH. Mr. Smith of Washington votes yes.  
 Ms. McCollum?  
 [No response.]  
 Ms. RUSH. Mr. Bell?  
 Mr. BELL. Yes.  
 Ms. RUSH. Mr. Bell votes yes.  
 Mr. BALLENGER. Mr. Chairman, how am I recorded? Mr. Ballenger.  
 Chairman HYDE. The rollcall has not been completed. Would the gentleman withhold?  
 Ms. RUSH. Chairman Hyde?  
 Mr. BALLENGER. I am sorry.

Chairman HYDE. No.  
 Ms. RUSH. Chairman Hyde votes no.  
 Chairman HYDE. Mr. Ballenger?  
 Mr. BALENGER. I would vote no.  
 Ms. RUSH. Mr. Ballenger votes no.  
 Mr. BURTON. Mr. Chairman?  
 Chairman HYDE. Mr. Burton?  
 Mr. BURTON. Mr. Burton votes no, Mr. Chairman.  
 Chairman HYDE. Thank you. Mr. Delahunt?  
 Mr. DELAHUNT. Aye.  
 Ms. RUSH. Mr. Delahunt votes yes.  
 Chairman HYDE. Mr. Berman?  
 Mr. BERMAN. Aye.  
 Ms. RUSH. Mr. Berman votes yes.  
 Chairman HYDE. Have all voted who wish?  
 Mr. FLAKE. Mr. Chairman?  
 Chairman HYDE. Mr. Flake?  
 Mr. FLAKE. No.  
 Ms. RUSH. Mr. Flake votes no.  
 Mr. MCHUGH. Mr. Chairman?  
 Chairman HYDE. Mr. McHugh?  
 Mr. MCHUGH. No.  
 Ms. RUSH. Mr. McHugh votes no.  
 Chairman HYDE. If all have voted let us announce the roll.  
 Ms. RUSH. On this vote there are 20 yeses and——  
 Mr. TANCREDO. Mr. Chairman?  
 Chairman HYDE. Mr. Tancredo?  
 Mr. TANCREDO. Mr. Chairman, how am I recorded?  
 Ms. RUSH. You are not recorded as voting.  
 Mr. TANCREDO. Mr. Chairman, I would like to vote no.  
 Ms. RUSH. Mr. Tancredo votes no.  
 Chairman HYDE. Now let us announce the roll.  
 The clerk will withhold announcing. Ms. McCollum?  
 Ms. MCCOLLUM. Thank you. I apologize. Yes.  
 Chairman HYDE. You are excused.  
 Ms. RUSH. Ms. McCollum votes yes.  
 Mr. LANTOS. And forgiven.  
 Chairman HYDE. Lock the doors, please.  
 Ms. RUSH. On this vote there are 21 yeses and 18 noes.  
 Chairman HYDE. And the amendment is agreed to.  
 Mr. Royce?  
 Mr. ROYCE. Thank you, Mr. Chairman. I wanted to commend you and the Ranking Member for your work on this legislation. I am particularly pleased to see the bill's emphasis on U.S. international broadcasting. I am offering with Mr. Schiff an amendment that will complement these efforts.

Our amendment expresses the sense of Congress that Radio Free Asia's broadcast to North Korea be increased to 24 hours each day, and because of the problem of access to suitable radios in North Korea, this amendment requests a report detailing the steps that the U.S. Government is taking and needs to take, including the provision of radios, to maximize North Korea's access to foreign broadcasts like Radio Free Asia.

[The amendment of Mr. Royce follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. ROYCE AND MR. SCHIFF**

Page 88, after line 6, insert the following:

1 **SEC. 504. RADIO FREE ASIA BROADCASTS INTO NORTH**  
2 **KOREA.**

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

5 (1) North Korea’s development of nuclear weap-  
6 ons and missile delivery systems poses one of the  
7 gravest security threats to the United States in the  
8 world.

9 (2) The Kim Jong Il regime in North Korea  
10 has one of the worst human rights records in the  
11 world. On April 16, 2003, the United Nations Com-  
12 mission on Human Rights passed a resolution, “ex-  
13 pressing its deep concern about reports of systemic,  
14 widespread and grave violations of human rights” in  
15 North Korea.

16 (3) In order to ensure its survival, the Kim  
17 Jong Il regime makes extensive efforts to control the  
18 flow of information in North Korea.

19 (4) In 2002, a survey found that five of twelve  
20 “elite” defectors from North Korea had listened to  
21 Radio Free Asia.

1           (5) Radio Free Asia broadcasts only 4 hours  
2 each day into North Korea.

3           (6) Many North Korean citizens lack radios ca-  
4 pable of receiving Radio Free Asia broadcasts.

5       (b) SENSE OF CONGRESS.—It is the sense of the  
6 Congress that the Broadcasting Board of Governors  
7 should ensure that Radio Free Asia increases its broad-  
8 casting with respect to North Korea to 24 hours each day.

9       (c) REPORT TO CONGRESS.—Not later than 90 days  
10 after the date of the enactment of this Act, the Secretary  
11 of State, after consulting with other agencies of the United  
12 States government, shall submit a report, in classified  
13 form, on specific measures currently being undertaken and  
14 measures necessary, including the provision of adequate  
15 radios, to maximize North Korean citizen access to Radio  
16 Free Asia and other foreign broadcasts to the Committee  
17 on International Relations and the Permanent Select  
18 Committee on Intelligence of the House of Representatives  
19 and the Committee on Foreign Relations and the Select  
20 Committee on Intelligence of the Senate.

Mr. ROYCE. As you know, Mr. Chairman, I chair the U.S.-Republic of Korea Interparliamentary Exchange, and over the April recess, Mr. Schiff and I, along with other colleagues, traveled to Seoul to hold the exchange with our South Korean counterparts in the National Assembly. This amendment was developed from that trip, which included a visit to RFA facilities in Seoul.

What is clear is that North Korea's development of nuclear weapons and missile delivery systems poses a grave threat to the U.S. and our allies in Asia, and it is also clear that North Korea currently has the worst human rights record in the world, so the stakes on the peninsula are great.

I just thought I would share with you a former North Korean military officer's story of one of the official policy meetings there where during a debate one member of their cabinet shouted to another,

"You must listen to the radio coming from the outside world because if you do, then you will know that we have been living like frogs in a well. North Koreans have been living with blinders on."

This is an opportunity, frankly, to get information in to the policy makers in that regime and to the people because, in order to ensure his survival, Kim Jong Il has put an iron grip on all information in North Korea. Control of information is absolutely crucial because the system is based on lies, and the propaganda is so great that defectors report that they believed that their country was wealthier than South Korea, even though they had close to 3,000,000 people starving to death there.

We are making progress. Last week, NPR interviewed Chinese ethnic Koreans who had recently traveled into North Korea. They reported that there is a gradual change inside North Korea. Not everyone is continuing to believe the regime's propaganda. Even some party officials now say they know their own government of Kim Jong Il is responsible for their woes.

Surveys are indicating that North Korean defectors are listening to the minimal broadcasts that we have today. There are cracks in the armor. It is surely time that we multiply our broadcasting effort, that we learn from what Vaclav Havel and Lech Walesa have told us, and that is that the biggest factor in changing attitudes behind the Iron Curtain was the ability to listen to Radio Free Europe's broadcasts. This will give a similar type of coverage and at a critical period on the Korean Peninsula.

In wrapping up, I would just say Mr. Chairman, that Radio Free Asia is a key tool to bring about change. We are not sufficiently using it enough. This amendment lays the groundwork for an effective broadcasting strategy to North Korea.

I ask my colleagues for their support, and I would yield the balance of my time.

Chairman HYDE. Mr. Lantos?

Mr. LANTOS. Thank you, Mr. Chairman. I strongly support the Royce initiative to increase U.S. international broadcasting into North Korea. I want to compliment my good friend for his long-standing leadership in this general field.

The United States has provided hope to captive people throughout the globe through the Voice of America, Radio Free Europe, Radio Free Asia and all of our other broadcasting efforts. We can and must apply the same successful formula to North Korea, whose people suffer and are under a brutal Stalinist regime.

I urge all of my colleagues to strongly support this initiative, and I thank you, Mr. Chairman.

Chairman HYDE. The question occurs on the Royce Amendment.

Mr. SCHIFF. Mr. Chairman? Mr. Chairman?

Chairman HYDE. Mr. Schiff?

Mr. SCHIFF. Move to strike the last word, Mr. Chairman.

Chairman HYDE. The gentleman is recognized for 5 minutes.

Mr. SCHIFF. Mr. Chairman, Members, I want to speak also in support of this amendment.

During the codel with Chairman Royce, Xavier Becerra and Madeleine Bordallo, we had the opportunity to sit down with North Korean defectors, some ordinary citizens of North Korea who managed to escape during the winter over the frozen Yalu River, as well as a relatively high ranking North Korean defector. All of them provided chilling accounts of the nature of the North Korean regime and life in the north. It is probably the most insular nation in the world, the most cut off from the outside world, the most repressive regime anywhere.

To the degree that we can penetrate that hermetic seal around that country and spread information to the people of North Korea of life outside the north, it will have enormous benefit in educating the North Koreans that there is a better way of life. The fact of the disparity between North and South Korea has to be the most graphic example of both the success of one form of government and the failure of the other.

To have one people under two very separate forms of government, one prospering, one democratic, one an economic powerhouse, the other stagnant, starving. There are three groups of North Koreans—the members of the military who are fed first, the third of the population that is a member of the party that is fed second, and then the other third, the potential subversives who are fed third, if at all.

I compliment my colleague for his initiative for years now in support of this effort and want to add my voice to those of others who recognize that information is probably the most powerful weapon we have in changing the nature of the regime in North Korea and improving the life of North Koreans and, over the long term, in diminishing the likelihood of any kind of nuclear escalation on the peninsula.

I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman?

Chairman HYDE. Mr. Ackerman?

Mr. ACKERMAN. Yes, Mr. Chairman. I am going to support this amendment because of the tremendously good intentions of the sponsors who are on the right track emotionally.

I think I might be the only Member of the Committee that has actually been to North Korea. I may be mistaken about that, but I think that is so. I can verify what they are saying about all the

bad things in North Korea. It is probably a lot tougher than they have described.

The reality is there are very few people that have electricity, let alone radios, and the people who have it are basically, you know, a dozen or so party officials. We are going to have to think through how we are really going to do this. This is the sense of the Congress resolution. We are not really spending money broadcasting 24 hours a day to nobody who is listening except the people in South Korea who are the defectors and the South Koreans who can hear us on regular radio.

We are going to have to figure out a way if we are going to really penetrate that hermit nation and the isolation they have built around themselves to figure out how to actually get radios in. It is very difficult to even make contributions.

Mr. ROYCE. Would the gentleman yield?

Mr. ACKERMAN. I would be delighted to.

Mr. ROYCE. You are right on the point here. This amendment requests a report detailing the steps that the U.S. Government is taking and needs to take, including the provision of radios to maximize that coverage.

Let me add one thing. Right now, across the border between China and North Korea, there is a vibrant trade in smuggling radios. The percentage of defectors who have listened to radio broadcasts have gone up markedly in the last 2 years.

The other point I was going to make is that key policy makers within the administration in North Korea, within that regime, are all listening to these broadcasts, and one of the reasons you have the high ranking level of defections that you have had, and I have now talked to a number of senior military as well as civil servant defectors, is because they have listened to these broadcasts, and they are discussing internally in much the way that Boris Yeltsin or Vaclav Havel in the party used to talk about whether these broadcasts could be true? Are people living better on the outside? Are these lies they are telling us about what is going on in our country?

Not only are they beginning to reach the countryside because of the efforts of groups to smuggle radios across that Chinese border, but also you have the mid and upper level civil servants and military now listening to the broadcasts. Does everyone listen to them? Certainly no, but the percentage of population has tripled that are now monitoring these conversations.

Part of this legislation is not just the 24 hour broadcasts, but it is to develop a plan to figure out how we get more radios across that border and other ways to get that information through. One might be—

Mr. ACKERMAN. Just reclaiming my time. Leave me 30 seconds. You can have the rest.

Thank you very much. I agree with everything you are saying. The number of radios will increase exponentially at the beginning. That is still not even, you know, a real number. It is a very limited number of people.

The 24 hour broadcasting in your amendment is part of the sense of the Congress aspect of it, so we are really spending no money on that, and I think wisely so, until what you do require in the bill

as law should this be an amendment that passes, and I hope that it does, is that report.

I think what we have to do is sit down together, analyze that report, all of us, and try to figure out a way how to effect if we are going to be broadcasting and how to get radios to the people that are going to be listening to those broadcasts.

Mr. ROYCE. If the gentleman would yield again?

Mr. ACKERMAN. Certainly.

Mr. ROYCE. These are transistor radios, so in that sense they do not—

Mr. ACKERMAN. So there is an after market here?

Mr. ROYCE. Exactly.

Mr. ACKERMAN. I like that.

Mr. ROYCE. Secondly, the power outages in the north have made it very, very difficult for the north to jam the broadcasts as they used to do. Our technological advances make it a lot easier for us to overcome those jammings than they do in China, for example.

Everything points to the fact now with this massive movement of transistor radios across the Chinese border, and the desire for information in the north that this is an opportune time to move this legislation.

I would just close by asking my colleagues to support it. Thank you.

Chairman HYDE. The question occurs on the Royce amendment. All of those in favor say aye?

[Chorus of ayes.]

Chairman HYDE. Opposed, nay?

[No response.]

Chairman HYDE. The ayes have it. The amendment is agreed to. The Chair recognizes Mr. Hoeffel.

Mr. HOEFFEL. Thank you, Mr. Chairman. I move the strike the last—

Chairman HYDE. The gentleman is recognized for 5 minutes.

Mr. HOEFFEL. Thank you, Mr. Chairman.

I had intended to offer an amendment today. I had really wanted to offer an amendment today to establish a modern day Marshall Plan for Eurasia and the Middle East. I have been persuaded by the bipartisan leadership of the Committee that this may not be the right time to do it, so I will not offer the amendment. I would like to make a few comments about the need for a modern day Marshall Plan.

I think all of us on this Committee recognize that the reality of significant poverty and corruption and human rights instances in areas such as Eurasia and the Middle East pose a tremendous threat not only to the peace and well being of people living there, but to our own national security. The threat of terror that can arise when there is not just poverty, but an absence of hope and utter hopelessness among a population, is obviously a very real problem for us.

The Marshall Plan following World War II was America's finest hour, a full contribution that we made to fight the prevention or the spread of communism and to stimulate growth in western Europe and those regions after World War II. The Marshall Plan recognized a direct link between economic growth and political sta-

bility, and that is a direct link that we need to remember today. We have the power to do something about the economic growth and opportunity in these parts of the world, and some day soon we need to do it.

The Marshall Plan understood the importance of the recipient nations being part of the planning process, determining a plan of action to recover their economies that they had to put into place before assistance was granted. We ought to do the same thing for Eurasia and the Middle East.

Now, the amendment that I was going to offer had an appropriation of \$50 billion. That may be one reason why the leadership asked me not to push forward. \$50 billion.

Mr. LANTOS. Are you accusing us of being pecuniary in our orientation?

Mr. HOEFFEL. I am acknowledging that wiser heads have prevailed.

The \$50 billion figure would grow our foreign aid to the .7 percent of GDP that 30 years ago the United Nations suggested countries earmark for their foreign aid. We give about \$10 billion right now in outright foreign aid grants, which is .1 percent of our GDP. We are not getting the job done, and we need to think about this. We need to look for ways to improve this.

I will not offer this amendment. I will be offering it as a bill. I am sure we will have a chance in the future to talk about this. I really do thank both the Chair and the Ranking Member for their cooperation and forbearance.

Mr. BROWN. Would the gentleman yield for 20 seconds?

Mr. HOEFFEL. I would be delighted to yield.

Mr. BROWN. I would add, and I thank Mr. Hoeffel for offering the idea of this. I would add that Kofi Annan had asked the wealthy nations of the world to devote .7 percent of their GDP to anti-poverty and infectious disease efforts around the world.

Only four nations reached the  $\frac{7}{10}$  of 1 percent of GDP. They were, I believe, Denmark, the Netherlands, Norway and Sweden. I am pretty sure. The United States was last among the 20 some countries that—somewhat less than .1 percent,  $\frac{1}{10}$  of 1 percent of our GDP.

I think Mr. Hoeffel makes a very good case that we need to look in a different direction.

I yield back.

Chairman HYDE. The Chair would just like to comment about the last colloquy, which is quite interesting and has merit, but whenever we are painted as being cheap in terms of foreign aid I always wonder if you added in the nuclear umbrella—protecting Japan and Germany and the rest of the world, the military maintenance that we, because nobody will do it, maintain. Add all those things in. Add in Food for Peace and all the other programs.

I think we are a pretty generous country. It makes an interesting topic for a seminar sometime.

Mr. HOEFFEL. Would the gentleman yield?

Chairman HYDE. Yes, surely.

Mr. HOEFFEL. I thank the Chair, and I completely agree with the Chair regarding the wonderful contributions we make through our military security and national security efforts around the world.

We do deserve great credit for that. Unfortunately, I do not think that addresses that sense of hopelessness and so forth that economic aid also needs to do.

I thank the Chair. He has been very cooperative today. I hope we will keep talking about this in this Committee. This is the right forum. If we do not address this stuff, nobody else will.

Chairman HYDE. Well, we certainly have an ample supply of sensitivity here on these issues.

Mr. Chris Smith is recognized.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman.

Mr. Chairman, I have an amendment at the desk that I am offering on behalf of myself and Mr. Berman, and I would ask unanimous consent that the amendments be considered en block. They are the refugee amendments.

[The amendments of Mr. Smith of New Jersey follow:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. SMITH OF NEW JERSEY**

Page 49, after line 19, insert the following section  
(and conform the table of contents accordingly):

1 **SEC. 229. ENHANCING REFUGEE RESETTLEMENT AND**  
2 **MAINTAINING THE UNITED STATES COMMIT-**  
3 **MENT TO REFUGEES.**

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

6 (1) The United States has a longstanding tradi-  
7 tion of providing refugee assistance and relief  
8 through the Department of State's migration and  
9 refugee assistance account for refugees throughout  
10 the world who have been subjected to religious and  
11 other forms of persecution.

12 (2) A strong refugee resettlement and assist-  
13 ance program is a critical component of the United  
14 States' strong commitment to freedom.

15 (3) The United States refugee admissions pro-  
16 gram has been in decline for much of the last five  
17 years, resulting in a chronic inability of the United  
18 States to meet the ceiling on refugee admissions that  
19 has been set by the President each year.

1           (4) Refugee applicants have always undergone  
2 rigorous security screenings. The September 11,  
3 2001, terrorist attacks on the United States has  
4 rightfully increased the awareness of the need to en-  
5 sure that all aliens seeking admission to the United  
6 States would not endanger the United States.

7           (5) Private voluntary organizations and non-  
8 governmental organizations (NGOs) have and con-  
9 tinue to provide valuable information to State De-  
10 partment officials for refugee processing, and along  
11 with Embassy personnel, can be utilized to assist in  
12 the preliminary screening of refugees so that State  
13 Department officials can focus to a greater extent on  
14 security.

15           (6) Currently there are 15 million refugees  
16 worldwide. In order to meet the ceiling set by the  
17 Administration, which has been 70,000 in recent  
18 years, a broader cross-section could be considered  
19 for resettlement in the United States if the Depart-  
20 ment of State were to expand existing refugee proc-  
21 essing priority categories in a reasonable and re-  
22 sponsible manner. Expansion of refugee selection  
23 should include the expanded use of both the existing  
24 category reserved for refugees of special interest to

1 the United States as well as the existing categories  
2 reserved for family reunification.

3 (b) PURPOSE.—It is the purpose of this section to  
4 provide the Department of State with tools to enable it  
5 to carry out its responsibilities with greater efficiency with  
6 respect to the identification and processing of refugee ap-  
7 plicants.

8 (c) ENHANCEMENT OF REFUGEE IDENTIFICATION  
9 AND PROCESSING.—

10 (1) In addition to traditional agencies currently  
11 used in the processing of refugees for admission to  
12 the United States, where applicable, the Secretary  
13 shall develop and utilize partnerships with voluntary  
14 resettlement organizations that permit such organi-  
15 zations to assist in the identification and referral of  
16 refugees.

17 (2) In addition to traditional agencies currently  
18 used in the processing of refugees for admission to  
19 the United States, where applicable, the Secretary  
20 shall utilize private voluntary organizations with ties  
21 to domestic constituencies in the overseas processing  
22 of refugees.

23 (3) In addition to traditional agencies currently  
24 used in the processing of refugees for admission to

1 the United States, where applicable, the Secretary  
2 shall establish refugee response teams.

3 (A) ESTABLISHMENT OF REFUGEE RE-  
4 SPONSE TEAMS.—In order to make the pro-  
5 cessing of refugees more efficient and effective,  
6 enhance the quality of refugee resettlement pro-  
7 grams, and to augment the capacity of the  
8 United States government to identify, process,  
9 assist, and counsel individuals for eventual ad-  
10 judication by the Department of Homeland Se-  
11 curity as refugees, where applicable, the Sec-  
12 retary shall establish and utilize the services of  
13 Refugee Response Teams, (in this section re-  
14 ferred to as “RRTs”). RRTs shall be coordi-  
15 nated by the Assistant Secretary of State for  
16 Population, Refugees, and Migration, or the As-  
17 sistant Secretary’s designee.

18 (B) COMPOSITION OF THE RRTS.—RRTs  
19 shall be comprised of representatives of non-  
20 governmental organizations and private vol-  
21 untary organizations that have experience in  
22 refugee law, policy and programs.

23 (C) RESPONSIBILITIES OF THE RRTS.—  
24 RRTs shall be responsible for—

1 (i) monitoring refugee situations, with  
2 a view toward identifying those refugees  
3 whose best durable solution is third coun-  
4 try resettlement;

5 (ii) preparing profiles and documenta-  
6 tion for resettlement consideration by the  
7 United States Government;

8 (iii) augmenting or establishing an  
9 overseas operation, especially in response  
10 to urgent developments requiring quick re-  
11 sponses or more staff resources than are  
12 available in the existing processing entities;

13 (iv) assisting with training and tech-  
14 nical assistance to existing international  
15 organizations and other processing entities;  
16 and

17 (v) such other responsibilities as may  
18 be determined by the Secretary of State.

19 (D) RESPONSIBILITIES OF THE SEC-  
20 RETARY.—The Secretary shall establish appro-  
21 priate training seminars for RRT personnel and  
22 make use of RRTs in situations where existing  
23 mechanisms are unable to identify and process  
24 refugees in a timely manner.

1 (d) PERFORMANCE STANDARDS.—In consultation  
2 with private voluntary organizations and NGOs, the Sec-  
3 retary shall establish performance standards to ensure ac-  
4 countability and effectiveness in the tasks carried out in  
5 subsection (c).

6 (e) CONSIDERATION OF VARIOUS GROUPS.—To en-  
7 sure that there is adequate planning across fiscal years  
8 and that both the Department of State’s planning and  
9 processing operations result in adequate numbers of trav-  
10 el-ready refugees to fulfill the admissions goals set forth  
11 in the determinations on refugee admissions required by  
12 sections 207(a) and 207(b) of the Immigration and Na-  
13 tionality Act (8 U.S.C. 1157(a) and (b)), the Secretary  
14 of State shall work to ensure that—

15 (1) those refugees in special need, including  
16 long-stayers in first countries of asylum, unaccom-  
17 panied refugee minors, urban refugees, and refugees  
18 in women-headed households be given special atten-  
19 tion for resettlement processing;

20 (2) attempts are made to expand processing of  
21 those refugees of all nationalities who have close  
22 family ties to citizens and residents in the United  
23 States, including spouses, unmarried children, or  
24 parents of persons lawfully admitted to the United  
25 States, regardless of their country of nationality,

1 country of habitual residence, or first country of asy-  
2 lum, as well as grandparents, grandchildren, married  
3 sons or daughters, or siblings of United States citi-  
4 zens or other persons lawfully admitted to the  
5 United States;

6 (3) attempts are made to expand the number of  
7 refugees considered who are of special concern to the  
8 United States; and

9 (4) expanded access is provided to broader cat-  
10 egories of refugees seeking admission to the United  
11 States, thus reducing instances of relationship-based  
12 misrepresentation by persons who are bona fide ref-  
13 ugees but who resort to such misrepresentation  
14 merely as a way to be interviewed for refugee status.

15 (f) REPORT.—Not later than 180 days after the date  
16 of the enactment of this Act, the Secretary of State shall  
17 submit a report to Congress that includes information con-  
18 cerning the following:

19 (1) Efforts of the Secretary to utilize NGO's in  
20 refugee identification, utilize private voluntary orga-  
21 nizations in processing refugees, establish and utilize  
22 RRTs, and an explanation of the rationale for not  
23 using such organizations and agencies in situations  
24 where the Secretary has made such a determination,  
25 as described in subsection (e).

1           (2) Efforts of the Secretary to implement per-  
2           formance standards and measures as described in  
3           subsection (d) and the success of NGO's and private  
4           voluntary organizations in meeting such standards.

5           (3) Efforts of the Secretary to expand consider-  
6           ation of various groups for refugee processing as de-  
7           scribed in subsection (e).

8           (4) Efforts to ensure that there is planning  
9           across fiscal years so as to fulfill the refugee admis-  
10          sions goals set forth by the President in his annual  
11          presidential determinations on refugee admissions.

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. SMITH OF NEW JERSEY**

Page 23, line 4, strike “\$760,197,000” and insert  
“\$927,000,000”.

Page 23, line 5, strike “\$813,197,000” and insert  
“\$957,000,000.”

Chairman HYDE. The clerk will designate the amendments.

Ms. RUSH. Amendment offered by Mr. Smith. Page 49, after line 19—

Mr. SMITH OF NEW JERSEY. Mr. Chairman, I ask unanimous consent that the amendments be considered as read.

Chairman HYDE. Without objection, so ordered, and the gentleman's motion to consider the amendments en block is also granted.

The gentleman is recognized for 5 minutes.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman and Members of the Committee.

Last week, the House responded to one of the most serious humanitarian situations the world has ever seen by passing a \$15,000,000 bill designed to alleviate the suffering of over 30,000,000 people in our world living and dying from HIV/AIDS and to stop the spread of that dreaded disease.

The amendment to this bill is designed to address another world crisis that often does not get the kind of visibility it deserves, and that is the plight of the 15,000,000 refugees around the world, many whom have fled some of the same egregious persecution—religious, political and otherwise—in their home countries and today who suffer amidst poor conditions of squalor in refugee camps. There is no doubt whatsoever, Mr. Chairman, that there is a significant shortfall in terms of the donor nations and the money that is available to alleviate this suffering for those who are living in refugee camps around the world.

As a matter of fact, I would ask my friends and colleagues to look at a briefing note put out by the U.S. Committee for Refugees in which they cite some 60 examples, many of those examples in Africa, some in Latin America, in Asia, but most of them in Africa, where there is food shortages, medical shortages, shelter shortages in one camp in one country after another. As a result, obviously many children and women and men are living lives that are deprived of these basic necessities.

Let me just point out to my colleagues that this amendment has three major components. The first would require the State Department to solicit the support of non-governmental organizations and private voluntary organizations to assist in refugee identification and preliminary processing.

The amendment simply says where applicable, the State Department should utilize the resources of well-respected NGOs and private voluntary organizations who have extensive experience in dealing with refugees who meet the areas that the State Department has classified P-2s, P-3s and the like, people who are of concern who right now because of the overburdened UNHR status they do not have enough people that can do this work so that this job can be done by other competent people.

Secondly, the amendment calls on State to expand the processing of refugees in the situations of greatest need, and, finally, the amendment does increase the program's authorization to a level of \$927,000,000, \$580,000,000 of which would go or would be envisioned in going directly to the camps and to the refugee situations around the world.

The concern there is that there is just far too little money available now. The need can be demonstrated. There is no doubt about

that. I have spoken over the years many times both in Geneva and here, as well as in site visits to refugee camps, and the shortfall is appalling. The per capita spending, for example, for African refugees falls far below that which is compared to other refugees. That can be ameliorated; maybe not solved with this amendment, but at least we can provide some additional funding for it.

I would hope the Members could support it, and I yield back the balance of my time.

Chairman HYDE. Is there any further discussion? Mr. Berman?

Mr. BERMAN. Yes, Mr. Chairman. Very quickly, first once again the gentleman from New Jersey has demonstrated with this amendment an enduring commitment to America as a refuge for the refugees for the people persecuted for political reasons around the world without regard to region or area. I want to commend him, and I am happy to be associated with him. He has done tremendous work in this area.

Secondly, the present situation has become, I do not think out of any malice, but for a variety of reasons, a number of which Mr. Smith just made reference to, scandalous. The notion that at a time when there are tremendous refugee needs our authorized limit is down to \$70,000, which in and of itself can be challenged as inadequate to do the job. It is significantly lower than it was a number of years ago.

More importantly, even out of that \$70,000 I believe in the first 6 months of this fiscal year that we are now in, less than 9,000 refugees have been admitted. Now, September 11 increased scrutiny in terms of security. All of these understandably played a role in the initial days after September 11, but the notion that this has continued on 18 months later for a variety of reasons, many of which have no relationship to security checks, is scandalous.

What Mr. Smith here is doing is saying we have NGOs around the world committed, dedicated to going through this process of processing, of interviewing, of qualifying people. We should take advantage of those resource to try and come to even our stated commitment, which, as I mentioned before, may be less than adequate to do the job right now.

I think it is a very important amendment. It authorizes resources. It authorizes bringing in wonderfully qualified groups to help the rule that the UNACR and the overseas processing entity now engage in to try and do this job. I think a lot of people's lives will be tremendously improved, and America will have done well to adopt this amendment and implement this with its additional resources. I urge its adoption.

Chairman HYDE. The question occurs on the Smith amendment. All those in favor?

Mr. BEREUTER. Mr. Chairman?

Chairman HYDE. Mr. Bereuter?

Mr. BEREUTER. Thank you very much, Mr. Chairman. I can support the amendment of the gentleman from New Jersey. As I do this, however, I think it is important to recognize that he has clarified a few positions and issues related to jurisdiction of the Committees and agencies, and that is a very helpful step on his part.

Of course, we have the reduction in the refugees primarily because of security concerns post 9/11, and so while we are hoping

to enhance the kind of personnel capability that would be available to the Secretary for refugee relief, the PBOs and the VROs, of course, have special responsibility to assure that they are fully mindful and respect the security requirements and that the kind of processing that they do is adequate to assure that there will be no abuse because of the additional manpower that we are bringing to bear here. That is the warning or the admonition to the PBOs and the VROs that might be involved. The Secretary, of course, has the discretion because it is always there where applicable.

With that kind of concern expressed and admonition to the VROs and PBOs and assurances to the Secretary that he has full authority to scrutinize these organizations rather carefully to see if they have the competence, I am supportive of the gentleman's effort, and I urge support of it.

Mr. PAYNE. Mr. Chairman?

Chairman HYDE. Mr. Payne?

Mr. PAYNE. Thank you very much. I will be very brief. I tried to speak on several others. I figured I better speak up a little louder.

I would like to commend the gentleman from New Jersey for this amendment. I think that there are tremendous opportunities for us to increase the number of refugees coming into the country. I hear about the scrutiny of the PBOs and all the rest, and I think that is important.

However, I do not know if people have been to refugee camps. They are usually people who come over a border with practically no clothes on, barefooted, starving, sick, many times fearful and afraid, and probably you have the least opportunity of any people who are subversive and out to get us type of mentality.

I think that we need to be concerned that we are not allowing people who may be a part of an undesirable organization that dislikes our country, but I would just like to say that if you have traveled around refugee camps like I have done for the last 25 or 30 years, you find people who are really in need and so I think that that is less of a problem than those who come in under normal, you know, business type, the sort of folks that we saw on 9/11 who were wealthy, educated persons who just had the al-Qaeda awful mentality. I would hope that we keep that in mind.

I yield back. Thank you, Mr. Chairman.

Chairman HYDE. Thank you. Mr. Rohrabacher?

Mr. ROHRABACHER. I need to have a few points clarified before I can vote on this.

Mr. Smith, does this in any way increase the number of people who will be legally entitled to enter the United States of America?

Mr. SMITH OF NEW JERSEY. I would answer my friend that no, that is not, frankly, under the jurisdiction of this Committee.

Every year in a collaboration between the Executive Branch and Congress, and that is usually done through the Judiciary Committee, that number is picked.

Mr. ROHRABACHER. Okay.

Mr. SMITH OF NEW JERSEY. Right now it is 70,000.

Mr. ROHRABACHER. So this bill would not in any way—

Mr. SMITH OF NEW JERSEY. No. This has to do with additional monies for refugee protection, coupled with an enhanced effort to

try to identify and assist those people who would be eligible for refugee status.

As Mr. Berman pointed out, the number year to date is 9,000, far below the 70,000 ceiling which, if we butt up against, obviously we would not—

Mr. ROHRABACHER. All right. We need to make sure that that is understood; that we are not talking about an increase in the legal number of immigrants coming into the United States.

Mr. SMITH OF NEW JERSEY. Would the gentleman further yield?

Mr. ROHRABACHER. Go ahead.

Mr. SMITH OF NEW JERSEY. And I know he knows this, but so it is absolutely clear this has nothing to do with immigration flows. The overwhelming majority of the people who come into the U.S. are immigrants, as opposed to refugees.

Mr. ROHRABACHER. Yes.

Mr. SMITH OF NEW JERSEY. Traditionally it is less than 10 percent.

Mr. ROHRABACHER. Reclaiming my time, let me just note that for the average American citizen the difference between a refugee and an immigrant is pretty well indiscernible. It is someone from another country who has now come here who now legally resides in the United States.

Let me note that I have so often heard this equation about how the United States is not generous enough, as we heard a few moments before. Let me note that never takes into consideration, as the Chairman noted, the price of stability in the world, which the United States contributes hundreds of billions of dollars more than anyone else on the planet in terms of our military's ability to step in and create stability, which enhances peace and enhances prosperity.

Also, which fits into the discussion of what we are talking about here, we have an enormous amount of legal immigration into our country. We permit more legal immigration into the United States of America than all the other countries of the world combined. If that does not indicate some sort of charity and some sort of good heart, I do not know what does.

On top of that, of course, there are probably 2,000,000 to 3,000,000 illegal immigrants pouring into our country, if not more, every year, and that, too, is not taken into the equation of those who would paint us as a cold-hearted country. I think we are a very warm-hearted country.

I will be supporting the amendment. It is aimed at helping the most—

Mr. BERMAN. Will the gentleman yield?

Mr. ROHRABACHER. Certainly I will.

Mr. BERMAN. Some of us do not view the regulations governing legal immigration as charity. We think of it as part of building the strength of our own country.

Mr. ROHRABACHER. I think there is a dual purpose, and I am voting for this amendment because it does reach to those people who are living in hopeless conditions.

Chairman HYDE. The question occurs on the amendment of the gentleman from New Jersey. All in favor say aye?

[Chorus of ayes.]

Chairman HYDE. Opposed, nay?

[No response.]

Chairman HYDE. The ayes have it. The amendment is agreed to.

Without objection, the Chairman is authorized to seek consideration of H. Con. Res. 160 relating to the removal of economic sanctions against Iraq in the House under suspension of the rules, and the amendment in the nature of a substitute which the Members have before them is considered adopted, and the preamble and title are amended. It is without objection.

[H. Con. Res. 160 and the amendment in the nature of a substitute follow:]

108TH CONGRESS  
1ST SESSION

## H. CON. RES. 160

Expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2003

Mr. SMITH of Michigan (for himself, Mr. SMITH of New Jersey, Mrs. MILLER of Michigan, Mr. BARRETT of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. TERRY, Mr. BALLENGER, Mr. PENCE, and Mr. PITTS) submitted the following concurrent resolution; which was referred to the Committee on International Relations

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### CONCURRENT RESOLUTION

Expressing the sense of Congress that the United Nations should remove the economic sanctions against Iraq completely and without condition.

Whereas United Nations Security Council Resolution 661 established sanctions as a result of Saddam Hussein's unprovoked, illegal aggression against the sovereign Arab State of Kuwait;

Whereas United Nations Security Council Resolution 687 continued the sanctions, intended to deprive the government of Saddam Hussein of maintaining or acquiring the means to threaten other states or peoples, or to continue to oppress his own people, until that government unconditionally accepted the destruction, removal, or rendering

harmless of its chemical weapons, biological weapons, and ballistic missiles with a range of more than 150 kilometers;

Whereas United Nations Security Council Resolution 687 further required the government of Saddam Hussein to end any research programs aimed at developing such weapons, to destroy any material associated with such programs, and to change its behavior toward its own people;

Whereas the United Nations Security Council, through the oil-for-food program, allowed for humanitarian goods to flow to Iraq while maintaining the sanctions regime and control over Iraq's oil revenue;

Whereas the Coalition that liberated Iraq poses no risk to other states or peoples, and there is no reason to believe that the people of Iraq, liberated from the tyrant Saddam Hussein, pose such a risk;

Whereas the people of Iraq are now ready to rebuild their nation after over 30 years of tyranny;

Whereas the sanctions established by United Nations Security Council Resolutions 661 and 687 prohibit the importation of goods necessary for the Iraqi people to rebuild their country;

Whereas these sanctions restrict the trade of Iraqi goods, by and on behalf of the Iraqi people, necessary to allow expeditious rebuilding of Iraq and recovery from the tyranny of Saddam Hussein; and

Whereas continuing the sanctions imposed on the government of Saddam Hussein punishes the people of Iraq for the actions of a brutal tyrant who no longer rules them: Now, therefore, be it:

1       *Resolved by the House of Representatives (the Senate*  
2 *concurring)*, That it is the sense of the Congress that—

3           (1) the United Nations should immediately act  
4       to lift the economic sanctions imposed by United  
5       Nations Security Council Resolutions 661 and 687;  
6       and

7           (2) member states of the United Nations should  
8       allow and encourage their nationals to trade with  
9       Iraq.

○

.....  
(Original Signature of Member)

108TH CONGRESS  
1ST SESSION

**H. CON. RES.** 160

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IN THE HOUSE OF REPRESENTATIVES

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5       Nations Security Council Resolutions 661 and 687;  
6       and

7           (2) member states of the United Nations should  
8       allow and encourage their nationals to trade with  
9       Iraq.

Chairman HYDE. In order to ensure completion of the measure tomorrow, I ask unanimous consent that all Members submit any further amendments to the Committee by 5 p.m. today. Without objection, so ordered.

Next, Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Mr. Chairman, I have two amendments.

[The amendments of Mr. Faleomavaega follow:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. FALEOMAVAEGA**

Page 143, after line 9, insert the following (and conform the table of contents accordingly):

1 **SEC. 708. REPORT ON ACTIONS TAKEN BY PAKISTAN.**

2 For each of fiscal years 2004 and 2005, the President  
3 shall prepare and transmit to the appropriate congressional  
4 committees a report that contains a description of  
5 the extent to which the Government of Pakistan—

6 (1) has closed all known terrorist training  
7 camps operating in Pakistan and Pakistani-held  
8 Kashmir;

9 (2) has established serious and identifiable  
10 measures to prohibit the infiltration of Islamic extremists  
11 across the “Line of Control” (LoC) into  
12 India; and

13 (3) has ceased the transfer of weapons of mass  
14 destruction, including any associated technologies, to  
15 any third country or terrorist organization.

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. FALEOMAVAEGA**

Page 154, after line 12, insert the following (and conform the table of contents accordingly):

1 **SEC. 726. SENSE OF CONGRESS RELATING TO VICTIMS OF**  
2 **NUCLEAR TESTS IN KAZAKHSTAN.**

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

4 (1) In 1991, immediately after achieving inde-  
5 pendence, Kazakhstan closed and sealed the world's  
6 second largest nuclear test site in Semipalatinsk  
7 which had been inherited from the former Soviet  
8 Union and at which more than 500 nuclear tests  
9 had been conducted from 1949 to 1991.

10 (2) The cumulative power of explosions from  
11 those tests, conducted above ground, on the ground,  
12 and underground is believed to be equal to the power  
13 of 20,000 explosions of the type of bomb dropped on  
14 Hiroshima, Japan, in 1945.

15 (3) More than 1,500,000 people in Kazakhstan  
16 suffered because of the global aspirations of the two  
17 competing ideologies of the Cold War.

18 (4) A horrifying array of disease will continue  
19 to destroy the lives of hundreds of thousands and

1 their descendants for many generations to come as  
2 a result of these tests.

3 (5) Since its independence, Kazakhstan has  
4 constructed a stable and peaceful state, voluntarily  
5 disarmed the world's fourth largest nuclear arsenal,  
6 joined the Strategic Arms Reduction Treaty  
7 (START), and became an example of responsible  
8 nonproliferation of such weapons.

9 (6) Kazakhstan is also doing its best to help  
10 those who were exposed to the horrific nuclear ex-  
11 periments of the 20th century but it faces daunting  
12 challenges.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that the Secretary of State should work to establish  
15 a joint working group with the Government of Kazakhstan  
16 to assess the environmental damage caused by the nuclear  
17 test site in Semipalatinsk and to assist the people of  
18 Semipalatinsk.

Mr. FALEOMAVAEGA. I ask for unanimous consent that they can be considered en block.

Chairman HYDE. Without objection, so ordered.

Mr. FALEOMAVAEGA. Mr. Chairman, the——

Chairman HYDE. Let the clerk designate the amendments.

Ms. RUSH. Amendment en block offered by Mr. Faleomavaega. Page 143, after line 9——

Chairman HYDE. Without objection, further reading of the en block amendment is dispensed with, and the gentleman is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Mr. Chairman, this is in reference to our country's relationship with Pakistan. Mr. Chairman, like many of my colleagues, I am concerned about cross border terrorism and the threat of nuclear proliferation in South Asia.

Although we are appreciative of Pakistan's post September 11 assistance in the war against terrorism, tensions in the region are still rising. Only 6 days after the Bush Administration declared on March 14 that it had "carefully reviewed the facts relating to the possible transfer of nuclear technology from Pakistan to North Korea." Only 4 days after President Bush exercised his sanctions waiver authority to remove coup-related sanctions as assistance to Pakistan for FY 2003, the Pakistani Foreign Minister made a declaration that this war that we waged against Iraq was unjustified and vowed to oppose it in any way.

Shortly thereafter, on March 23, some 200,000 Pakistanis took to the streets in Lahore to demonstrate in opposition to the U.S. led attack on Iraq. The day after, Pakistan and China signed a memorandum of understanding for the construction of a second Pakistani nuclear power plant. The same day, some 24 Hindu villagers were shot and killed by Muslim extremists in India Kashmir.

On March 26, Pakistan and India tested and fired short range ballistic missiles. On the same day, Prime Minister Jamali said that Pakistan and China will strengthen their defense ties. On March 30, again some 200,000 Pakistanis once again took to the streets in Peshawar to demonstrate opposition to the U.S. led attack on Iraq.

Mr. Chairman, in April of this year the U.S. State Department announced that on March 24 the U.S. imposed nonproliferation penalties on Konn Research Laboratories, a Pakistani entity. Two year penalties ban all U.S. trade with KRL for having received missile technology from a North Korean entity.

As a result of increasing tensions in the region, the State Department recently advised all but essential U.S. diplomats in Pakistan to depart the country. Although the State Department modified its travel advisory in mid April, Deputy Secretary Richard Armitage is en route to Pakistan to begin the high level diplomatic discussions.

In the interim, Mr. Chairman, we are authorizing aid to Pakistan with no strings attached. I know I am not alone when I say that I have deep reservations about U.S. foreign policy in South Asia. I want to once again reiterate that I believe Pakistan should be commended for assisting our country in its efforts to hunt down

al-Qaeda and Taliban fugitives and for allowing the U.S. military to use bases within its country.

But we cannot turn a blind eye to the fact that Pakistan has not closed all known terrorist training camps operating in Pakistan. We cannot turn a blind eye to the fact that Pakistan has not prohibited the infiltration of Islamic extremists across the line of control into Indian Kashmir. We cannot turn a blind eye to the fact that General Musharraf promised Deputy Secretary Armitage that infiltration would cease, and the fact is it has not ceased.

Since 1989, more than 60,000 men, women and children have died in Kashmir's feud. Since the September 11 catastrophe, Islamic militants from Pakistan have crossed the line of control and claimed the lives of innocent men, women and children not once, not twice, but three times, committing egregious acts of cross border terrorism on each and every occasion.

Mr. Chairman, I submit India has not crossed the line of control since 1972. In fact, India has exercised incredible restraint in not waging full scale war to defend itself against these terrorist acts.

Although I believe we are fortunate that neither country has not yet resorted to the use of nuclear weapons, we also should be very concerned that both Pakistan and India test fired short range missiles on March 26 of this year, which, incidentally, is the same day that Prime Minister Jamali said that Pakistan and China will enhance their defense ties.

Given the seriousness of this situation, I am offering this amendment, Mr. Chairman. It simply requires the Secretary of State or the President to prepare and transmit to Congress a report that contains a description of the extent to which the Government of Pakistan has closed all known terrorism camps operating in Pakistan and Pakistan held Kashmir, establish a serious and identifiable measure to prohibit the infiltration—

Chairman HYDE. Mr. Faleomavaega, your time has expired. We are prepared to accept your amendment—

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Chairman HYDE [continuing]. If you will accept our acceptance.

Mr. FALEOMAVAEGA. I fully accept it with the indulgence of my colleagues.

Chairman HYDE. May I make a request that you withdraw the one amendment having to do with Kazakhstan? We have not had a chance to look at it. We will look at it, but we are not prepared to accept that yet. We accept the other one on Pakistan.

Mr. FALEOMAVAEGA. Mr. Chairman, I gladly will.

Chairman HYDE. We will look at Kazakhstan.

Mr. FALEOMAVAEGA. Thank you very much, Mr. Chairman. We will continue—

Chairman HYDE. Do you ask unanimous consent to withdraw your amendment?

Mr. FALEOMAVAEGA. I will now ask unanimous consent to withdraw my amendment on Kazakhstan pending further consultation with the distinguished Chairman and my colleagues of the Committee.

Chairman HYDE. Without objection, so ordered.

A question occurs on the amendment offered by Mr. Faleomavaega. All those in favor say aye?

[Chorus of ayes.]

Chairman HYDE. Opposed, nay?

[No response.]

Chairman HYDE. The ayes have it. The amendment is agreed to. There are three votes pending on the Floor, an hour's worth of votes I am told, so we will recess until 10 a.m. tomorrow morning.

Thank you.

[Whereupon, at 2:40 p.m. the Committee was adjourned, to reconvene at 10 a.m. on Thursday, May 8, 2003.]



**FOREIGN RELATIONS AUTHORIZATION ACT  
FOR FISCAL YEARS 2004 AND 2005  
(STATE DEPARTMENT AUTHORIZATION); AND  
THE SENSE OF CONGRESS THAT THE  
U.N. SHOULD REMOVE THE ECONOMIC  
SANCTIONS AGAINST IRAQ  
COMPLETELY AND WITHOUT CONDITION  
(CONTINUED)**

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**THURSDAY, MAY 8, 2003**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Committee met, pursuant to call, at 10:17 a.m. in Room 2172, Rayburn House Office Building, Hon. Henry J. Hyde (Chairman of the Committee) presiding.

Chairman HYDE. The Committee will come to order. When the Committee recessed, we were considering H.R. 1950, and no amendments were pending. Does anyone seek recognition for purpose of offering an amendment?

Mr. SMITH OF NEW JERSEY. Mr. Chairman.

Chairman HYDE. Mr. Smith.

Mr. SMITH OF NEW JERSEY. Mr. Chairman, I have an amendment at the desk.

[The amendment of Mr. Smith of New Jersey follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. SMITH OF NEW JERSEY**

Page 154, after line 12, insert the following:

1 **SEC. 726. SENSE OF CONGRESS CONCERNING UNITED**  
2 **STATES ASSISTANCE TO PALESTINIAN REFU-**  
3 **GEES.**

4 The Congress—

5 (1) recognizes the importance of United States  
6 humanitarian assistance to Palestinian refugees as  
7 an essential component to the peace process in the  
8 Middle East;

9 (2) acknowledges the hardships endured by  
10 many innocent Palestinian refugees in the West  
11 Bank and Gaza Strip and in other neighboring coun-  
12 tries;

13 (3) notes that the United Nations High Com-  
14 mission for Refugees (UNHCR) is the international  
15 body that seeks to find “lasting solutions” to the  
16 plight of refugees throughout the world, with the  
17 sole exception of the Palestinians, for whose exclu-  
18 sive benefit a special agency, the United Nations Re-  
19 lief and Works Agency (UNRWA), was established  
20 in 1950 and which makes no effort to permanently  
21 resettle Palestinian refugees, even those who reside

1 under the jurisdiction of the Palestinian Authority,  
2 in order to ensure the perpetuation of the problem  
3 of Palestinian refugees;

4 (4) recognizes that the United States has been  
5 the world's leading donor to UNRWA, having pro-  
6 vided over \$2,500,000,000 to UNRWA since 1950,  
7 including the provision of \$110,000,000, in fiscal  
8 year 2002, and that such organization has provided  
9 important humanitarian assistance to the Pales-  
10 tinian people;

11 (5) notes that the United States contribution to  
12 UNRWA is nearly 10 times that of the entire Arab  
13 world, and calls on Arab states to assume a greater  
14 share of the burden for financing UNWRA;

15 (6) expresses its outrage over credible reports  
16 that UNRWA facilities have been used <sup>for</sup> terrorist  
17 training and bases for terrorist operations, with little  
18 attempt by the UNRWA to stop or oppose such at-  
19 tacks or alert relevant law enforcement authorities  
20 about such terrorist activities;

21 (7) expresses deep concern over the textbooks  
22 and educational materials used in the UNRWA edu-  
23 cational system that promote anti-Semitism, denial  
24 of the existence and the right to exist of the state

1 of Israel, and exacerbate stereotypes and tensions  
2 between the Palestinians and Israelis;

3 (8) strongly urges the Secretary General of the  
4 United Nations to immediately take steps to com-  
5 prehensively reform the UNRWA so that it actively  
6 works to oppose terrorist attacks and actively works  
7 to promote reconciliation and understanding between  
8 the Israelis and Palestinians;

9 (9) strongly urges UNRWA to meet the re-  
10 quirements, in letter and spirit, of section 301(c) of  
11 the Foreign Assistance Act of 1961, including by  
12 comprehensively ensuring that no UNRWA assist-  
13 ance is rendered to anyone who has been involved  
14 with terrorism at any time and that all UNRWA  
15 beneficiaries be informed at the earliest possible  
16 time, and at regular intervals thereafter, that any-  
17 one involved with terrorism thereafter will be ineli-  
18 gible for UNRWA benefits;

19 (10) strongly urges the Secretary of State to  
20 make UNRWA reforms a priority at the United Na-  
21 tions by actively campaigning within the United Na-  
22 tions to support such reforms, including comprehen-  
23 sive and independently verifiable audits of UNRWA  
24 activities and educational reform that would remove  
25 from the curriculum all textbooks and educational

1 materials that promote hatred of Jews and Israel  
2 and denial of Israel's right to exist and replace them  
3 with teaching materials that promote Israeli-Pales-  
4 tinian reconciliation and mutual understanding; and  
5 (11) notes the GAO audit required by section  
6 580 of the FY 2003 Foreign Operations Appropria-  
7 tions Act (Public Law 108-007), and strongly en-  
8 courages the GAO to conduct, as part of this audit,  
9 an investigation and inspection of all recent United  
10 States assistance to UNRWA to ensure that tax-  
11 payer funds are being spent effectively and are not  
12 directly or indirectly supporting terrorism, anti-Se-  
13 mitic or anti-Jewish teachings, or the glorification or  
14 incitement of violence.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. We have East Timor, scholarships—

Mr. SMITH OF NEW JERSEY. UNRWA. Right?

Ms. RUSH [continuing]. And assistance to Palestinian—

Mr. SMITH OF NEW JERSEY. That is it, the Palestinian one.

Chairman HYDE. The clerk will report.

Ms. RUSH. Amendment offered by Mr. Smith of New Jersey: “Page 154, after line 12, insert the following—”

Chairman HYDE. Without objection, further reading of the amendment is dispensed with, and the gentleman from New Jersey is recognized for 5 minutes in support of his amendment.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. I offer this amendment on behalf of myself and Mr. Lantos and would ask that the Members wholeheartedly support this amendment. It is a sense of the Congress urging continued reforms at the United Nations Relief and Works Agency, often referred to as “UNRWA,” for Palestinian refugees.

The amendment complements existing State Department efforts designed to bring pressure and diplomacy to bear on this important but deeply troubled United Nations agency. I would point out that the amendment seeks to expand an existing GAO investigation of U.S. assistance to UNRWA so that we can more closely examine issues which the current GAO analysis is not exploring.

The issue really comes down to this: We are, without a doubt, the prime providers of finances to UNRWA. Since 1950, we have provided some \$2.5 billion. In Fiscal Year 2002, we provided \$110 million. The resolution notes that the United States’ contribution to UNRWA is nearly 10 times that of the entire Arab world, so we are truly committed to the well being and the welfare of Palestinian refugees. But meanwhile, we have got make sure that the textbooks do not contain antisemitic, inflammatory, and hate-filled diatribes that have been carried in the past.

Incitement is a very important issue. We want to ensure, to the greatest extent possible, and, hopefully, that means in totality, that these camps, as well as the schools and the curriculum employed by those schools, are not used to poison another generation of young children. We know for a fact there have been instances in the past where the venue of an UNRWA compound or facility has been used to praise suicide bombers, Hamas, and acts of terrorism, and that is absolutely unconscionable, and it is totally unacceptable. These need to be areas where reconciliation, hope and tolerance are practiced, not where this kind of thing happens.

So, finally, the bottom line of what the resolution does: It sends a clear message that we want more reforms in UNRWA. We want to make sure that the GAO report, so that we get more factual data, points out or discovers, one way or the other, whether or not U.S. assistance to UNRWA is being spent effectively and is not directly or indirectly supporting terrorism, antisemitic or anti-Jewish teachings or the glorification or incitement to violence. I yield back the balance of my time.

Chairman HYDE. Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. Mr. Chairman, let me begin by paying tribute to my good friend and distin-

guished colleague, Chris Smith, for this important amendment, which I am delighted to co-sponsor.

I have long been concerned about aspects of UNRWA's mission as well as the manner in which it carries out that mission. Last year, I wrote to my personal friend, Secretary General Kofi Annan, expressing my deep unease that UNRWA may be, and I quote from my letter to Kofi Annan,

“UNRWA may be perpetuating rather than ameliorating the situation of Palestinian refugees.”

No doubt, Mr. Chairman, UNRWA does much good. As the second-largest employer of Palestinians in the West Bank and Gaza, it makes an important economic contribution. Nevertheless, one must ask, how high is the cost in terms of increased tensions in Israeli-Palestinian relations and in terms of the overall health of the Palestinian society? Some of UNRWA's problems are performance related and potentially correctable, such as its all-too-frequent indifference to terrorism, even to the exploitation of its own facilities for terrorist purposes or its use of textbooks that promote hatred of Jews and denial of Israel's right to exist.

Others of UNRWA's problems are structural and impervious to change, except in the face of the most thoroughgoing reform. Here, I have in mind, Mr. Chairman, the culture of dependency UNRWA breeds and the fact that UNRWA, by the very terms of its mission, incubates and politicizes the Palestinian refugee problem rather than resolving and ending it.

For all of these reasons, I strongly urge the U.N. Secretary General and our own Secretary of State, Colin Powell, to pursue comprehensive reform of UNRWA, as called for in the Smith-Lantos Amendment, particularly such reform as puts UNRWA clearly on the side of Israeli-Palestinian reconciliation and mutual understanding. I, likewise, urge the GAO to pursue a wide-ranging investigation of the uses to which UNRWA puts U.S. taxpayers' dollars, which account for some 30 percent of UNRWA's budget.

More broadly, it may be time to consider carefully the benefits to ourselves, to the Middle East, and to the Palestinians themselves of our continuing to bankroll an organization that . . . , if I may again quote my letter to Kofi Annan,

“ . . . perpetuates rather than ameliorates the lowly status of millions of refugees.”

I hope all of our colleagues will join Chris Smith and me in supporting this amendment and sending a powerful message to UNRWA, now in its 2nd half-century of its existence, that it must actively and unequivocally oppose terrorism and finally get its house in order. Otherwise, it risks losing the goodwill and the support of its primary benefactor, the Congress of the United States and the American people. I urge all of my colleagues to support this amendment.

Chairman HYDE. Ms. Ros-Lehtinen.

Ms. ROS-LEHTINEN. Thank you so much, Mr. Chairman. I support the Smith Amendment calling for an audit of U.S. assistance to Palestinian refugees provided through the United Nations Relief and Works Agency. The activities of this agency linking it to ter-

rorism and those of its personnel have been a concern of many Members of this Committee for some time now.

Last Congress, we attempted to address this issue in a joint International Operations and Human Rights and Middle East and South Asia Subcommittee oversight hearing on the issue. Letters were sent out outlining our grave concerns, and recently I had the opportunity to raise this issue with UNRWA representatives in my recent trip to Israel.

For the last 50 years, UNRWA camps have become bastions of terror and represent a clear and present threat to civil society. I would like to stress that in the West Bank and Gaza, because those in Jordan, for example, are significantly different due to the behavior and the commitment of the Jordanian Government. And while we continue to pour millions of dollars into UNRWA, this agency has failed to solve the Palestinian refugee problem.

Concurrently, many of its facilities have become safe havens of anti-Israeli and antisemitic incitement, breeding violence and terror against the Israeli people. And I would like to stress that we are not debating the benefits and whether it is efficient use to extend humanitarian assistance to Palestinians or not; that is not the issue. What we are debating are the operations of a U.N. agency, and the representatives of UNRWA will argue that they cannot monitor what textbooks are being used or who is doing what. That has been their defense. However, I am sure that we can all agree that that is a blatant attempt to avoid any responsibility over its operations. If they are not exerting oversight over what is taking place in the institutions run by the agency, then the U.S. must offer its contributions to this agency.

When the Commissioner General of UNRWA attempts to justify anti-Semitic materials, it reflects an unspoken tolerance of such deplorable behavior, and this does not do justice to the Palestinian people, nor to anyone. Rather than promoting tolerance and acceptance of their Israeli neighbors, UNRWA is perpetuating attitudes and policies that run contrary to peace. This cannot continue. This agency must be reformed, and, accordingly, I urge my colleagues on the Committee to support the very important Smith Amendment this morning. Thank you, Mr. Chairman.

Chairman HYDE. The question occurs on the amendment offered by the gentleman from New Jersey. All in favor, say aye.

[A chorus of ayes.]

Chairman HYDE. Opposed, nay. The ayes have it. The amendment is agreed to. The Chair recognizes Ms. Berkley.

Ms. BERKLEY. Mr. Chairman, I have an amendment at the desk. [The amendment of Ms. Berkley follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MS. BERKLEY**

Page 154, after line 12, insert the following new section:

1 **SEC. 726. SENSE OF CONGRESS RELATING TO TRAVEL**

2 **ADVISORIES TO ISRAEL.**

3 The Congress—

4 (1) recognizes that the Department State per-  
5 forms a valuable function for United States citizens  
6 by issuing travel advisories and country reports;

7 (2) recognizes that the first priority of travel  
8 advisories is to protect the health and safety of  
9 United States citizens traveling abroad;

10 (3) acknowledges the economic plight of the  
11 State of Israel and the negative impact of reduced  
12 tourism to that country as a result of violent and  
13 terrorist actions in the Middle East region;

14 (4) finds that the State Department travel advi-  
15 sory for Israel also incorporates the West Bank and  
16 Gaza strip;

17 (5) notes that certain regions within the State  
18 of Israel are significantly more safe for tourists than  
19 the West Bank, the Gaza strip, or other highly pop-

1       ulated areas that have been subject to terrorist at-  
2       tack;

3               (6) acknowledges that a travel advisory that in-  
4       cludes all the regions of Israel and the West Bank  
5       and Gaza Strip dramatically affects the entire econ-  
6       omy of the State of Israel, including regions that  
7       have never been subject to terrorism; and

8               (7) calls on the Department of State to try to  
9       find ways to differentiate between the regions of  
10       Israel, and their relative level of threat, for the pur-  
11       poses of travel advisories.

Chairman HYDE. The gentlelady's amendment will be—

Ms. RUSH. Amendment offered by Ms. Berkley: "Page 154, after line 12, insert the following—"

Chairman HYDE. Without objection, further reading of the amendment is dispensed with, and the gentlelady is recognized for 5 minutes in support of her amendment.

Ms. BERKLEY. Thank you, Mr. Chairman. I understand that there is an agreement to include my concerns in the report language, so I will offer this amendment and withdraw it, if that meets with your approval.

Chairman HYDE. It certainly does.

Ms. BERKLEY. Two days ago, I met with the Israeli minister for tourism and members of his staff. They shared with me the economic devastation done to the Israeli economy by the dramatic drop in tourism. As a Representative who has Las Vegas in her district, I can assure you, I know something about the devastating effects of a downturn in tourism.

The frustration expressed to me by the Israeli officials was that the United States State Department travel advisories for Israel are overly broad. While the West Bank and the Gaza strip might be the subject of the highest level of caution by the State Department, and rightly so, there are whole regions of Israel that have been practically untouched by violence. This would be analogous to the entire United States suffering from a devastating drop in tourism because there has been evidence of recent terrorist activity in one major city. It would be unnecessary and ill advised to issue travel restrictions or advisories for every State in that case.

My amendment reaffirms the importance of a travel advisory and recognizes its purpose, to protect the health and safety of Americans traveling abroad. However, my amendment also recognizes that it is too easy to give in to overly cautious mentality where the State Department simply issues unnecessarily high threat assessments for unnecessarily broad swaths of geography.

I believe there must be a more sophisticated model for travel advisories, and I believe that it is incumbent that the State Department investigate the possibility of models with a deeper nuance. My amendment expresses the sense of Congress that there may be a better, more sophisticated model for issuing travel advisories and calls on the State Department to investigate these possibilities.

Israel has been devastated economically, militarily, and I think it is time that we help ease these restrictions so that in the safer areas of Israel people can travel and feel and be safe. Thank you, Mr. Chairman.

Chairman HYDE. I thank the gentlelady. Mr. Lantos.

Mr. LANTOS. Mr. Chairman, I just want to express my strong support for the initiative of my good friend from Nevada. This is a very serious problem. Having been there just last week, I realize how absurd these travel advisories, in fact, are. As a matter of fact, several of the neighboring countries are suffering from this. The country of Jordan is desperately dependent on foreign aid. Conditions in much of Jordan are perfectly peaceful. The Jordanian Government is in need of tourist income, and certainly the Government of Israel desperately needs its tourism industry revived.

I join her in calling on the State Department to be far more sophisticated in its issuance of travel advisories than has been the case in recent times. Thank you, Mr. Chairman.

Ms. BERKLEY. Mr. Chairman, can I reclaim a moment of my time? Do I have a moment?

Chairman HYDE. You certainly get a whole full moment.

Ms. BERKLEY. Thank you, Mr. Chairman. To add some texture to my request, 2 years ago, I helped lead a congressional trip to Israel. We originally had 13 Members of Congress going to Israel. By the time we departed from JFK, because of the concern of terrorism in the Middle East, and particularly in Israel, only 5 of the 13 Members that originally signed up for the trip went. We returned on September 4th. A week later, we experienced the hellacious attack on our country in the World Trade Center.

So it doesn't matter where you are, and I think it brought home to me the fact that I was safer in Israel than I would have been in New York at the World Trade Center at that time. Thank you.

Chairman HYDE. Does the gentlelady wish to withdraw her amendment?

Ms. BERKLEY. If you give me permission to do so.

Chairman HYDE. I don't think it is necessary, but—

Ms. BERKLEY. Then I ask unanimous consent.

Chairman HYDE. That is not necessary either.

Ms. BERKLEY. What is necessary?

Chairman HYDE. Just state that you wish to withdraw your amendment.

Ms. BERKLEY. I wish to withdraw my amendment.

Chairman HYDE. Very well. It is so ordered.

Mr. BEREUTER. Mr. Chairman. Mr. Chairman.

Chairman HYDE. Mr. Bereuter.

Mr. BEREUTER. I ask unanimous consent to speak out of order for 1 minute.

Chairman HYDE. Without objection, so ordered.

Mr. BEREUTER. Thank you, Mr. Chairman. I am pleased to inform the Committee that the Senate, by a unanimous vote of 96 to 0, has approved the ratification changes to bring in seven new members of NATO: Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia. And now they have joined Canada and Norway, by their respective procedures, to bring in these seven new members. Now, the seven, plus the earlier three of Hungary, Poland, and the Czech Republic, of course, constitute an erasure of the lines drawn across Europe at Yalta.

This is a bipartisan success story. It involves effort by the Clinton and Bush Administrations. I think the House took actually the leading role in the world in initiating the first round, and I want to thank all of you for the support that you gave to the Europe Subcommittee in the process of advancing our own legislation last year in this respect. These 7, really 10, countries, having lived under totalitarian rule for 50 years, understand the importance of freedom, and they have pledged themselves to continued improvement and, in fact, to the protection of the existing 19 under the Mutual Security Pact.

So it is a great day, and it comes on the 58th anniversary of Victory in Europe Day. Thank you, Mr. Chairman.

[Applause.]

Chairman HYDE. The Chair recognizes the gentleman from New Jersey, Mr. Smith.

Mr. SMITH OF NEW JERSEY. Mr. Chairman, I have an amendment at the desk.

[The amendment of Mr. Smith of New Jersey follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. SMITH OF NEW JERSEY**  
**REGARDING EAST TIMORESE SCHOLARSHIPS**

Page 16, line 21, strike "\$500,000" and insert "\$1,000,000".

Page 16, line 22, strike "\$500,000" and insert "\$1,000,000".

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Smith of New Jersey regarding East Timor scholarships: "Page 16, line 21, strike 500,000—"

Chairman HYDE. Without objection, further reading of the amendment is dispensed with. The gentleman is recognized for 5 minutes.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Chairman. A few years ago, I first met Chenana Guzman when he was in a Jakarta prison, and he now is the President, as we all know, of East Timor. What a remarkable change has occurred in that country, although it has been ravaged by war. It is believed that a billion dollars in damage was done during the course of that war, and thousands died.

The amendment that I am offering today is an attempt to double, to go from \$500,000 to a million, still a very modest amount of money, for scholarships for East Timorees applicants for both undergraduates as well as post graduates. We all know this has been a limited success story primarily because it has been very hard during the course of this transition to democracy to get those candidates, although some have gone to the East-West Center in Hawaii and gotten an excellent education.

It seems to me that right now, as this emergent democracy is on the verge of breaking out, we should do what we can do to help education, and President Guzman has asked repeatedly—he needs help in the area of education. There was a 2002 UNDP assessment, a report, that found that East Timor's education standards are among the lowest in the world. They need help. This is not a budget buster. Perhaps it even should be more, but at least it is a step in the right direction to say, if we want to help a country matriculate into democracy and to have a robust economy, certainly investments in education are a very important step in that direction. So I would hope that Members could support the amendment.

Chairman HYDE. Any further discussion?

Mr. FALEOMAVAEGA. Mr. Chairman.

Chairman HYDE. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Chairman, I want to add my fullest support to the gentleman's proposed amendment concerning offering scholarships to students from East Timor. It was my privilege in the past to personally visit East Timor and see the terrible experience that these people have had under the colonial rule of the Indonesian Government. Some 200,000 East Timorees were tortured and murdered by the Indonesian military.

East Timor now is a fully independent nation, and I cannot emphasize enough what my good friend from New Jersey has mentioned, the fact that the salvation of any society, and especially with this government that has just barely started, that education is the salvation of these people, and we sincerely hope that providing scholarships for the students from East Timor will be an added feature in their development toward greater self-development in various areas that are needful for this government to survive.

I might also add that the former staff director of one of our Committees, chaired by my good friend from New Jersey, is now Ambassador to East Timor, Mr. Reese, and I am sure that this is going to be a real added measure of help, giving assistance to this sorely needed area for development for the East Timor Government, and, again, I want to thank the gentleman for bringing this to our attention.

Chairman HYDE. The question occurs on the amendment offered by the gentleman from New Jersey. All of those in favor, say aye.

[A chorus of ayes.]

Chairman HYDE. Opposed, nay. The ayes have it. The amendment is agreed to. Mr. Payne of New Jersey.

Mr. PAYNE. Thank you, Mr. Chairman. Let me, first of all, commend you for the portrait unveiling yesterday, last night. I think it was a very handsome picture. I thought it would be hanging over us today, but I guess it will be coming up soon.

Chairman HYDE. I hope so.

Mr. PAYNE. So, therefore, I suppose my amendment will be in good shape. [Laughter.]

I have an amendment at the desk.

[The amendment of Mr. Payne follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. PAYNE**

Page 56, after line 8, insert the following:

1 **SEC. 256. GRANTS TO THE AFRICA SOCIETY.**

2 (a) GRANTS TO THE AFRICA SOCIETY.—For any fis-  
3 cal year, the Secretary of State is authorized to make  
4 grants to the Africa Society to carry out programs and  
5 activities that advance United States interests and values  
6 in Africa through public and private partnerships that fa-  
7 cilitate the continent’s political transition to more open  
8 democratic societies, support equitable economic growth  
9 through trade and investment, support efforts to promote  
10 transparency and openness through the public and private  
11 sectors, encourage civil society growth and development,  
12 and promote awareness of all Americans about Africa,  
13 consistent with a grant agreement under such terms as  
14 the Secretary of State considers necessary and appro-  
15 priate.

16 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated to carry out this section  
18 \$1,000,000 for the fiscal year 2004 and such sums as may  
19 be necessary for the fiscal year 2005.

Chairman HYDE. The clerk will designate the amendment.

Ms. RUSH. Amendment offered by Mr. Payne: "Page 56, after line 8, insert the following—"

Chairman HYDE. Without objection, further reading is dispensed with, and the gentleman from New Jersey is recognized for 5 minutes in support of his amendment.

Mr. PAYNE. Thank you, Mr. Chairman. This amendment is a grant to the Africa Society, a private, nonprofit corporation which is the outgrowth of the National Summit on Africa, which was an unprecedented effort to increase understanding to Americans of all ages and walks of life about Africa.

In February 2000, the summit's dialogue and celebration of Africa resulted in the largest, most diverse gathering of Africa-interest individuals in the history of the United States. Over 8,000 delegates and participants representing every state and territory—and a network of over 25,000 Americans and others—engaged in bringing this dialogue to fruition because the dialogue began in each of the individual states.

The Africa Society, formed in 2002, following the Summit on Africa and building on its momentum, galvanized an active constituency here in the United States that would create and would help this new relationship between the United States and Africa. It would reinforce already existing ones, and give exposure to African leaders of various sectors. The mission of the Africa Society is to enhance awareness of all Americans on Africa and to create linkages between the two, whether they be educational, business, or trade related.

The primary programs and activities of the Africa Society are national interdisciplinary programs for K through 12 and also to the university levels; conferences, seminars, and private meetings on critical topics; exchange programs for legislators, business, and civil society participating; focusing on leadership and development; programs that encourage people-to-people collaboration concerning U.S.-Africa relations; and public policy research that provides succinct and reliable policy analysis in support of policy-making toward Africa; publication and information dissemination through both electronic and print media; and a national data base of persons interested in U.S.-Africa affairs.

The society also partners with media organizations in developing balanced and positive programs that more accurately depict the continent of Africa. They work to promote free and democratic institutions throughout Africa, facilitate private sector initiatives, and facilitate nongovernmental participation and exchanges between Africa and the United States.

The activities of this organization have done a great deal toward building a strong constituency for Africa in the United States, which is absolutely essential to getting more support for Africa here in Congress. Their work has helped to inform Americans about this vast, rich, complex continent, which gets such a bad rap sometimes, and would help create a more balanced image of Africa, one that is more fair and accurate than what is usually depicted.

The Africa Society needs financial support for their invaluable work to strengthen and broaden their activities in the areas of education and culture, research, and provisions of Africa related to in-

formation, public outreach, and communications. This amendment would give this stellar organization the necessary funds to carry out the mission.

As you know, Africa is becoming one of our top oil producers. We think that, with the work of the Africa Society, we will be able to help countries ward off fundamentalism, which is growing in some of the African countries. As you know, the continent supplies up to perhaps 20 percent of the oil imported by the United States, with new finds in places and gold in other places that produce a tremendous amount of oil.

We think it is in our national interest, and we have gotten support from many people: Secretary Colin Powell, before he was Secretary of State; Jack Kemp; Andy Young, former Ambassador, and many others. So I would urge that we support this amendment, and with that, I will yield back.

Chairman HYDE. Thank you. Mr. Lantos.

Mr. LANTOS. Mr. Chairman, first, I want to commend my dear friend and our distinguished colleague from New Jersey for taking this initiative. He has devoted decades of his life to improved U.S.-Africa relations in an extremely sophisticated and substantive fashion.

This is an extremely good proposal. We have been supporting key NGOs in other portions of the world. The Asia Foundation has done useful work in promoting civil society, the rule of law, democracy, the creation of fundamental human rights and better governance in Asia. This is a parallel entity, and I strongly urge all of my colleagues to support Mr. Payne's initiative.

Chairman HYDE. The question occurs on the amendment offered by the gentleman from New Jersey—

Ms. WATSON. Mr. Chairman.

Chairman HYDE. I am sorry. Ms. Watson is recognized.

Ms. WATSON. Thank you, Mr. Chairman. I want to register my strong support for Mr. Payne's amendment that would provide funding to the Africa Society. I have had the opportunity to attend functions and seminars sponsored by the society and have been highly impressed.

The mission of the Africa Society is to educate all Americans about Africa and its people and to build bridges of understanding and communication between the United States and the African continent. It is a nonprofit and nonpartisan think tank and public organization that has already created a number of impressive partnerships, including the World Affairs Council, UCLA, Discovery Communications, the Ralph Bunche International Center at Howard University, and the State University of New York at Albany.

While many still view Africa as a marginalized continent, its economic and strategic importance to the United States has actually grown immensely since the events of 9/11. The United States military has increased its presence in the strategic port of Djibouti and other regions of the continent which are in close proximity to the Persian Gulf.

New discoveries of strategic oil reserves in Africa, particularly off the shore of the Gulf of Guinea, may offer a significant alternative to oil in the volatile Middle East. As many of you know, the Admin-

istration is actively exploring alternatives to reliance on Middle East oil, and Africa perhaps offers the best alternative.

Moreover, just as we realize that nation building and democracy building are important to the stability and combating terrorism in the Middle East, so should we realize that the African continent has a significant Muslim population, many of whom are young and live in either failed or marginal states. The Africa Society will create and offer important lines of communication between the African continent and the concerned educators, diplomats, and private citizens.

It is critical that we do not forget this important region of the world as we combat terrorism and political instability around the globe. The amount of the request for funding for the Africa Society, by an standard, is modest, whose return on investment, I believe, will be in the multiples of millions of dollars. I encourage my colleagues to support this amendment.

Mr. MEEKS. Mr. Chairman.

Chairman HYDE. Oh, Mr. Meeks.

Mr. MEEKS. Thank you, Mr. Chairman. I want to also thank the gentleman from New Jersey for this amendment, and very briefly, if there is any continent that is probably misunderstood or not known about at all in the nature that it should be, it is the continent of Africa. And, indeed, the world that we currently live in is much smaller than it was 40, 50 years ago. We have a global economy; therefore, we need global understanding. And what this society, the Africa Society, will do is to help promote that global understanding.

When we look at the public educational curriculum, or any educational curriculum, for that matter, most of the time what is left out is the continent of Africa, so, therefore, that leads to misunderstanding and leads to the United States not being focused on trade and the trade opportunities that we can have there as well.

So this bill, and what the Africa Society will be promoting, is not only beneficial for the Africans; it is beneficial for those of us here in America so that we can see that the opportunities that present themselves there and, therefore, creating opportunity and hope for people there by having a better global understanding. As indicated by the gentlelady from California, it is a method of where we can find oil and other natural resources so that we are not depending upon oil from other places.

It is a bill that I think, with this modest amount, will go a long, long way to improving relations and having a great opportunity for the betterment of both Africa and the United States of America, and I yield back.

Chairman HYDE. Thank you. Is there any further discussion?

[No response.]

Chairman HYDE. If not, the question occurs on the amendment offered by Mr. Payne. All in favor, say aye.

[A chorus of ayes.]

Chairman HYDE. Opposed, nay. The ayes have it. The amendment is agreed to. Mr. Tancredo.

Mr. TANCREDO. I have an amendment at the desk.

[The amendment of Mr. Tancredo follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. TANCREDO**

Page 154, after line 12, insert the following (and conform the table of contents accordingly):

1 **SEC. 726. SENSE OF CONGRESS CONCERNING THE**  
2 **ISSUANCE OF ALIEN IDENTIFICATION CARDS**  
3 **BY FOREIGN GOVERNMENTS.**

4 (a) **FINDING.**—Congress finds the following:

5 (1) Several foreign governments, through their  
6 consular and diplomatic offices in the United States,  
7 have undertaken efforts to influence State and local  
8 governments and their political subdivisions to ac-  
9 cept matricula consular cards as proof of identity for  
10 their nationals living in the United States.

11 (2) The primary beneficiary of this activity are  
12 people living in the United States illegally.

13 (b) **SENSE OF CONGRESS.**—It is the sense of Con-  
14 gress that the Secretary of State should engage in direct  
15 discussions with those foreign governments involved in ac-  
16 tivities described in subsection (a) and request that these  
17 governments refrain from using their consular and diplo-  
18 matic offices in this manner.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Tancredo: "Page 154, after line 12, insert the following—"

Chairman HYDE. Without objection, further reading of the amendment is dispensed with.

Mr. BERMAN. Mr. Chairman, could I reserve a point of order on this amendment?

Chairman HYDE. The gentleman wishes to reserve a point of order. It shall be reserved. Without objection, further reading of the amendment is dispensed with, and Mr. Tancredo is recognized for 5 minutes.

Mr. TANCREDO. Thank you, Mr. Chairman. Mr. Chairman, in the last year and a half or so, a peculiar development has arisen in our relationship with several countries, particularly with Mexico, over the issue of the matricula consular. This is a card that is issued by foreign governments to their nationals. Certainly, every country has the right to use such a document and to issue it to their nationals. This is nothing that is new.

However, what is new is that in the last, as I say, year and a half or so, the Mexican Government has charged the Mexican consuls in the United States, the consular officials living here, 41 or 2 of them, with the responsibility of going out and lobbying State and local governments in order to get them to accept the matricula consular issued by the Mexican Government to its nationals living in the United States.

Now, they are very clear about exactly what it is they want to accomplish. Several members of the Mexican Government have stated on many occasions, and very publicly, that the purpose of doing this, the purpose of using their consular offices in the United States to lobby State and local governments in the United States, is to essentially get around the problem that they face in trying to obtain an amnesty for people living here illegally, for Mexican citizens living here illegally.

In fact, not too long ago, Roberto Hernandez, the General Director of Consular Affairs for the Mexican Foreign Ministry, said in the paper,

"We all know that there will be no migration agreement soon, but we must look for alternatives so that Mexicans already here . . ."

meaning in the United States,

". . . can live in a better manner. It is necessary to push the agreement at all levels,"

he said.

"A little lobbying—pushing for Mayors up to the Governors, then going through congressional Representatives; it is worth the effort,"

he says.

"If there is an accord between the two countries, then it must go to Congress, so why not do this in reverse? We work first with the States and cities, and then it will be easier to push forward with an agreement. In the long run—I don't know if

it will be 1 year or 2 years or 10 years—we are going to have a migration agreement because it is a reality. It has already happened,”

he says. And we have many other statements of a similar nature by members of the Mexican Government. They agree. They state publicly that they are trying to use the consuls to lobby State and local governments to get them to aid people to break the law of the land.

Now, I wonder, Mr. Chairman, what would happen if it were in reverse. What would happen if an American consular official would go to a state in Mexico and say, “You know, I would like you to help us do something that would violate the national law,” because, in fact, really the only people in the United States of America, the only foreign national in the United States that needs the matricula consular for identification purposes are people who are living here illegally.

If you have come into this country legally, there is, of course, a document that you get from us, you know, a visa, a green card, or whatever. You do not need anything issued by a foreign government, and certainly no entity of the United States, no State or locality, should be accepting these for identification purposes.

They can fraudulently be made. We have already arrested someone in Colorado who had three of these cards in his possession, three of them with his picture on them, but, of course, a different name for every card.

So when we are told that we should accept these things because they are valid forms of identification for people who are living here illegally, that is patently untrue. It has one purpose and one purpose only. It is to obtain amnesty for people who are living in the United States and to do so because they cannot get it through the Congress of the United States. They say this is exactly what their purpose is.

So my amendment simply instructs the Secretary of State, through a sense of Congress, that the Secretary of State should engage in “direct discussions with those governments involved in activities described in this section and request that the governments refrain from using their consular and diplomatic offices in this manner,” and I reserve the balance of my time. I am not sure if I can reserve.

Mr. MENENDEZ. Mr. Chairman.

Chairman HYDE. Who seeks recognition?

Mr. MENENDEZ. Mr. Menendez.

Chairman HYDE. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, I am not surprised by my colleague from Colorado offering this amendment. However, I think that his arguments are really maybe for the Judiciary Committee, where immigration issues are generally held, but the specifics of his arguments are misfounded. First of all, every country has the right to issue to its nationals identification, and now we want to tell the Government of Mexico, and I guess we will begin on a long list of countries, that, no, you do not have the right to issue to your nationals identification, specifically an ID that tells us who this person is.

It seems to me that, for even security purposes, it makes eminent sense that instead of not knowing who the person is, that, in fact, we would know who the person is and that we would have the wherewithal to be able to communicate with that government should this person run afoul of the law in a way in which we would be concerned, but that, in essence, would be an ability for law enforcement to be able to identify this person and pursue their background.

Lastly, most of what this is actually used for is for purposes of opening up a simple bank account. It is for the purposes of instead of having this money in this economy outside of a legal source, to be able to have money in this economy through registered bank accounts, which inures not only to the benefit of those financial institutions but to this country in general, and people are able to pay their taxes legally and otherwise meet their obligations.

This is not about amnesty, and everyone knows that any form of legalization of undocumented immigrants in this country can only come through congressional legislation and ultimately the signature of a President. However, it is about treating those who are clearly inside of this country with a certain degree of dignity. It is about security. It is about identifying individuals. It is about having a way in which, clearly, all of those people who Mr. Tancredo would seek to punish, all of those people who are making beds in hotels, all of those people who are putting food and vegetables on our tables, all of those who pick the poultry in Arkansas, all of those who are doing the construction industry in North Carolina, all of those who are in the service industry in California and the East and West Coasts, and many, many others. It is to punish them.

Now, this Administration must come to a conclusion. Does it seek to engage Mexico, as the President has said so many times, in a legalized and regularized form of immigration to this country where the dignity, worth, as well as the interests of both countries are served, or do we simply wish to punish those for which we take advantage each and every day? That is the real issue.

So, therefore, I really urge, if this amendment ends up being an order, to have our colleagues vote against the amendment.

Mr. GALLEGLY. Would the gentleman yield? Mr. Menendez, would the gentleman yield?

Mr. MENENDEZ. Sure. I would be happy to yield to the gentleman.

Mr. GALLEGLY. I would just like a clarification. I understood Mr. Tancredo to say in this issue, and for those of us that have had concerns about the matricula consular, that there is no effort to prohibit the Mexican Government or any other government from producing the document. The issue is whether we would accept a formal document, a document for formal identification purposes, inside the United States issued by a foreign government, other than a passport, that could be used for services or benefits or whatever without any control over the method which they were produced.

Mr. MENENDEZ. Reclaiming my time, the fact of the matter is that there is no Federal entity that recognizes or accepts it, and if a State or a locality chooses to do so, since we believe that the States know best, which I know our Republican colleagues have al-

ways told us, the States know best, and we should leave it up to their discretion. It is up to the State or local municipality to make that decision, but there is no Federal entity that accepts it, and obviously no Federal entity could unless an act of Congress took place.

So this is really about punishing millions of Mexicans who are in this country who we say we want to work with the Mexican Government to legalize and regularize their status, but this is really about punishing them.

Chairman HYDE. Mr. Gallegly, seek recognition?

Mr. GALLEGLY. Yes. Strike the last word.

Chairman HYDE. The gentleman is recognized for 5 minutes.

Mr. GALLEGLY. If I could follow up and enter into a colloquy with Mr. Menendez. Mr. Menendez, very simply put, could you explain to me and to our colleagues who, other than an illegal immigrant, an international terrorist, or a criminal seeking another form of identification, needs matricula consular as a source of identification in the United States? Is there any other individual or group that would have the need for that document?

Mr. MENENDEZ. Well, your question is like did you beat your wife today? To suggest that a terrorist is going to be given a matricula consular is insulting to the process and to the Mexican people. Also, the fact of the matter is you could be here pending status, waiting for your adjustment of status, and need to have an ID in the process. So there are people in walks of life in different processes that might need a matricula consular.

Mr. GALLEGLY. Reclaiming my time, let us rephrase my question, then. I did not mean to offend Mr. Menendez or the Mexican Government or the Mexican nationals in this country. Let us forget about international terrorists or criminals seeking another form of identification. Is there any group, other than someone that is currently illegally in the United States, that would have a need for the use of this document, Mr. Menendez?

Mr. MENENDEZ. You could, in fact, be a United States permanent resident. You could, in fact, be even a United States citizen of Mexican descent and seek to have a matricula consular for other purposes, including purposes within Mexico—travel, business, other purposes. So there is a perfectly legal reason for the Government of Mexico to give such identification to people, should they choose to do so.

Mr. GALLEGLY. Reclaiming my time, the issue really isn't the issuance of the document. The issue is of who needs the document for purposes of use within the United States.

Mr. TANCREDO. Would the gentleman yield? Would the gentleman yield?

Mr. GALLEGLY. Mr. Tancredo.

Mr. TANCREDO. I thank the gentleman for yielding. Once again, I draw your attention to the actual amendment. The amendment does not discuss, in any way, shape, or form, whether a country should offer its citizens a matricula consular. That is none of our business. Countries do. We all recognize that. This amendment has nothing to do with the offering. It actually has nothing to do with who is benefitted by it.

I happen to agree completely with Mr. Gallegly that really the only people, or certainly the largest number of people, who could possibly benefit by the use of the matricula in the United States are those people living here illegally. Otherwise, you have identification that this government offers to you when you come in. But this amendment doesn't deal with that issue.

All it says is that we ask the Secretary of State to please register our concern with those governments who are using their consular offices here to go to States and localities to lobby them to get them to take the matricula, accept the matricula. That is the only purpose of this amendment. It has got nothing to do with governments offering them or whether or not people should have them. Those are debates we can and should certainly have, but that has got nothing to do with this amendment. I yield back to the gentleman.

Mr. GALLEGLY. The gentleman from California, Mr. Berman.

Mr. BERMAN. I will seek my own time.

Mr. GALLEGLY. Okay. I would return the balance of my time.

Chairman HYDE. Mr. Lantos.

Mr. LANTOS. Thank you very much, Mr. Chairman. I want to identify myself strongly with the points made by my good friend from New Jersey, Mr. Menendez. In my home State of California, these cards have been recognized for a long, long time for identification purposes, to obtain, for instance, a library card. Now, I see nothing sinister in a Mexican individual, seeking to improve his education, to be able to go to the local public library and use this card for the purpose of obtaining a public library card from a community in California. I think the amendment before us would strip from hard-working individuals the ability to engage in normal activities in our society.

If I may bring the argument to a broader level, relations between the United States and Mexico have rarely been as strained and as unstable and as fragile and as hostile as they are today. I think it would be a gratuitous and most unfortunate slap in the face of the Mexican people, the Mexican Government, and Mexicans living in the United States to approve this amendment. I strongly urge my colleagues to reject it. Thank you.

Mr. GALLEGLY. Would the gentleman yield, the gentleman from California?

Mr. LANTOS. I will be happy to yield.

Mr. GALLEGLY. Mr. Lantos, you mentioned the fact, and we are both Californians, and we have lived there for a major part of our lives, a long time—I am a native Californian. Would you not say that one of the real reasons the relationship with our friends and neighbors to the south in Mexico, one of the principal reasons that that relationship is strained is by the fact that there are probably, depending on whose numbers you use, somewhere between nine and 13 million people illegally in the country, and in the State of California probably there is half of that number, or at least a third of those in California? Would you say that that may be one of the major reasons that the relationship is somewhat strained with our friends?

Mr. LANTOS. If my friend will yield.

Mr. GALLEGLY. Yes.

Mr. LANTOS. Or did I yield to you? We will yield to each other.

I might say to my friend from California that there is a whole complex set of reasons why relations between the United States and Mexico are strained as we speak, and it would take a long seminar of a whole day to, at least, begin to explore the complexity of that relationship.

My point is a different one. I take it from my friend's comments that he agrees with me that relations between the United States and Mexico at the moment are extremely strained. If they are strained for the reason my friend indicates, I don't see nine or 13 million, or whatever your figure is, people suddenly disappearing. So we are dealing with a fact of life.

My purpose is to attempt to ameliorate relations between the United States and Mexico and not to aggravate them. Approving this amendment would clearly be a very negatively perceived action, and while I think there are many complex factors in U.S.-Mexico relations, there is no reason at this moment, gratuitously, to add yet another aggravating fact to an already difficult relationship, and I again urge my colleagues to reject this amendment.

Chairman HYDE. The Chair would like to deal with the point of order earlier reserved by Mr. Berman. The point of order really should be and would be sustained. However, the author could offer his original version, which was filed before 5 o'clock, I am told, yesterday, which is in order, and then a colleague could offer the pending amendment as a substitute.

So we could get from here to there using that route, and rather than waste time, the Chair would urge the gentleman from California to withdraw his point of order.

Mr. BERMAN. Could I also get recognized to speak against the amendment at the same time?

Chairman HYDE. You can get recognized any time you want.

Mr. BERMAN. I would like to be recognized, Mr. Chairman.

Chairman HYDE. The Chair recognizes the gentleman from California.

Mr. BERMAN. I withdraw my reservation, although I do point out that, under the scenario that Mr. Tancredo would have to use in order to get to this point, were I to insist on my point of order, it would require him to find another colleague willing to offer this amendment, and I am not sure he would be able to. But notwithstanding that, I withdraw my point of order.

I would like to speak very strongly against the amendment for a number of different reasons on the substance and then one political observation. Mr. Tancredo says this isn't about the merits of this card. This isn't about who the primary beneficiary is of this card. This is about, in a sense, the outrage that the Mexican Government is using its consular and diplomatic resources to lobby State and local governments to authorize the utilization of these cards for certain particular purposes.

He says, how would the Mexicans feel if we spent our resources asking Mexican entities to adopt certain measures? Well, as a Congressman from California in Los Angeles County who has had the District Attorney of Los Angeles, the Sheriff of Los Angeles and representatives of the State legislature come to me to try and get our State Department to lobby the Mexican Government and its officials to extradite prisoners. The Mexican Constitution says they

cannot extradite anybody to a jurisdiction where that person might get the death penalty or life imprisonment without the possibility of parole, I would suggest that every day we are trying to get our State Department to use its resources to lobby the Mexican Government and entities within Mexico to change the situation so that Mexico will not shield people accused of the most heinous kinds of crimes from being brought to justice in this country.

There is nothing outrageous about it. It is totally appropriate, and—

Mr. TANCREDO. Will the gentleman yield?

Mr. BERMAN. Not yet, but I will at the end.

Secondly, who is the primary beneficiary of this? Mr. Tancredo, while saying his resolution isn't concerned about that, states that the primary beneficiary of this activity are people living in the United States illegally. Well, the process for getting one of these cards is that the Mexican Government checks the applicant for one of these cards, goes to find his birth records in Mexico, verifies that, in fact, these are the birth records, and this is where this person is from, and that this card reflects that person's true identity.

Who benefits from that information? Local law enforcement agencies all over this country, who want to know when someone complains about a crime who that person is and wants the true identity of that person. This is one way, one readily available way, of confirming the true identity of that person, which means that many people who are victims of crimes or are witnesses to crimes are more willing to come forward to local law enforcement and provide information about the crimes, so law enforcement benefits from it.

Our security interests benefit from it because we are sure a heck of a lot better off when people reveal their true identities than when they give the phony Social Security cards and the phony documents to the employers in Mr. Tancredo's district who are picking crops and maintaining services and providing hospitality services and tourism services using the efforts of undocumented people in this country and undocumented workers. So our security interests are enhanced by the existence of this card.

The banking industry, which now knows the true identity of a person seeking to take an account out and use the banking services rather than the usurious loan sharks who are charging incredible amounts of money to cash the pay checks of many of these hard-working people in order to provide remittances back to the home country and to just afford the basic necessities of life, they are primary beneficiaries of this card.

There are a lot of important and legitimate interests and institutions in the United States, many of them governmental, which benefit from the existence of this card.

Now, the partisan part of me would like to have this come to a vote, and there will be a rollcall vote on it if it does, to see what the majority party wants to do on an issue like this where a card that is not used by Federal agencies and not recognized but is only utilized by State and local agencies that have decided that it is in their interest, that they are better served by doing this. We are going to pass a resolution telling the Mexicans we don't trust our State and local governments to make wise decisions, and they have

to stop their lobbying activity to get them to make those decisions because these easily manipulated agencies don't know what they are doing.

Chairman HYDE. The gentleman's time has expired.

Mr. BERMAN. I yield back.

Mr. PAUL. Mr. Chairman.

Chairman HYDE. Thank you. Who else seeks recognition? Mr. Paul.

Mr. PAUL. Thank you, Mr. Chairman. I would like to speak in favor of the amendment, and I would like to also inform the Committee that if we had been forced to follow the point of order and had the original amendment introduced, I would have been glad to offer this amendment to the amendment.

I support this because it doesn't seem to be overwhelming in that it is merely asking our officials to discuss this and hopefully influence them away from talking to the State and local governments about using these cards. So, to me, it seems rather modest, and I do think the immigration problem is out of control. So, therefore, I am going to vote for this, and I don't think it is quite as extreme as it is being painted. As a matter of fact, I think at times there seems to be some distortion of what it really does, and at this time, I would like to yield to the gentleman from Colorado.

Mr. TANCREDO. I thank the gentleman for yielding.

It is completely appropriate for one government to lobby another government to get them to change their law in the case that my colleague has just cited, especially in terms of extradition treaties, perfectly appropriate. No one is arguing that. What I feel is inappropriate is for one government to use its consular officials to try and get other States and localities to help them avoid the law, to help people break the law, and that is exactly what is happening here.

There is a law that says you cannot come into this country—

Mr. LANTOS. Will the gentleman yield for a moment?

Mr. TANCREDO. No. I will not yield. There is a law that says that you have to get the permission of the United States to come into this country legally. If you do so in any other way, you are violating the law. When you reward someone for doing that by accepting a card given to them by their government for purposes of identification, then, of course, I think it is inappropriate. It is especially inappropriate for consular officials to be going into States and localities, as they do, and as they admit to doing, for purposes of obtaining that kind of arrangement.

It is also important to understand that these are not verifiable, that these are documents that are sometimes handed out in vans parked in certain localities. You can go up to the van, in relatively few minutes, and you show them some sort of documentation to say you are so-and-so. They will provide you with a card within a very short period of time. It is not verifiable. It is not something so fool-proof that all of these organizations and police departments should have any comfort in taking.

We, as I mentioned earlier, already arrested someone in Colorado that had three of these cards, all of them with his picture on but all with different names, and all issued by the Mexican Consulate

in Denver. So there is certainly nothing that would make me feel comfortable about the validity of the card.

And it also important to reiterate, because we keep talking about the issue of matricula in and of itself and the issue of illegal immigration and all the rest of it, which is certainly an issue I like to talk about. I like to get involved in a good, healthy debate, but it is really not connected to this particular amendment. This has got to do with the propriety of using the resources of the Mexican Government in the United States, their consular offices, to act in a way which I think is totally improper. And when, by the way, I brought this to the attention of the Secretary of State when he was here in front of our Committee, he indicated that he had a concern about it. We have written him about it. There is a concern about using that in this way. I yield back.

Mr. PAUL. Okay. Thank you for yielding back, and I yield to the gentleman from California.

Mr. GALLEGLY. Thank you, Mr. Paul. I find it interesting because there appears to be kind of a partisan bend to this, but I would like to remind my colleagues that the City of New York, New York City—and Mr. Crowley might correct me if I am wrong, but I still think that it is the largest city in the Nation—voted by a large margin to not accept this document for all of the reasons that have been expressed in this meeting, and I don't think that the City of New York is known as a bastion for conservative politics. I yield back the balance of my time.

Chairman HYDE. The gentlelady from California, Ms. Watson.

Ms. WATSON. Thank you so much, Mr. Chairman, and thank you to the Ranking Member for understanding what a dangerous amendment this is. To ask the Secretary of State to involve himself in discussions with a foreign government and their way of supplying identification for those who intend to go to the United States treads in a very tenuous area.

I have heard illegal, illegal, illegal. If there is an issue whether people coming into the United States from over our southern border are illegal, this is an INS issue.

What people need in California, where we have the largest number of Spanish-speaking people outside of Mexico, is a way to identify themselves. You can't get on a plane. Forget about driving a car. Today, we need ID, whether they are here legally or illegally.

What this bill should be doing is encouraging the INS, and I don't know if it is the province of this Committee or not, to look into these issues, not to ask our Secretary of State to go to foreign governments and ask them not to use an identification that will assist their people. I think this is the wrong place for this, and it is going in the wrong direction.

As a former Ambassador, these issues are the province of our United States if we issue them and the province of another government. If there is something illegal, we should go to the INS on this issue.

So I would ask Mr. Tancredo if he would please withdraw this particular amendment. It sends the wrong message, and if you want to stop illegals, this is not the way to do it. But we need identification for people who are within our country and on our streets.

And so I would request that, Mr. Tancredo, you withdraw this amendment. Thank you, Mr. Chairman.

Mr. DELAHUNT. Would the gentlelady yield? Would the gentlelady yield?

Ms. WATSON. I am finished.

Mr. DELAHUNT. Would you yield your remaining time?

Ms. WATSON. Yes. I certainly would.

Mr. DELAHUNT. I thank the gentlelady for yielding. I just want to say I am really stunned by the statement, and maybe it was a misinterpretation by myself, but that the Mexican Government is intentionally advocating—its advocacy in behalf of its citizens in this country is intended to violate United States law.

Mr. TANCREDO. You heard it right.

Mr. DELAHUNT. I heard it right. Well, I am glad I heard that publicly because I would presume that the Government of Mexico would find that very insulting.

I have served on the Committee on the Judiciary, as the Chair knows, since I arrived here in Congress some 7 years ago. The findings, and clearly they have jurisdiction of this particular issue, the findings that the primary beneficiary of this activity are people living in the United States illegally has never been addressed by that Committee that I am aware of, and maybe Mr. Berman has other information. There is absolutely no data, no evidence other than anecdotes related by the gentleman from Colorado.

I would urge my colleagues to defeat this amendment. It is wrong, and I will yield back.

Chairman HYDE. Ms. Napolitano.

Ms. NAPOLITANO. Thank you, Ms. Watson. I sit here in awe because I have heard the rhetoric over and over again as a Representative from California that lives with this every day, as do my California colleagues, and now many other Representatives from throughout the United States are dealing with the same issues: Identification. We have spoken to the California Sheriff's Department, to highway patrol, to banks, and, without exception, all of them are in accord. They want people identified so that they can follow through whenever the issue comes up before them.

In the Los Angeles area, we were informed by the Mexican Consulate that they have been issuing matriculas for over 4 decades and have yet to have law enforcement have one complaint on the issuance of those, the types of forms that have been used; in other words, whether or not it has been used illegally.

Now, insofar as they are being replicated and misused, that happens with Social Security, driver's license. You can just go on. In fact, if INS puts out a card, within 10 days, I can assume that the fraudulent perpetrators are going to duplicate it. The fairness of it is no fairness.

My concern is that we are talking about a group of people, and as my colleagues have stated before, they have no way of being identified within society today that requests their identification for any kind of move you make, any kind of purchase. If it is a car you are going to purchase, they want identification.

In our own area, we heard that some 90,000 cases of INS applications were destroyed by INS. How about those people? What are they going to do? They refile. In the meantime, there is no way to

identify themselves other than matriculas. And for the information—I am sure that Mr. Tancredo already understands—that they have a long process. They ask for the birth certificate, whether they have done their service in Mexico. They ask for the baptism records. These are thoroughly checked by the Mexican Government and not issued willy-nilly, if you will.

Now, banks have, just within the last couple of years, found out that this is a boon. If they accept the matriculas, they are getting millions of dollars deposited in their bank accounts, and yet we are saying, no, don't do it. Well, I can tell you, if I am in a car, and I get in an accident with an immigrant, I will be glad to have law enforcement look at his matriculas to find out where he lives and an ID because it does carry a thumb print on it.

So the arguments are, again, as my colleague, Mr. Menendez has stated, they are punitive. It is only aimed at Mexico. It is only aimed at matriculas, and it is only aimed at people who are trying to help this United States of ours become an even greater country. Thank you, Mr. Chairman.

Mr. FALCOMA. Mr. Chairman.

Chairman HYDE. Mr. Faleomavaega.

Mr. FALCOMA. Mr. Chairman, while I commend my good friend, the gentleman from Colorado, for offering his amendment, I don't believe that the consequences of this amendment are going to be positive. I yield my time to my good friend, the gentleman from California, Mr. Berman.

Mr. BERMAN. Mr. Chairman, is the State Department represented at the hearing today?

Chairman HYDE. I see some suspicious-looking people. [Laughter.]

Mr. BERMAN. I, myself. Do they have ID, Mr. Chairman? [Laughter.]

Would I be allowed, would it be permitted, would it be acceptable to you to ask them a question on this issue?

Chairman HYDE. The staff is objecting. [Laughter.]

Mr. BERMAN. I withdraw my request, well, because I don't want the Chairman to have to choose between me and the staff.

Chairman HYDE. I need them. I don't need—

Mr. BERMAN. I understand. [Laughter.]

You said you needed me like a hole—no. In any event, where is that portrait? [Laughter.]

I just want to make one point regarding my comments earlier. I don't want to make light of the underlying issue that Mr. Tancredo is raising here. Even though he says it is not the underlying issue, I believe it is the underlying issue, which is the issue of people coming into this country illegally.

I just suggest that the more sensible sense of Congress resolution to pass at this particular point, if one wanted to address that issue here rather than in the Judiciary Committee or rather than through the Department of Homeland Security, would be to do the things we need to do to make it as difficult as possible to enter this country illegally. For example, to have our State Department and other Federal officials working with the Mexican Government and other governments, particularly, on the migration issues that were heralded in the original Bush-Fox talks. They should come to an

agreement that allowed different work force issues to be met through the use of legal, temporary workers to come to a sensible recognition of the fact that there are eight to 10 or 11 million undocumented people in this country, that many parts of our economy are dependent on them, that for the most part, they are a group of people who are abiding now with U.S. laws, paying taxes, and working hard, making very essential contributions. We should find a sensible process to deal with that rather than seeking to go after one little manifestation of this issue, which has so many beneficial effects in terms of our law enforcement interests, in terms of the financial interests. I think that would be a better approach than the approach taken by this resolution, and I would urge the Committee to defeat the resolution, a sense of Congress.

Chairman HYDE. I am going to suggest that we move to a vote. We are going to have several votes very shortly on the Floor, and then we want to come back here. We will skip lunch, if we can. Grab it on the run, if you must, but there is a Subcommittee meeting at 1:30 that some of you must attend, and we would surely like to finish this bill this afternoon. So I would appreciate expedition from here on in.

So the question arises on Mr. Tancredo's amendment. All those in favor, say aye.

[A chorus of ayes.]

Chairman HYDE. Will the clerk call the roll?

Ms. RUSH. Mr. Leach?

Mr. LEACH. I pass.

Ms. RUSH. Pass. Mr. Bereuter?

[No response.]

Ms. RUSH. Mr. Smith of New Jersey?

[No response.]

Ms. RUSH. Mr. Burton?

[No response.]

Ms. RUSH. Mr. Gallegly?

Mr. GALLEGLY. Yes.

Ms. RUSH. Mr. Gallegly votes yes. Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. No.

Ms. RUSH. Ms. Ros-Lehtinen votes no. Mr. Ballenger?

Mr. BALLENGER. Yes.

Ms. RUSH. Mr. Ballenger votes yes. Mr. Rohrabacher?

[No response.]

Ms. RUSH. Mr. Royce?

Mr. ROYCE. Yes.

Ms. RUSH. Mr. Royce votes yes. Mr. King?

Mr. KING. No.

Ms. RUSH. Mr. King votes no. Mr. Chabot?

Mr. CHABOT. Yes.

Ms. RUSH. Mr. Chabot votes yes. Mr. Houghton?

[No response.]

Ms. RUSH. Mr. McHugh?

[No response.]

Ms. RUSH. Mr. Tancredo?

Mr. TANCREDO. Yes.

Ms. RUSH. Mr. Tancredo votes yes. Mr. Paul?

Mr. PAUL. Yes.

Ms. RUSH. Mr. Paul votes yes. Mr. Smith of Michigan?  
 Mr. SMITH OF MICHIGAN. Yes.  
 Ms. RUSH. Mr. Smith of Michigan votes yes. Mr. Pitts?  
 Mr. PITTS. Yes.  
 Ms. RUSH. Mr. Pitts votes yes. Mr. Flake?  
 Mr. FLAKE. Yes.  
 Ms. RUSH. Mr. Flake votes yes. Mrs. Davis?  
 [No response.]  
 Ms. RUSH. Mr. Green?  
 Mr. GREEN. Yes.  
 Ms. RUSH. Mr. Green votes yes. Mr. Weller?  
 [No response.]  
 Ms. RUSH. Mr. Pence?  
 Mr. PENCE. Yes.  
 Ms. RUSH. Mr. Pence votes yes. Mr. McCotter?  
 Mr. McCOTTER. Yes.  
 Ms. RUSH. Mr. McCotter votes yes. Mr. Janklow?  
 Mr. JANKLOW. Pass.  
 Ms. RUSH. Mr. Janklow votes passes. Ms. Harris?  
 Ms. HARRIS. Yes.  
 Ms. RUSH. Ms. Harris votes yes. Mr. Lantos?  
 Mr. LANTOS. No.  
 Ms. RUSH. Mr. Lantos votes no. Mr. Berman?  
 Mr. BERMAN. No.  
 Ms. RUSH. Mr. Berman votes no. Mr. Ackerman?  
 Mr. ACKERMAN. No.  
 Ms. RUSH. Mr. Ackerman votes no. Mr. Faleomavaega?  
 Mr. FALEOMAVAEGA. No.  
 Ms. RUSH. Mr. Faleomavaega votes no. Mr. Payne?  
 Mr. PAYNE. No.  
 Ms. RUSH. Mr. Payne votes no. Mr. Menendez?  
 Mr. MENENDEZ. No.  
 Ms. RUSH. Mr. Menendez votes no. Mr. Brown?  
 Mr. BROWN. No.  
 Ms. RUSH. Mr. Brown votes no. Mr. Sherman?  
 [No response.]  
 Ms. RUSH. Mr. Wexler?  
 Mr. WEXLER. No.  
 Ms. RUSH. Mr. Wexler votes no. Mr. Engel?  
 Mr. ENGEL. No.  
 Ms. RUSH. Mr. Engel votes no. Mr. Delahunt?  
 Mr. DELAHUNT. No.  
 Ms. RUSH. Mr. Delahunt votes no. Mr. Meeks?  
 [No response.]  
 Ms. RUSH. Ms. Lee?  
 Ms. LEE. No.  
 Ms. RUSH. Ms. Lee votes no. Mr. Crowley?  
 Mr. CROWLEY. No.  
 Ms. RUSH. Mr. Crowley votes no. Mr. Hoeffel?  
 Mr. HOFFEL. No.  
 Ms. RUSH. Mr. Hoeffel votes no. Mr. Blumenauer?  
 [No response.]  
 Ms. RUSH. Ms. Berkley?  
 Ms. BERKLEY. No.

Ms. RUSH. Ms. Berkley votes no. Ms. Napolitano?

Ms. NAPOLITANO. No.

Ms. RUSH. Ms. Napolitano votes no. Mr. Schiff?

Mr. SCHIFF. No.

Ms. RUSH. Mr. Schiff votes no. Ms. Watson?

Ms. WATSON. No.

Ms. RUSH. Ms. Watson votes no. Mr. Smith of Washington?

[No response.]

Ms. RUSH. Ms. McCollum?

Ms. MCCOLLUM. No.

Ms. RUSH. Ms. McCollum votes no. Mr. Bell?

Mr. BELL. No.

Ms. RUSH. Mr. Bell votes no. Chairman Hyde?

Chairman HYDE. Yes.

Ms. RUSH. Chairman Hyde votes yes.

Mr. BURTON. Mr. Chairman.

Chairman HYDE. Mr. Burton.

Mr. BURTON. I vote yes, Mr. Chairman.

Ms. RUSH. Mr. Burton votes yes.

Mr. LEACH. Mr. Chairman.

Chairman HYDE. Mr. Leach.

Mr. LEACH. I vote no.

Ms. RUSH. Mr. Leach votes no.

Chairman HYDE. Mr. Faleomavaega? Mrs. Davis.

Mrs. DAVIS. I vote yes.

Ms. RUSH. Mrs. Davis votes yes.

Chairman HYDE. Mr. Smith of Washington.

Mr. SMITH OF WASHINGTON. I vote no.

Ms. RUSH. Mr. Smith of Washington votes no.

Chairman HYDE. Have all voted who wish?

[No response.]

Chairman HYDE. The clerk will report.

Mr. JANKLOW. Mr. Chairman.

Chairman HYDE. Hold that. Mr. Janklow.

Mr. JANKLOW. Janklow votes no.

Ms. RUSH. Mr. Janklow votes no.

Mr. JANKLOW. Excuse me. Yes. Janklow votes yes.

Ms. RUSH. Mr. Janklow votes yes.

Chairman HYDE. The clerk will report.

Ms. RUSH. There are 17 ayes and 23 nos.

Chairman HYDE. And the amendment is not agreed to.

The Committee will stand in recess until right after the final vote, and I ask you to return promptly. We have more work to do, and I would appreciate the Committee's attention. We stand in recess.

[Whereupon, at 11:38 a.m., a recess was taken.]

Chairman HYDE. The Committee will come to order. The Chair recognizes Mr. Delahunt. Do you have an amendment?

Mr. DELAHUNT. Yes, I do, Mr. Chairman. I have an amendment at the desk.

[The amendment of Mr. Delahunt follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. DELAHUNT**

Page 143, after line 9, insert the following:

1 **SEC. 708. REPORT ON DEMOCRACY IN THE WESTERN HEMI-**  
2 **SPHERE.**

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

4 (1) Although 34 out of 35 countries in the  
5 Western Hemisphere have held elections for civilian  
6 leaders of national, regional, and local governments,  
7 many of these countries have failed to successfully  
8 develop independent democratic institutions, trans-  
9 parent and accountable governance, and effective  
10 means of guaranteeing the rule of law, which are key  
11 components of a fully functioning democracy.

12 (2) The rule of law, independent democratic in-  
13 stitutions, and transparent, accountable governance  
14 are essential for guaranteeing human rights, espe-  
15 cially civil, political, and labor rights.

16 (3) The rule of law, independent democratic in-  
17 stitutions, and transparent accountable governance  
18 are also necessary for promoting successful economic  
19 development and reliable trading and investment  
20 mechanisms.

1           (4) In part because of the lack of these three  
2 factors, progress on human rights and economic de-  
3 velopment has lagged or been uneven in much of the  
4 Western Hemisphere, leading some to question the  
5 benefits of democracy itself as a path for improving  
6 the lives of individuals in the hemisphere.

7           (5) For democracy to continue in many of these  
8 countries, for human rights to improve, and for re-  
9 gional economic integration to be successful, the rule  
10 of law, independent democratic institutions, and  
11 transparent accountable governance must be  
12 strengthened.

13           (6) As a strong supporter of democracy and  
14 human rights and as an advocate of regional eco-  
15 nomic integration, it is in the interests of the United  
16 States to enhance its efforts to promote a deepening  
17 of democracy in the Western Hemisphere, particu-  
18 larly through strengthening the rule of law, inde-  
19 pendent democratic institutions, and transparent ac-  
20 countable governance.

21           (b) REPORT.—Not later than 90 days after the date  
22 of the enactment of this Act, the Secretary, in consultation  
23 with the heads of other Federal departments and agencies  
24 as necessary, shall prepare and submit to the appropriate  
25 congressional committees a report on the state of democ-

1 racy in each country in the Western Hemisphere (other  
2 than the United States and Canada). For each such coun-  
3 try, the report shall provide the following:

4 (1) A description of its system of government,  
5 including schedule of elections, manner of judicial  
6 appointments, and responsibilities of each branch of  
7 government.

8 (2) An assessment of—

9 (A) the state of the rule of law;

10 (B) the power and independence of each  
11 branch of government and institutions;

12 (C) the transparency and accountability in  
13 governance; and

14 (D) the effect on human rights, particu-  
15 larly civil and political rights, caused by the  
16 presence (or lack thereof) of any of the factors  
17 in subparagraphs (A) through (C); and

18 (E) the effect on economic development  
19 caused by the presence (or lack thereof) of any  
20 of the factors in subparagraphs (A) through  
21 (C).

22 (3) A description <sup>and assessment</sup> of efforts to strengthen the  
23 rule of law, independent institutions, or transparent  
24 governance in the country, whether through local ef-  
25 forts or through efforts funded or implemented by

4

1 the United States, the Organization of American  
2 States (OAS), or others.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Delahunt: "Page 143, after line 9, insert the following—"

Chairman HYDE. Without objection, further reading is dispensed with, and the gentleman is recognized for 5 minutes in support of his amendment.

Mr. DELAHUNT. I thank the Chair. Mr. Chairman, this amendment would require a one-time report on the state of democracy and democratic institutions in the countries of the Western Hemisphere, with the exception of the United States and Canada. A description and evaluation of current democracy-promotion efforts would also be mandated.

I offer this amendment because I am becoming increasingly disturbed by the lack of attention to the region, a sentiment that was recently expressed by several Senators at a Senate Foreign Relations Committee hearing. I should note that this also included the Chair of the Senate Committee, Senator Lugar.

The reality is that not only are we confronting an unprecedented wave of anti-American sentiment, but the situation in Latin America continues to deteriorate, and doubts about the benefits of democracy are increasing among the people of that region.

We boast that all of our neighbors, except Cuba, are democracies since they have elected civilian governments. But elections alone do not ensure genuine, healthy democracies. Transparent, accountable governance and respect for the rule of law; without these, the benefits of democracy are not realized. That is the case today in Latin America.

As the President's special envoy to Latin America, Otto Reich, recently noted, more than one-third of the people in Latin America earn less than two dollars per day and are poorly housed, poorly fed, and poorly educated.

By these criteria, many of our neighbors fall short. We frequently hear of the abject poverty in Haiti and the political deadlock there. The deep divisions in Venezuela and the stresses on that democracy are reported frequently. But it should also be noted that the middle class in Argentina has all but disappeared. That Paraguay has been a one-party state since 1947. In Nicaragua, there has been a recent report of a government takeover of a political party radio station. In Peru, the Toledo Government has concluded an agreement with campesinos to end coca-eradication efforts. Guatemala has been decertified. It is considered a drug traffickers' haven. Respect for human rights is deteriorating, and there is increased activity of clandestine criminal groups in that particular country. Demonstrators protesting government policy in Bolivia were recently fired upon, and some 30 people were killed.

In fact, there are few countries in the region that are stable and that are meeting the needs of their people. More and more people are speaking of the good old days of the populous caudillo.

To reverse this backsliding, the development of institutions must be an urgent priority. As a recent GAO report indicated, democracy-promotion efforts in Latin America have, and I quote, "yielded modest results." In part, according to this report, this is because there is no strategic approach to the issue, so there is often no long-term sustainability to these efforts.

While the Administration speaks almost exclusively to its priority of a free-trade area of Americas, there is no complementary, comprehensive effort to promote and deepen democracy and democratic institutions in the hemisphere. Unless there is a truly democratic area of the Americas, a real free trade area of the Americas will never exist.

We have had a school of hemispheric militaries, the so-called "School of Americas," but there is no equivalent school for hemispheric democrats, which, I would submit, sends a disturbing message to a region with a history of coups and juntas.

I intend to introduce legislation in the near future, along with other Members, to create a School for Democracy in the Americas. It will focus on educating civilian leaders in developing and nurturing democratic institutions and encourage a healthy exchange of ideas. I would envision having a campus, a faculty, a board of trustees, a regular schedule of classes that would be year round and permanent, and it should be developed in coordination with our neighbors so that they have a stake in it from the beginning, and we do not make our old mistake of telling them what to do and how to manage their affairs.

As I said, it would be a permanent, lasting institution, a functioning symbol of our nation's long-term commitment to promoting genuine democracy, and this amendment is a first step in that regard. The information it will generate, I have no doubt, will help flesh out the School of Democracy for the Americas concept. It is a simple step but, I believe, one that is critical to the future of this hemisphere, and I urge its adoption, and I yield back.

Chairman HYDE. Is there further discussion?

Mr. MENENDEZ. Mr. Chairman.

Chairman HYDE. Mr. Menendez.

Mr. MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, I want to speak in favor of Mr. Delahunt's amendment. As the Ranking Democrat on the Western Hemisphere, Mr. Delahunt is one of our most active Members on the Western Hemisphere Subcommittee, and his interest for the hemisphere is incredibly refreshing. It is something that we try to get more of our colleagues to focus on, and he has done so.

This report is really very timely. We spent millions, actually billions, of dollars in Central America, for example, trying to fight communism and promote democracy, and after we won those efforts, we walked away. We look at Latin America in the context of troubles, but we don't look to take the seeds of democracy that we have planted and nurture them so that they grow and strengthen.

In many parts of this hemisphere right now, I believe that we are losing the effort to convince that democracy, open markets, trade will ultimately bring a better quality of life and is ultimately the way that people should vote for. And I think that, when you look at the combinations of what is happening in Venezuela, in Colombia, what is happening in Ecuador, what is happening in so many of the countries, some of which Mr. Delahunt has already mentioned very eloquently, we have a real concern, right here in our own front yard, about what is happening.

And I think that when we look at all of the issues that Americans care about, whether it is about legal immigration, whether it

is about health care—we have looked at some issues along the border in which we had eradicated certain health care challenges, and today we face them again—whether we look at biodiversity, whether we look at energy, whether we look, of course, at narcotics; so for all of those reasons, I think this is a very timely amendment, and I really urge the Committee's adoption of it.

Chairman HYDE. Is there further discussion?

Mr. BALLENGER. Mr. Chairman.

Chairman HYDE. On the right. Mr. Ballenger.

Mr. BALLENGER. Thank you, sir, and I am glad I am recognized on the right.

Chairman HYDE. Yes, sir.

Mr. BALLENGER. Mr. Delahunt, I have traveled with him many times, and we have discussed this old idea of teaching the countries of the Western Hemisphere about democracy, and I would like to throw an example in. When Ms. Chimaro became President of Nicaragua, she kept talking to us about there was no way to educate their children, that every time a plane came in from Cuba or from East Germany, they were taking their children back and educating them about communism and dictatorship and so forth, and nobody was talking about democracy. And so she said, Is there any likelihood you could help us out?

And so Congressman Houghton and I volunteered, and we said that the first thing you have to do is give us students that will speak English and that won't fail, and so she did, and Congressman Houghton took 10 students and sent them to community college. I took two girls and sent them to universities in North Carolina. We educated them. They are both back. My two are back in Nicaragua founding their own business, being very successful.

And I would just like to say that the idea of somehow educating the people of Central and South America on the values of democracy and the values of the human rights that have been so neglected in many cases down here, I think, is a very positive thing. Thank you, sir.

Chairman HYDE. Mr. Lantos.

Mr. LANTOS. Mr. Chairman, Mr. Delahunt has been a mover on Western Hemisphere issues ever since he came to this body. This is another one of his serious, carefully thought-through ideas. I think it deserves strong support, and I am delighted to endorse it.

Chairman HYDE. Is there further discussion?

[No response.]

Chairman HYDE. I would just like to ask Mr. Delahunt a question. Mr. Brown. I am sorry.

Mr. BROWN. Thank you, Mr. Chairman. I will be brief. I rise in support of the amendment. Just 2 days ago, I believe, or yesterday, actually, May 7th, in Haiti—this is a country that has had its ups and downs certainly. It has had a series of elections where a President three different times has been elected in the last 10 years and where peaceful transfer of power is something that did not happen in that country. There has been a coup in the last 10 years and it has dismantled its military, has continually had sort of paramilitary violence.

As I was saying, just yesterday, there were two security guards at the hydroelectric plant in the central highlands not too far from

the village of Pelegre and not too far from Canje, where there is the most important, largest health clinic in the country. Two security guards were killed at the hydroelectric plant by men dressed in fatigues, likely paramilitary people that have opposed the Aristid regime, then soon after, they kidnapped a group of health care workers that were on their way to the clinic in the highlands in Canje.

I think it is important that Delahunt, that his efforts are timely, especially in light of that and in light of the comments from my friend, Mr. Menendez. I think it makes sense that we move in that direction, that we especially support those countries where there are democratic elections. Haiti was the second independent country in the Western Hemisphere after the United States in 1804. Our history with them is checkered, but I think that support from our Government and a continued move toward democracy in Haiti is obviously the right way to go, and I support the amendment and yield back my time, Mr. Chairman.

Chairman HYDE. The question occurs on the amendment offered by—

Mr. DELAHUNT. Mr. Chairman, if I may, for unanimous consent, request, on page three, on line 22, it reads, “a description of efforts.” I would like to just simply add, “a description and assessment of efforts.”

Chairman HYDE. Without objection, the modification is accepted.

Mr. DELAHUNT. Thank you.

Chairman HYDE. The question occurs on the Delahunt Amendment, as amended by Mr. Delahunt. All those in favor, say aye.

[A chorus of ayes.]

Chairman HYDE. Opposed, nay. The ayes have it, and the amendment is agreed to.

Mr. Flake of Arizona.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

[The amendment of Mr. Flake follows:]

**AMENDMENT TO H.R. 1950**

**OFFERED BY MR. FLAKE**

*And Mr. Delahunt*

Page 88, after line 6, insert the following section:

1 **SEC. 504. REPEAL OF TELEVISION BROADCASTING TO**  
2 **CUBA ACT.**

3 (a) REPEAL.—Effective September 30, 2003, the  
4 Television Broadcasting to Cuba Act (22 U.S.C. 1465aa  
5 et seq.) is repealed.

6 (b) AUTHORIZATION OF TRANSFER OF FUNDS.—  
7 After September 30, 2003, any funds appropriated to TV  
8 Marti that remain available are authorized to be trans-  
9 ferred and made available for Radio Marti.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Flake: "Page 88, after line 6, insert the following section—"

Mr. FLAKE. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Chairman HYDE. Without objection, so ordered. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. FLAKE. Mr. Chairman, I need not tell anybody on this Committee that we have a horrible situation in Cuba. At the moment, more than 80 human rights protestors, peaceful, democracy advocates, have been thrown into prison and sentenced to, in many cases, prison terms up to 28 years. Three hapless hijackers for a Cuban ferry were executed. I think the only surprise is that anybody is surprised by this behavior. It has been going on for 40 years now.

The problem is Fidel Castro has the only microphone in Cuba, or one of the problems. Americans aren't allowed to travel there unless you are a politician or unless you are a movie star or a director like Oliver Stone. Unless you wear Armani or rose-colored glasses, it is tough to get there from here, and so too few Cubans actually know the situation and what is going on, and too few Americans realize what is going on. So we have that situation.

The backdrop is we have tried to allow for that, or help that situation out, by creating an institution, Radio and TV Marti, that, in the tradition of Voice of America and many of our other radio and television programs, can help inform ordinary Cubans of the situation in their country and alternatives and to help them out, just to give them information.

The problem is that that institution that we have created isn't working very well. After spending about \$160 million over the past 12 years, not one Cuban has ever watched 1 minute of TV Marti, yet we continue to spend the money and create a show that nobody can watch because it is easily blocked, easily scrambled, and because of other international broadcast agreements, we can only broadcast between the hours of 3 a.m. and 8 a.m., I believe. So we desperately need a change there.

Radio Marti reaches some people, but the programming is so bad that the market share has slipped to virtually nothing, and we need to revamp that program as well.

The purpose of this amendment is to move the money we are currently spending on TV Marti over to Radio Marti, where at least some good can be done with it, because no good is being done at the moment.

Since I introduced this amendment or filed it, I have had discussions with Members of this Committee, in particular, the gentlelady from Florida. She has a long-held commitment to improve the situation at Radio and TV Marti. I would like to work with the Administration on this to see what can be done. In that light, I yield a few minutes to the gentlelady from Florida.

Ms. ROS-LEHTINEN. Thank you so much. I thank the gentleman from Arizona. It is always a pleasure to work with him, and I thank him for highlighting the fact that the unfortunate reality that Castro has sentenced 80 dissidents to 15, 20, 25 years in jail, shot by firing squad, 3 people who tried to escape from Cuba.

This was just his recent acts in a long list of atrocities, but I will tell the gentleman that I look forward to working with him, if he withdraw his amendment, to having Mr. Ballenger, and he has agreed to hold a hearing, perhaps on May 20th of this year, where we can talk about the improvements in Radio and TV Marti. We have a new Director, a new Broadcasting Board of Governors.

The Administration has put forth proposals to improve the jamming of TV Marti, and we know if we would eliminate TV Marti, he would then just jam Radio Marti. But we look forward to working with the gentleman of Arizona on this proposal and on this hearing, and we will bring up the witnesses to tell us what plans they have, concrete plans, to eliminate the jamming of transmissions of TV Marti. And I yield back to the gentleman.

Mr. FLAKE. I thank the gentlelady, and I also want to thank the gentleman from Massachusetts, Mr. Delahunt. Mr. Delahunt and I visited the offices of Radio and TV Marti a year ago and came out of there convinced that it needs a change. I think everybody realizes that and to the extent that we could have a hearing and air these concerns, and meet with the Administration, then I will agree to withdraw the amendment and thank the gentlelady.

Ms. ROS-LEHTINEN. Thank you, and I thank Mr. Delahunt as well. Thank you.

Mr. DELAHUNT. Would my friend yield just for a minute? I did note also, and I am glad that the gentlelady has agreed to a hearing. I am sure it will be interesting, but I also note that there is a new Director. I wonder, you know, if he could come before us?

He did indicate that he respects diversity of opinion. I remember during the course of our hearing last year when I spoke to the former Director and indicated to him that I know there is diverse opinion in every community, whether it be the Irish-American community or the Cuban-American community, and he indicated that he would be happy to sit down in this case with Mr. Duran. That never happened.

I would hope that we can discuss that during the course of the hearing, and I yield back.

Chairman HYDE. The amendment is withdrawn.

The Chairman yields to himself 5 minutes. I have a series of amendments at the desk which I ask unanimous consent be considered en bloc and be considered as read.

The amendments are as follows: Mr. Engel, reduction in funding level for National Endowment for Democracy for programs in primary Muslim countries;

Mr. Menendez, statement of policy expressing concerns about Iran's buildup of its nuclear weapons program;

Ms. Ros-Lehtinen, incitement amendments to Free Media Provision;

Mr. Hyde, change reports relating to terrorist activity in which U.S. citizens are killed;

Mr. Lantos, police training. Longstanding restrictions on police training abroad and now makes available police training through the Foreign Assistance Act in areas of human rights, rule of law, strategic planning, counter narcotics, promotion of democracy and combating corruption in trafficking in persons;

Mr. Lantos, Afghanistan democracy. Sense of Congress relating to the need to enhance security in Afghanistan;

Mr. Sherman, about the Iran World Bank. This is a sense of Congress that directs the Secretary of State to consult with officials in certain countries to express concern about World Bank lending to Iran;

Ms. McCollum, sense of Congress relating to violence against women;

Mr. Meeks, Africa conflicts. It requires a report on action of the U.S. in seeking peaceful and immediate solutions to the internal and interregional conflicts in the Great Lakes region;

Mr. Wexler requires that in the course of preparing students for their study program abroad there is a training component on safety issues in the country to which they are going;

Mr. Faleomavaega, sense of Congress expressing concern about the environmental impact on Soviet nuclear weapons testing of Kazakhstan;

Ms. Ros-Lehtinen, technical fix with the Secretary of State reporting requirement on WEOG, that is Western Europe and Other Groups;

Mr. Lantos, to prohibit elimination of broadcasting to eastern Europe.

[A chart depicting the en block amendment and the amendments follow:]

EN BLOC
Engel - reduction in funding level for National Endowment for Democracy for programs in primarily Muslim countries
Menendez - Iran. Makes a statement of policy expressing concern about Iran's buildup of its nuclear weapons program.
Ros-Lehtinen - Incitement amendments to Free Media Provision
Hyde change reports relating to terrorist activity in which US citizens are killed
Lantos - Police Training - Section lifts longstanding restrictions on police training abroad and now makes available police training through the foreign assistance act in areas of human rights, rule of law, strategic planning, counter narcotics, promotion of democracy and combatting corruption in trafficking in persons.
Lantos - Afghanistan Democracy. Sense of Congress relating to the need to enhance security in Afghanistan.
Sherman - Iran World Bank. This is a sense of congress that directs the Secretary of state to consult with officials in certain countries to express concern about World Bank lending to Iran.
McCollum - Sense of Congress relating to Violence against women
Meeks - Africa Conflicts. Requires a report on actions of the US in seeking peaceful and immediate solutions to the internal and intra-regional conflicts in the Great Lakes region.
Wexler - requires that in the course of preparing students for their study abroad program, there is a training component on safety issues in the country to which they are going.
Faleomavaega - Kazakhstan - Sense of congress expressing concern about the environmental impact of Soviet nuclear weapons testing.
Ros Lehtinen technical fix to the Secretary of States reporting requirement on WEOG (Western Europe and Other Groups).
Lantos - to Prohibit elimination of broadcasting to E. Europe
Hyde - Amendments to streamline a terrorism reporting requirement.

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. HYDE**

Page 42, strike line 3 and all that follows through  
line 13 and insert the following:

1 **SEC. 222. CONTINUATION OF REPORTING REQUIREMENTS.**

2 (a) REPEAL.—Section 805 of the Admiral James W.  
3 Nance and Meg Donovan Foreign Relations Authorization  
4 Act, Fiscal Years 2000 and 2001 (section 805(a) of divi-  
5 sion A of H.R. 3427, as enacted into law by section  
6 1000(a)(7) of Public Law 106-113; appendix G; 113 Stat.  
7 1501A-470) (relating to reports on terrorist activity in  
8 which United States citizens were killed and related mat-  
9 ters) is hereby repealed.

10 (b) ANNUAL COUNTRY REPORTS ON TERRORISM.—  
11 Section 140(b)(2) of the Foreign Relations Authorization  
12 Act, Fiscal Years 1988 and 1989 (Public Law 100-204;  
13 22 U.S.C. 2656f(b)(2)) is amended—

14 (1) in subparagraph (D), by striking “and” at  
15 the end;

16 (2) in subparagraph (E), by striking the period  
17 at the end and inserting “; and”; and

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

1           “(F) for the reports due through May 1,  
2           2005, information concerning terrorist attacks  
3           in Israel, territory administered by Israel, and  
4           territory administered by the Palestinian Au-  
5           thority, including—

6                   “(i) a list of all citizens of the United  
7                   States killed or injured in such attacks  
8                   during the previous year;

9                   “(ii) the date of each attack and the  
10                  total number of people killed or injured in  
11                  each attack;

12                  “(iii) the person or group claiming re-  
13                  sponsibility for the attack and where such  
14                  person or group has found refuge or sup-  
15                  port;

16                  “(iv) to the extent possible, a list of  
17                  suspects implicated in each attack and the  
18                  nationality of each suspect, including infor-  
19                  mation on their whereabouts (or suspected  
20                  whereabouts);

21                  “(v) a list of any terrorist suspects in  
22                  these cases who are members of Pales-  
23                  tinian police or security forces, the Pal-  
24                  estine Liberation Organization, or any Pal-  
25                  estinian governing body;

1           “(vi) the status of each case pending  
2           against a suspect, including information on  
3           whether the suspect has been arrested, de-  
4           tained, indicted, prosecuted, or convicted  
5           by the Palestinian Authority or Israel, and  
6           if detained and then released, the date of  
7           such release, and whether any released  
8           suspect was implicated in subsequent acts  
9           of terrorism;

10           “(vii) available information on convic-  
11           tions, releases or changes in the situation  
12           of suspects involved in attacks committed  
13           prior to December 31, 2003, and not cov-  
14           ered in previous reports submitted under  
15           section 805(a) of the Admiral James W.  
16           Nance and Meg Donovan Foreign Rela-  
17           tions Authorization Act, Fiscal Years 2000  
18           and 2001; and

19           “(viii) the policy of the Department of  
20           State with respect to offering rewards for  
21           information on terrorist suspects, including  
22           any information on whether a reward has  
23           been posted for suspects involved in ter-  
24           rorist attacks listed in the report.”.

1 (c) CONSULTATION.—The Secretary of State shall, in  
2 preparing the portion of the annual country reports on ter-  
3 rorism required by subparagraph (F) of section 140(b)(2)  
4 of the Foreign Relations Authorization Act, Fiscal Years  
5 1988 and 1989 (Public Law 100-204; 22 U.S.C.  
6 2656f(b)(2)), as added by subsection (b), consult and co-  
7 ordinate with all other Government officials who have in-  
8 formation necessary to complete that portion of the report.  
9 Nothing contained in this subsection shall require the dis-  
10 closure, on a classified or unclassified basis, of information  
11 that would jeopardize sensitive sources and methods or  
12 other vital national security interests or jeopardize ongo-  
13 ing criminal investigations or proceedings.

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. MEEKS OF NEW YORK**

Page 143, after line 9, insert the following new section:

1 **SEC. 708. REPORT CONCERNING INTERNAL AND INTRA-RE-**  
2 **GIONAL CONFLICTS IN THE GREAT LAKES**  
3 **REGION OF AFRICA.**

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

6 (1) The Great Lakes region of Central Africa  
7 has a history of colonial based ethnic divisions, political  
8 violence, and civil wars which have perpetuated  
9 conditions conducive to chronic poverty and turmoil  
10 over the past decade. The countries of the Great  
11 Lakes region are heavily embroiled in the conflicts  
12 within their neighbors borders. At different times,  
13 the war in the Democratic Republic of Congo (DRC)  
14 has involved more outside countries than any other  
15 contemporary war in Africa's history, (including An-  
16 gola, Rwanda, Uganda, Zimbabwe, Burundi, Sudan,  
17 Chad, Namibia, and Central African Republic).

18 (2) The region is hallmarked by genocide, the  
19 recruitment of child soldiers, war crimes, systematic  
20 rape of women and violence directed against chil-

1       dren, corruption, and the illegal exploitation of nat-  
2       ural resources on a global scale. Civil wars, conflicts  
3       over natural resources, and structural violence in the  
4       Great Lakes have resulted in—

5               (A) the death of approximately three mil-  
6       lion people through direct and indirect causes of  
7       the war in the DRC since 1998;

8               (B) the deaths of at least 800,000 people  
9       during the 1994 genocide in Rwanda;

10              (C) the deaths of an estimated 300,000  
11       people through direct and indirect causes of the  
12       war in Burundi since 1993;

13              (D) the deaths of thousands in Uganda;

14              (E) the forced abduction, sexual servitude,  
15       and armed recruitment of thousands of chil-  
16       dren;

17              (F) the displacement of millions of Ugan-  
18       dan, Burundian, Congolese, Rwandan, and Su-  
19       danese refugees;

20              (G) the death and abduction of humani-  
21       tarian aid workers throughout the region; and

22              (H) grave disruptions in the delivery of  
23       emergency assistance and food aid to millions of  
24       civilians in northern Uganda, eastern Congo,

1           and Burundi dependent on such assistance for  
2           survival.

3           (b) SENSE OF CONGRESS.—It is the sense of the  
4 Congress that the United States should—

5           (1) exhaust all diplomatic means and utilize all  
6           foreign policy instruments to help peacefully resolve  
7           conflicts in the Great Lakes region by supporting  
8           both national and regional political, economic, and  
9           social initiatives conducive to fostering African-led  
10          peace, reconstruction, and political and economic in-  
11          stitutional and structural transformation processes  
12          in Uganda, Rwanda, Burundi, and the Democratic  
13          Republic of Congo;

14          (2) urge all rebel forces to stop the abduction  
15          of children, urge all armed forces to stop the use of  
16          child soldiers, and seek the release of all forcibly-  
17          held children;

18          (3) make available technical assistance re-  
19          sources to seek, track, and stop funding for all  
20          armed extremist paramilitary and militarist rebel or-  
21          ganizations, ~~including the National Revolutionary Army (NRA)~~

22          ~~of the Democratic Republic of Congo (DRC)~~

23          ~~and the National Revolutionary Army (NRA)~~

24          ~~of the Democratic Republic of Congo (DRC)~~

25          ~~(PCD) and the PCD in the Democratic Republic of Congo (DRC)~~

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED] (FNL)  
5 [REDACTED] from all sources and condemn  
6 all governments and organizations who do assist  
7 such groups;

8 (4) monitor and support negotiations conducted  
9 by third-party institutions for an immediate end of  
10 armed actions between: The LRA and the Ugandan  
11 Government; the RCD factions and MLC and the  
12 government of Democratic Republic of the Congo  
13 under the terms of the Lusaka Accords; the FDD  
14 and the Burundian Government under the terms of  
15 the Arusha Accords;

16 (5) explore the possibility of facilitating the cre-  
17 ation of mechanisms for an international monitoring  
18 team to enforce cease-fires as the first step in the  
19 process toward a permanent peace in the region;

20 (6) continue supporting the Sudan Peace Proc-  
21 ess, the Danforth Initiative, the Lusaka Accords,  
22 and the Arusha Accords which includes peace talks,  
23 donor coordination, regional support, civilian protec-  
24 tion and monitoring, and cease-fire verification;

1           (7) make available sufficient resources to meet  
2 the immediate relief needs of the towns and cities in  
3 the Great Lakes region supporting large displaced  
4 populations, including food, clean water, medicine,  
5 shelter, and clothing;

6           ((8) make available increased resources for as-  
7 sistance to released and returned abducted children  
8 and child soldiers in the Great Lakes Region and en-  
9 sure that amnesty is provided when appropriate;

10          (9) work with other donors and the Govern-  
11 ments of Uganda, Burundi, Rwanda, and the Demo-  
12 cratic Republic of Congo to increase resources and  
13 technical support to both regional and national com-  
14 batant demobilization entities such as the Uganda  
15 Amnesty Commission in Uganda and equivalent en-  
16 tities in Burundi, Rwanda, and the Democratic Re-  
17 public of Congo for the increased demobilization of  
18 rebel combatants;

19          (10) examine ways in which development assist-  
20 ance (DA) can help those living in protective villages  
21 in northern Uganda, eastern Congo, and other de-  
22 militarized areas in Rwanda and Burundi to return  
23 to and cultivate farmland;

24          (11) condition military assistance to any nation  
25 which acts to destabilize the DRC by violating inter-

1 national agreements regarding sustained troop with-  
2 drawals and respect for the territorial integrity of  
3 the DRC; and

4 (12) direct the Secretary of State to appoint a  
5 special envoy to the Great Lakes region to oversee  
6 cross-cutting security and economic policies in the  
7 region.

8 (c) REPORTS TO CONGRESS.—Not later than 180  
9 days after the date of the enactment of this Act, and not  
10 later than April 1 of each subsequent year, the Secretary  
11 should submit to the appropriate congressional committees  
12 a report on the comprehensive actions taken by the United  
13 States in promoting peaceful and immediate solutions to  
14 the internal and intra-regional conflicts in the Great  
15 Lakes region, including taking steps to bring an end to  
16 the illegal exploitation and international trade of natural  
17 resources from the Democratic Republic of Congo; sup-  
18 porting bilateral and multilateral peace keeping initiatives;  
19 the promotion of regional economic integration; the pro-  
20 motion of broad based democratic political processes based  
21 on the rule of law; the promotion of women and other pre-  
22 viously disadvantaged communities as equal political and  
23 economic stakeholders in societies; and humanitarian as-  
24 sistance efforts in the region, including efforts to advance  
25 each area addressed in subsection (a).

Page 197, after line 24, insert the following (and conform the table of contents accordingly):

1 **SEC. 1357. ENHANCED POLICE TRAINING.**

2 Section 660(b) of the Foreign Assistance Act of 1961  
3 (22 U.S.C. 2420(b)) is amended—

4 (1) in paragraph (7), by striking the period at  
5 the end and inserting “; or”; and

6 (2) by adding at the end the following new  
7 paragraph:

8 “(8) with respect to assistance provided to en-  
9 hance the effectiveness and accountability of civilian  
10 police authority through training and technical as-  
11 sistance in internationally recognized human rights,  
12 the rule of law, strategic planning, and counter-nar-  
13 cotics, and through the promotion of civilian police  
14 roles that support democratic governance, including  
15 programs to combat corruption and the trafficking  
16 of persons, particularly by organized crime, prevent  
17 conflict, and foster improved police relations with  
18 the communities in which they serve.”.

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. SHERMAN**

Page 154, after line 12, insert the following new section:

1 **SEC. 726. UNITED STATES POLICY ON WORLD BANK GROUP**

2 **LOANS TO IRAN.**

3 (a) UNITED STATES POLICY.—The Secretary of  
4 State (or a designee), in consultation with the Secretary  
5 of the Treasury, shall communicate directly with the gov-  
6 ernments of countries represented on the decision-making  
7 boards and councils of the international financial institu-  
8 tions of the World Bank Group and consistently convey  
9 the strong opposition of the United States Government to  
10 any further activity in Iran by the international financial  
11 institutions of the World Bank Group.

12 (b) REPORTS.—Not later than 90 days after the date  
13 of the enactment of this Act and one year thereafter, the  
14 Secretary of State shall submit a report on the efforts of  
15 the Secretary to carry out subsection (a) to the chairman  
16 and ranking minority member of the Committee on Inter-  
17 national Relations of the House of Representatives and  
18 the Committee on Foreign Relations of the Senate.

19 (c) WORLD BANK GROUP DEFINED.—As used in this  
20 section, the term “World Bank Group” means the Inter-

- 1 national Bank for Reconstruction and Development, the
- 2 International Development Association, the International
- 3 Financial Corporation, and the Multilateral Investment
- 4 Guaranty Agency.

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. FALEOMAVAEGA**

Page 154, after line 12, insert the following (and conform the table of contents accordingly):

1 **SEC. 726. SENSE OF CONGRESS RELATING TO SOVIET NU-**  
2 **CLEAR TESTS IN KAZAKHSTAN.**

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

4 (1) In 1991, immediately after achieving inde-  
5 pendence, Kazakhstan closed and sealed the world's  
6 second largest nuclear test site in Semipalatinsk  
7 which had been inherited from the former Soviet  
8 Union and at which more than 500 nuclear tests  
9 had been conducted from 1949 to 1991.

10 (2) The cumulative power of explosions from  
11 those tests, conducted above ground, on the ground,  
12 and underground is believed to be equal to the power  
13 of 20,000 explosions of the type of bomb dropped on  
14 Hiroshima, Japan, in 1945.

15 (3) More than 1,500,000 people in Kazakhstan  
16 suffered because of decades of Soviet nuclear weap-  
17 ons testing in the region.

18 (4) A horrifying array of disease will continue  
19 to destroy the lives of hundreds of thousands and

1 their descendants for many generations to come as  
2 a result of these tests.

3 (5) Since its independence, Kazakhstan has  
4 constructed a stable and peaceful state, voluntarily  
5 disarmed the world's fourth largest nuclear arsenal,  
6 joined the Strategic Arms Reduction Treaty  
7 (START), and became an example of responsible  
8 nonproliferation of such weapons.

9 (6) Kazakhstan is also doing its best to help  
10 those who were exposed to the horrific nuclear ex-  
11 periments of the 20th century but it faces daunting  
12 challenges.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that the Secretary of State should work to establish  
15 a joint working group with the Government of Kazakhstan  
16 to assist in assessing the environmental damage and  
17 health effects caused by Soviet nuclear testing in  
18 Semipalatinsk.

**Amendment offered by Ms. Ros-Lehtinen  
to H.R. 1298**

Section 405 (a)

Page 68, line 4, strike “biannually thereafter” and insert “semi-annually thereafter through September 20, 2005.”

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. WEXLER**

Page 56, after line 8, insert the following (and conform the table of contents accordingly):

1 **SEC. 256. PUBLIC SAFETY AWARENESS IN STUDY ABROAD**  
2 **PROGRAMS.**

3 With respect to the Department of State's support  
4 for study abroad programs, Congress—

5 (1) encourages the Bureau of Educational and  
6 Cultural Affairs to support public safety awareness  
7 activities as part of such programs; and

8 (2) encourages the Bureau to continue sup-  
9 porting such activities and urges special attention to  
10 public safety issues, including road safety.

Amendment offered by Mr. Engel

to H.R. 1298

On page 18, line 20 and on page 18, line 21, strike "\$5,000,000" and insert "\$3,000,000".

**Offered by Rep. Ros Lehtinen**

Section 604, new (4), "discourage incitement to discrimination, hostility, or violence, based on nationality, race, or religion, as described in article 20, section 2 of the International Covenant on Civil and Political Rights, and develop a strategy to respond to it.

Section 605 © (2), strike all and insert "In consultation with appropriate agencies of the United States Government and national and international organizations, monitoring and assessing the status of free media and government controlled sources of info, including for incitement of national, racial, or religious hatred that constitutes incitement to discrimination, hostility, or violence, as described in article 20 of the International Covenant on Civil and Political Rights

Section 605 © (4), after "media", insert "and government controlled sources of information"

Section 605 © (8), at the end, insert, "and incitement to acts of discrimination" [or "**and matters referred to in Section 1347 of this Act**]

Section 605 (d) (7), after "media", insert "and government controlled sources of information"

Section 605, new

(f) DETERMINATION- "The Coordinator shall determine, and annually report to the appropriate Congressional Committees, whether there is a pattern of government-controlled information that constitutes incitement as described in article 20 of the International Covenant on Civil and Political Rights, and that endangers U.S. citizens or nationals, impairs relations between the United States and the foreign government, incites hostility against the United States among the people of a foreign country, or constitutes incitement to national, racial or religious discrimination, hostility or violence, the Coordinator shall specify governments engaged in such practices and examples of such incitement and propaganda.

Section 605 (f), becomes new (g)

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. LANTOS**

Page 118, after line 2, insert the following new section:

1 **SEC. 541. PROHIBITION ON ELIMINATION OF INTER-**  
2 **NATIONAL BROADCASTING IN EASTERN EU-**  
3 **ROPE.**

4       During the 2 year period beginning on the date of  
5 the enactment of this Act, the Broadcasting Board of Gov-  
6 ernors may not eliminate foreign language broadcasting  
7 in any of the following languages: Bulgarian, Czech, Esto-  
8 nian, Hungarian, Latvian, Lithuanian, Georgian, Polish,  
9 Slovene, Slovak, Romanian, Croatian, Armenian, and  
10 Ukrainian.

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MS. MCCOLLUM**

Page 154, after line 12, insert the following:

1 **SEC. 726. SENSE OF CONGRESS RELATING TO VIOLENCE**

2 **AGAINST WOMEN.**

3 The Congress—

4 (1) recalls that Article 4 of the United Nations  
5 Declaration on the Elimination of Violence Against  
6 Women (20 December 1993) outlines that states  
7 should condemn violence against women and should  
8 not invoke any custom, tradition, or religious consid-  
9 eration to avoid their obligations with respect to its  
10 elimination;

11 (2) recalls that Chapter 4, Section 125, of the  
12 Beijing Declaration and Platform for Action, Fourth  
13 World Conference on Women (15 September 1995)  
14 states that governments condemn violence against  
15 women and refrain from invoking any custom, tradi-  
16 tion, or religious consideration to avoid their obliga-  
17 tions with respect to its elimination as set out in the  
18 Declaration on the Elimination of Violence against  
19 Women;

20 (3) recalls that the United States has supported  
21 both the United Nations Declaration on the Elimi-

1 nation of Violence and the Beijing Declaration and  
2 Platform for Action; and

3 (4) reinforces the position of the United States  
4 that the United States condemns violence against  
5 women and refrains from invoking any custom, tra-  
6 dition, or religious consideration to avoid this na-  
7 tion's obligations with respect to its elimination as  
8 set out in the Declaration on the Elimination of Vio-  
9 lence against Women.

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. LANTOS**

At the end of subtitle E of title XIII of division B, add the following (and conform the table of contents accordingly):

1 **SEC. 1357. PROMOTING A SECURE AND DEMOCRATIC AF-**  
2 **GHANISTAN.**

3 (a) FINDINGS.—The Congress finds that—

4 (1) the United States has a vital interest in  
5 promoting Afghanistan's transition from chaos, civil  
6 war, and disorder to an increasingly prosperous  
7 democratic state, safe and secure with its neighbors,  
8 respecting human rights, particularly the rights of  
9 women and girls, dedicated to the liberty, literacy,  
10 and enrichment of its citizens, and serving as a  
11 model for other countries;

12 (2) basic security in the major cities and along  
13 key transportation routes is critical to the recon-  
14 struction and development of Afghanistan, including  
15 fostering implementation of the Bonn Agreement,  
16 achieving progress towards a democratic and toler-  
17 ant government, and encouraging international pri-  
18 vate investment;

1           (3) Afghanistan and its people remain under se-  
2 rious threat from terrorism, insurgency, widespread  
3 crime, banditry, intimidation, rape, and suppression  
4 of minorities and women, and other grave violations  
5 of human rights continue to occur, especially in  
6 areas that do not have a routine presence of inter-  
7 national security personnel;

8           (4) lethal clashes continue between the private  
9 armies of warlords, attacks against Afghan civilians  
10 and officials and United States and international or-  
11 ganization personnel are on the rise, and threats  
12 against civilians and whole villages not to cooperate  
13 with Americans or the central government are now  
14 routine;

15           (5) the growth, production, and trafficking of  
16 Afghan opium and its derivatives pose a serious  
17 threat to international peace and security and efforts  
18 toward reconstruction in Afghanistan;

19           (6) recruitment and training of the Afghan Na-  
20 tional Army and the Afghan National Police are se-  
21 riously behind schedule and will not be at full  
22 strength for several years, leaving the central gov-  
23 ernment and Afghan citizens vulnerable to the dep-  
24 redations of terrorists, insurgents, and the private  
25 armies of warlords;

1           (7) although the 4,500 soldiers of the Inter-  
2           national Security Assistance Force (ISAF) have pro-  
3           vided much-needed security for the citizens of Kabul,  
4           it is not within their mandate or power to promote  
5           security to other areas, and human rights abuses are  
6           continuing in areas in and around Kabul where  
7           ISAF is not present;

8           (8) vastly disproportionate numbers of refugees  
9           returning from neighboring countries have gone to  
10          Kabul because of the security provided by ISAF and  
11          the insecurity of their home areas, overwhelming  
12          Kabul and far exceeding its capacity for shelter,  
13          food, and employment;

14          (9) NATO has recently decided to take over re-  
15          sponsibility for a limited ISAF, a welcome develop-  
16          ment that will not, unfortunately, provide any addi-  
17          tional security in Kabul or elsewhere;

18          (10) the United States has stated on numerous  
19          occasions that it does not oppose the expansion of  
20          ISAF, but that heretofore other countries have not  
21          expressed a willingness to participate in an expanded  
22          force;

23          (11) the United States has not itself dem-  
24          onstrated a commitment to expansion of ISAF or a  
25          similar international security or peacekeeping force,

1 a commitment to leadership that other nations may  
2 more likely follow;

3 (12) the Secretary of Defense has announced  
4 that the combat phase of the war in Afghanistan has  
5 ended, and that the United States will be focusing  
6 its efforts on a reconstruction phase utilizing lightly-  
7 armed, platoon-sized Provincial Reconstruction  
8 Teams to provide security for reconstruction efforts,  
9 rather than an expanded international peacekeeping  
10 or patrolling security force;

11 (13) the Provincial Reconstruction Teams may  
12 prove inadequate to provide a significant level of se-  
13 curity to their regions, and are not tasked to secure  
14 the major transportation routes which are critical to  
15 the economic revival of Afghanistan;

16 (14) United States and foreign nongovern-  
17 mental aid workers and Afghan civilian aid workers  
18 are at great risk of being robbed, beaten, and killed  
19 in areas of Afghanistan that are not being patrolled  
20 by United States forces or Afghan central govern-  
21 ment forces;

22 (15) such acts of theft, intimidation, and mur-  
23 der against foreign aid and Afghan civilian workers  
24 are occurring with increasing frequency, and are  
25 often deliberately committed by Taliban and other

1 insurgent and rebel forces with the intention of cre-  
2 ating sufficient terror to undermine and arrest any  
3 efforts to rebuild Afghanistan into a peaceful, demo-  
4 cratic, and prosperous nation that prohibits ter-  
5 rorism and tyranny;

6 (16) the report of the Inspector General of the  
7 United States Agency for International Development  
8 (USAID) confirms that USAID workers are virtual  
9 captives in their compounds, able to venture out into  
10 the countryside for brief periods and only under  
11 heavy armed escort, conditions which are counter-  
12 productive to their mission of assisting the people of  
13 Afghanistan;

14 (17) the Taliban and al-Qaeda may believe they  
15 only have to create enough terror and uncertainty in  
16 the country to undermine the creation of strong rep-  
17 resentative institutions, and wait until the United  
18 States leaves to again create chaos, exploit tribal ri-  
19 valries, and plunge Afghanistan back into chaos;

20 (18) failure to secure a peaceful and democratic  
21 Afghanistan will diminish the credibility of efforts by  
22 the United States and the international community  
23 to promote peace and democracy elsewhere in the  
24 Muslim world; and

1           (19) unless general security can be provided in  
2           the major population areas, strategic highways, and  
3           border crossings and chokepoints, the goals for  
4           which the war in Afghanistan was fought may be  
5           lost and the efforts and lives spent in the attempt  
6           to liberate and rebuild Afghanistan may be wasted.

7           (b) SECURITY POLICY.—

8           (1) SECURITY ALONG HIGHWAYS.—The Presi-  
9           dent shall take immediate steps to ensure that there  
10          is adequate security along the length of highways  
11          connecting major Afghan urban centers in order to  
12          terminate and deter acts of banditry, illegal check-  
13          points, human rights abuses, terrorism, and intimi-  
14          dation against Afghan and foreign civilians and mili-  
15          tary personnel.

16          (2) DISARMAMENT, ETC. OF AFGHAN MILI-  
17          TIAS.—The President shall take immediate steps to  
18          support directly the disarmament, demobilization,  
19          and reintegration of Afghan militias and irregulars  
20          that are not formally part of the Afghan National  
21          Army or under the direct control of the central gov-  
22          ernment in Afghanistan.

23          (c) SENSE OF CONGRESS.—It is the sense of the Con-  
24          gress that the President should take steps to implement  
25          section 206(d) of the Afghanistan Freedom Support Act

1 of 2002 (Public Law 107-327) to expand significantly the  
2 International Security Assistance Force, or take such  
3 other steps as may be necessary, such as increasing the  
4 number and force levels of United States Provincial Re-  
5 construction Teams, so as to—

6           (1) increase the area in which security is pro-  
7           vided and undertake vital tasks related to promoting  
8           security, such as disarming warlords militias and  
9           irregulars;

10           (2) deter criminal activity, including rape, rob-  
11           bery, and intimidation of civilians; and

12           (3) safeguard highways in order to allow gov-  
13           ernmental and nongovernmental assistance and re-  
14           construction personnel to move more freely in the  
15           countryside to provide humanitarian relief and re-  
16           build Afghanistan.

**AMENDMENT H.R. 1950**  
**OFFERED BY MR. MENENDEZ**

Page 197, after line 24, insert the following (and conform the table of contents accordingly):

1 **SEC. 1357. IRAN'S PROGRAM TO DEVELOP A NUCLEAR EX-**  
2 **PLOSIVE DEVICE.**

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

4 (1) Iran, as a party to the Treaty on the Non-  
5 Proliferation of Nuclear Weapons, has legally for-  
6 sworn developing or acquiring nuclear weapons.

7 (2) Iran has for more than a decade pursued a  
8 program aimed at the development of a nuclear ex-  
9 plosive device.

10 (3) Director of Central Intelligence George  
11 Tenet has repeatedly warned of Iran's clandestine  
12 efforts to acquire weapons of mass destruction, stat-  
13 ing as recently as February 11, 2003, in testimony  
14 before Congress that "Iran is continuing to pursue  
15 development of a nuclear fuel cycle for civilian and  
16 nuclear weapons purposes . . . [and further that]  
17 Tehran may be able to indigenously produce enough  
18 fissile material for a nuclear weapon" within this  
19 decade.

1           (4) On March 17, 2003, Dr. el Baradei, Direc-  
2           tor General of the International Atomic Energy  
3           Agency (IAEA), called on Iran to agree to a more  
4           intrusive monitoring regime at its nuclear sites and  
5           demanded that Iran, which is a signatory to the Nu-  
6           clear Non-Proliferation Treaty, agree to an “addi-  
7           tional protocol” under the IAEA’s nuclear inspection  
8           rights, which would enable more intrusive moni-  
9           toring.

10           (5) In early 2003 Iran announced plans to mine  
11           its own natural uranium and admitted constructing  
12           two nuclear facilities, one a gas centrifuge uranium  
13           enrichment facility and the other a heavy water pro-  
14           duction plant.

15           (6) A uranium enrichment facility would give  
16           Iran the capability to indigenously produce nuclear-  
17           weapons grade uranium. Further, heavy water is  
18           used in reactors that not only produce weapons-  
19           grade plutonium, but also tritium, a key ingrediant  
20           in boosted-fission weapons.

21           (7) At the same time, Iran has been developing  
22           long-range missiles that could deliver nuclear explo-  
23           sive devices. Director of Central Intelligence Tenet  
24           has warned that Iran could flight test an interconti-  
25           nental ballistic missile later this decade.

1           (8) Iran has received considerable assistance in  
2 its nuclear program and in its missile development  
3 program from the Russian Federation, the People's  
4 Republic of China, and North Korea.

5           (9) Congress has long been seized with finding  
6 ways to deter or delay Iran's acquisition or develop-  
7 ment of such deadly weapons, including through the  
8 enactment of the Iran-Iraq Arms Non-Proliferation  
9 Act of 1992, the Iran Libya Sanctions Act of 1996,  
10 the Iran Non-Proliferation Act of 2000, and the  
11 Iran Nuclear Proliferation Prevention Act of 2002.

12           (10) Successive Administrations have similarly  
13 sought to deter or delay Iran's acquisition or devel-  
14 opment of such weapons by such measures as ele-  
15 vating Iran's proliferation behavior in bilateral rela-  
16 tions with the Russian Federation and the People's  
17 Republic of China, sanctioning entities of the Rus-  
18 sian Federation providing technology or expertise to  
19 Iran's nuclear and missile programs, and urging  
20 multilateral export control regimes to deny sensitive  
21 technology to proliferators like Iran.

22           (11) President Bush included Iran as one of the  
23 countries that comprise the "axis of evil" in his Jan-  
24 uary 2002 State of the Union Address because of its  
25 efforts to develop weapons of mass destruction and

1 its support of international terrorism. Iran has been  
2 the principle supporter and supplier to Hizballah in  
3 southern Lebanon, Hamas, and Islamic Jihad. Fur-  
4 ther, the leaders of Iran have publicly called for the  
5 destruction of the State of Israel.

6 (12) A nuclear-armed Iran would pose a grave  
7 threat to the national security of the United States  
8 and to our allies in the region.

9 (b) STATEMENT OF POLICY.—Congress—

10 (1) finds that Iran's support of terrorism and  
11 its efforts to develop nuclear weapons are a grave  
12 threat to the national security of the United States  
13 and its allies and to the United States Armed  
14 Forces;

15 (2) declares that the United States and our  
16 friends and allies must make maximum efforts to  
17 prevent Iran from developing or acquiring nuclear  
18 weapons and the missiles to deliver them;

19 (3) urges the President to use all appropriate  
20 means to prevent Iran from gaining such capabili-  
21 ties;

22 (4) urges the International Atomic Energy  
23 Agency (IAEA) to employ the full range of its in-  
24 spection authorities to ensure that Iran's nuclear  
25 program is used for peaceful purposes only;

1           (5) encourages Iran to sign and ratify the new  
2 nuclear safeguards protocol, the “Model Additional  
3 Protocol (INFCIRC/540-Corr)” to the Treaty on the  
4 Non-Proliferation of Nuclear Weapons, which would  
5 demonstrate Iran’s commitment to sharing informa-  
6 tion about its nuclear program with the IAEA and  
7 the international community and to full disclosure  
8 and transparency about its nuclear program; and

9           (6) urges the United States resident representa-  
10 tive to the IAEA to work with the Board of Gov-  
11 ernors of the IAEA on guidelines for early identifica-  
12 tion of noncompliance with the Nuclear Non-Pro-  
13 liferation Treaty.

Chairman HYDE. I would like to point out Mr. Lantos' police training amendment modifies, but does not restrict, as listed in the description.

Is there any discussion? Mr. Lantos?

Mr. LANTOS. Mr. Chairman, I realize the timing is late. I will just take a minute. I do so only with respect to Afghanistan.

Last year you made a call. To my amazement, the Congress adopted by a vote of 400 an amendment I introduced concerning expanding security beyond Kabul to the whole of Afghanistan. This measure deals with this same issue.

I would like to take a moment to tell my colleagues what we are dealing with. The United States has a vital interest in promoting Afghanistan's transition from chaos, civil war and disorder to an increasingly prosperous and hopefully democratic state, yet today Afghanistan remains under the threat of terrorism, insurgency, widespread crime, banditry, intimidation, rape, suppression of minorities and women and other grave violations of human rights, especially in areas that do not have the routine presence of U.S. or international security personnel.

Recruitment and training of the Afghan National Army is seriously behind schedule. Police training is almost non-existent. Disarmament and reintegration of militia has not begun. The International Security Assistance Force, soon to be taken over by NATO, and I am delighted with that, will not increase in size or capability nor operate outside Kabul.

Mr. Chairman, unless we address the security concerns immediately, Afghanistan will spiral downward into chaos and insecurity and again become a safe haven for terrorists. We cannot and must not allow this to happen.

Our measure on Afghanistan directs the President to ensure that there is adequate security along the length of major highways connecting major Afghan urban centers, to terminate and deter acts of banditry, illegal checkpoints, flagrant human rights abuses and terrorism and intimidation against both Afghan and foreign civilian and military personnel and to take immediate steps to support the disarmament, demobilization and reintegration of Afghan militias and irregulars. My amendment calls on the President to expand the International Security Assistance Force or take other steps as may be necessary to promote security in a wider area.

Mr. Chairman, in view of the fact that we are still just beginning to deal with the security situation in Iraq, it is important that we do not have a miserable example for our performance in Iraq in our performance in Afghanistan. We have run out of time. Afghanistan will be an example to the rest of the world; either one of democratic, peaceful and prosperous new democracy or confirmation in the minds of many of us that we talk the talk of commitment to democracy in the Muslim world, but it is little more than empty rhetoric.

When we helped liberate Afghanistan from the Taliban, it was one of our great victories, and many Afghans cheered us. Now they are demonstrating against us. We must do more or lose all credibility throughout the region.

I thank you for your commitment to this issue and for working with me on this critical measure. Thank you, Mr. Chairman.

Chairman HYDE. Thank you, Mr. Lantos.  
If there is no further discussion or questions—

Mr. HOEFFEL. Mr. Chairman?

Chairman HYDE. Mr. Hoeffel?

Mr. HOEFFEL. Thank you, Mr. Chairman. I simply want to compliment Mr. Lantos for a commitment to stronger peace keeping in Afghanistan. It is a scandal what is not happening in Afghanistan. We are not providing, nor is the international community providing, the kind of security that country needs to flourish to allow a return to the rule of law and to even think about promoting an eventual building of democracy in Afghanistan.

About a year and a half ago a number of Pennsylvania Members of Congress met with the President. I suggested to him when we were talking about Afghanistan that we needed to do more with peacekeeping, and he said quite forcefully well, we are fighters. We are not peacekeepers. I think we need to be both.

We are seeing in Afghanistan what happens when we do not follow through. After a tremendous military victory in Afghanistan, we have not provided sufficient support for security outside of Kabul to give President Karzai the support he needs to return the rule of law to that country. It is a scandal. It is, as Mr. Lantos suggests, a terrible example of what can go wrong. As we move toward the need for better security in Iraq, we have not done the job in Afghanistan.

I share Mr. Lantos' excitement that NATO is willing to provide for peacekeeping in Afghanistan, but they are not assuming a large enough role, as the amendment points out, and we should urge the President to urge NATO to do so.

We must act on this. I really applaud the gentleman for bringing it up, and, of course, I will support his amendment. I yield back my time.

Chairman HYDE. Is there any further discussion?

[No response.]

Chairman HYDE. If not, the question occurs on the en bloc amendments. All those in favor say aye?

[Chorus of ayes.]

Chairman HYDE. Opposed, nay?

[No response.]

Chairman HYDE. The ayes have it. The en bloc amendments are agreed to.

Mr. Paul of Texas?

Mr. PAUL. Thank you, Mr. Chairman. I have an amendment at the desk.

[The amendment of Mr. Paul follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. PAUL**

At the end of section 113 (relating to contributions to international organizations) insert the following new subsection:

1       (e) PROHIBITION ON FUNDS FOR UNESCO.—Not-  
2 withstanding any other provision of this Act, none of the  
3 funds authorized to be appropriated by this section or any  
4 other provision of this Act is authorized to be appropriated  
5 or otherwise made available for the United Nations Edu-  
6 cational, Scientific, and Cultural Organization  
7 (UNESCO).

In section 402 (relating to the reentry of the United States in UNESCO) strike subsection (b).

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Paul. At the end of section 113—

Mr. PAUL. I ask unanimous consent that it be considered as read.

Chairman HYDE. Without objection, so ordered.

The gentleman is recognized for 5 minutes in support of his amendment.

Mr. PAUL. Thank you, Mr. Chairman. Nineteen years ago, Ronald Reagan withdrew the United States from membership in UNESCO, and at the time he cited egregious financial mismanagement, blatant anti-Americanism and UNESCO's anti-freedom policies.

Today, the U.N. has been under fairly constant attack by many Americans and by this Administration for its seemingly lack of cooperation with the problems dealing with Iraq, so it seems like it is an unusual time that in one sense we are attacking the United Nations and its policies. Now we are deciding to refund a program of questionable value that we have not been dealing with for 19 years.

UNESCO undermines American interests, values and sovereignties for several reasons. It meddles in the education affairs of its member countries and continues to attempt to construct a global school curriculum for American schools, including radical notions of the family and a bizarre sex education program. It has been fully supportive of the United Nations' populations fund in its assistance to China's brutal coercive population control programs, which include forced abortion.

UNESCO has designated 47 U.N. biosphere reserves in the United States, covering more than 70,000,000 acres without congressional consultation. This project has led to the confiscation of private lands and restrictions on the use of public lands.

UNESCO's World Heritage Convention has allowed UNESCO to designate some of the most treasured American public monuments to be World Heritage sites. These include some of the most treasured sites like Independence Hall, Statute of Liberty, President Thomas Jefferson's home and many others. It is UNESCO, not the United States, that develops the policies and the regulations that control these sites.

UNESCO effectively bypasses congressional authority to manage Federal lands, including in places like the Everglades, by establishing management policies without congressional consultation or approval. UNESCO in the past has promoted global tax on the internet and other global taxes.

UNESCO has also been on record as being not friendly toward the family. Since its founding, it has also shown a special and troubling interest in educating American children. They want to create not American citizens, but global citizens loyal to the United Nations.

Here are some quotes from UNESCO's own statement publication toward world understanding. These are quotes:

“One of the chief aims of education today should be to prepare boys and girls to take an active part in the creation of a world society.”

“As long as the child breathes the poisoned air of nationalism, education and world mindedness can produce only rather precarious results. As we have pointed out, it is frequently the family that infects the child with extreme nationalism. The schools should, therefore, use the means described earlier to combat family attitudes that favor jingoism.”

“The kindergarten or infant school has a significant part in a child’s education. Not only can it correct many of the errors of home training, but it can prepare the child for membership in the world society.”

UNESCO is also on record a few years back as not being friendly to a free press. A few years ago, UNESCO proposed a “new world information order” under which it sought to license and regulate journalists. I just cannot understand why at this particular time in our history we have to restate our support for these aims and the goals.

I am sure the opposition is going to point out all the wonderful things that UNESCO can and will be doing and that these statements are taken out of context, but they are written. They are real. We are talking about moving toward world government. When they talk about world taxes, the American people and especially the Congress ought to be alert, wake up to and know what is coming.

I ask my colleagues for support of this amendment, believing that this is not an appropriate time and is not an appropriate program, and it is time that we give serious consideration to protecting the sovereignty of this county.

I yield back.

Chairman HYDE. Mr. Lantos?

Mr. LANTOS. Thank you very much, Mr. Chairman. I listen with great interest to my colleague’s comments, which contain a melange of asserted half-truths, former truths and items with which I find myself in agreement.

I think the gentleman from Texas is correct in saying that when President Reagan withdrew the United States from UNESCO membership he did the right thing. Most of us on this side—I presume all of us on this side—supported President Reagan because UNESCO at that period was in fact guilty of many horrendously inexcusable policies and statements, including attempted restrictions on the media that my colleague from Texas talked about. I want to recognize that many of the things that my friend talks about are historically accurate.

The reason I oppose Mr. Paul’s amendment as emphatically as I possibly can is because many of us have been working for years behind the scenes with UNESCO leadership to correct those mistakes, and UNESCO to a very large extent, to an overwhelming extent, has done so. As a matter of fact, I want to pay tribute to President George Bush for making a powerful statement supporting Mr. Leach’s and my initiative to have us rejoin UNESCO and for including \$60,000,000 in the President’s budget for funding our rejoining of UNESCO.

Now, many of the things that Mr. Paul talks about are difficult to deal with because if UNESCO designates Independence Hall as a World Heritage site I view that as a positive phenomenon. They have zero organizational, operational, management or any control.

This merely indicates that some of our historic sites or some of our scenic sites are so valuable, so important, so significant from an environmental point of view, from an aesthetic point of view, from a historic point of view, that the whole world should recognize them as unique places. I do not view these as negative phenomena.

I do not believe that UNESCO has black helicopters that basically run our lives. I do not believe that UNESCO basically is the secret government that runs society. I truly believe that to have the United States of America, which is subjected to some justified and some unjustified criticism for unilateralism, not participate in the one global educational, scientific and cultural organization after that organization has made heroic efforts to correct the mistakes of its own past and now satisfies the litmus test of the Bush Administration in 2003, to have the Congress reject the leadership the President has acknowledged in this matter and return to a historically irrelevant period of criticizing UNESCO activities which are no longer present, it in my humble judgment is absurd.

Now, I would also like to suggest that UNESCO reflects the globe as it is—good, bad, ugly, indifferent, inspiring, what have you. It will not change the climate of the world by itself. I have no such illusion. Not in my lifetime, not even in the lifetime of the youngest person in this room.

On balance, at the moment it is a constructive force, and for the United States of America not to spend 25 cents per person a year to participate in the work of an important international organization, the only one of global scope, I think would be criminal, so I urge all of my colleagues to reject the amendment.

Mr. LEACH. Mr. Chairman?

Chairman HYDE. Mr. Leach?

Mr. LEACH. I will be very brief. I certainly respect the gentleman from Texas' view, but I would just add a couple of things partly to the period of criticism.

When one says UNESCO did this or that, one has to be very careful about that because UNESCO as a policy making body acts under unanimity. What is the case is that members of UNESCO advocated certain what might be described as anti-freedom policies fighting with journalists, journalism codes of ethics, which we find an anathema to our Bill of Rights.

We were able to block those as a policy of UNESCO. Some members of UNESCO were critical of Israel, but UNESCO itself could not take a position in that direction because it operated under consensus.

Now we have a very interesting phenomenon. Do we as a country believe in empty chair diplomacy? How does the interest of the United States get represented when we refuse to attend? It is a very simple thing. If you believe in American sovereignty and protecting the American interest, you want to be represented.

As far as this particular time is concerned, given our activist role in the world, I would think this is a timely rather than untimely time to engage, and I think it is particularly interesting the idea of whether we want to raise the American flag or refuse to raise the American flag in the City of Paris. I think this is a good time to raise the stars and stripes.

Thank you.

Chairman HYDE. Is there any further discussion?

Mr. MENENDEZ. Mr. Chairman?

Chairman HYDE. Mr. Menendez?

Mr. MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, I seek recognition to oppose this amendment.

I think even the President has made the statement that he seeks to reengage in UNESCO and understands that it has been reformed sufficiently that this Administration is seeking to engage and understands the value of UNESCO.

I would be happy to yield to the Ranking Member for his further comments on this.

Mr. LANTOS. I appreciate my friend for yielding.

When UNESCO was formed well over a half a century ago, we were at the conclusion of the Second World War. The founding motto of UNESCO went as follows:

“Wars begin in the minds of men, and it is the minds of men that the defenses of peace must first be constructed.”

When UNESCO was founded at the conclusion of the Second World War, we viewed UNESCO as we viewed the World Health Organization, the Food and Agricultural Organization, a number of the subsidiary organizations of the U.N. system, as specific instruments for moving us toward a more civilized and less violent and less hate-filled world.

We certainly have had plenty of disappointments during this half a century period first because of the existence of the Soviet Union and the global communist system which we succeeded in defeating. Many thought, like Francis Fukuyama at the end of the Soviet Union’s existence, that we have reached a point that can accurately be described as the end of history; that there is global acceptance of the notion that democracy and the market system are the proper mechanisms for people to organize their lives.

The events of international terrorism, the presence of weapons of mass destruction in the hands of totalitarian states, rogue states like Iraq, have taught us otherwise. We are living in a singularly turbulent period.

It was not too long ago that on the Floor I offered an amendment, you may recall, to denounce the Taliban regime in Afghanistan, which was in power, for destroying Buddhist statues which had been there for centuries in a mindless, hate-filled gesture against a religion they detested. These are the kinds of things that UNESCO ideally fights against. It fights for religious tolerance, acceptance of a variety of views on issues of all types, the recognition that there are certain common modalities of civilized behavior.

In the late 1970s/early 1980s, UNESCO profoundly got away from its original purposes, and that is why, as I indicated a minute ago, President Reagan had enormous bipartisan support in the United States and in the Congress. I do not recall if the gentleman was a Member of Congress at that time. I was, and I strongly supported President Reagan when he withdrew us from UNESCO. It was the right thing to do.

It was not an easy task for the decent members of UNESCO, and they covered the waterfront from New Zealand to Norway, to work meticulously, painfully to get rid of their appalling fiscal practices

and their appalling statements on a wide range of issues. The current Secretary General of UNESCO is a singular, distinguished, Japanese, intellectual scholar/historian who is doing an outstanding job in improving the organization.

I cannot speak for Mr. Leach. He will speak for himself. But I can say that when the amendment Mr. Leach with my support introduced last year, we were delighted that the body accepted our amendment and it became part of the legislation, and we were even more delighted that the Bush Administration embraced our proposal. George W. Bush is not particularly known as one who is passionately in front in fighting for international organizations. That is not his image. He changed that image at his U.N. speech by endorsing the re-entry of the United States into UNESCO.

If for no other reason, I am appealing to my Republican colleagues not to slap the President in the face by telling him that as he reaches out for an international institution with global membership that Congress does not tell the President he should not do so. The President deserves praise, recognition and commendation for his courageous leadership on this subject, and I hope that this body will overwhelmingly reject Mr. Paul's amendment.

Mr. TANCREDO. Mr. Chairman?

Chairman HYDE. Mr. Tancredo?

Mr. TANCREDO. Mr. Chairman, I would like to yield some time to my colleague, Mr. Paul.

Mr. PAUL. Thank you for yielding.

I would like to point out that I believe the opponents of this amendment have been very objective, and I appreciate that because they did not in any way want to deny the problems that have existed in the past. I think that, as a matter of fact, has surprised me and intrigued me that you are willing to admit its many shortcomings of the past.

I think it boils down to one of two things—faith in government and faith in freedom. Most people realize I do not have a whole lot of confidence in government accomplishing the wonderful things I think we all want accomplished.

If you go back to the problems that we had in the early 1980s and the 1970s that you admit to, if you go back a little bit further it sort of tells you a little bit about the atmosphere that existed in this organization for a long time because the first Director General was Julian Huxley. Some may say well, he was a wonderful socialist and different things like that, they might argue, and a good internationalist, but he was also a great proponent of eugenics, so it really got off to a bad start, did not do well.

You concede that it was a bad organization in the early 1980s, and here we are really at odds in many ways with the United Nations at such an inappropriate time to recommit taxpayers' dollars to an organization with such a poor record.

I would say that yes, let us seek some of these goals, but without the confidence in a bigger government, which is a world government organization, with the use of American taxpayers' dollars to accomplish these wonderful things. I urge a yes vote for this amendment.

Mr. TANCREDO. I yield back the balance of my time.

Chairman HYDE. The question occurs on the amendment offered by Mr. Paul. All those in favor say aye?

[Chorus of ayes.]

Chairman HYDE. Opposed, nay?

[Chorus of noes.]

Mr. PAUL. Mr. Chairman?

Chairman HYDE. Mr. Paul?

Mr. PAUL. I ask for a recorded vote.

Chairman HYDE. The gentleman asks for a recorded vote. He shall have one.

The clerk will call the roll.

Ms. RUSH. Mr. Leach?

Mr. LEACH. No.

Ms. RUSH. Mr. Leach votes no.

Mr. Bereuter?

[No response.]

Ms. RUSH. Mr. Smith of New Jersey?

[No response.]

Ms. RUSH. Mr. Burton?

[No response.]

Ms. RUSH. Mr. Gallegly?

[No response.]

Ms. RUSH. Ms. Ros-Lehtinen?

[No response.]

Ms. RUSH. Mr. Ballenger?

Mr. BALLENGER. Aye.

Ms. RUSH. Mr. Ballenger votes yes.

Mr. Rohrabacher?

[No response.]

Ms. RUSH. Mr. Royce?

Mr. ROYCE. Aye.

Ms. RUSH. Mr. Royce votes yes.

Mr. King?

Mr. KING. No.

Ms. RUSH. Mr. King votes no.

Mr. Chabot?

Mr. CHABOT. Yes.

Ms. RUSH. Mr. Chabot votes yes.

Mr. Houghton?

[No response.]

Ms. RUSH. Mr. McHugh?

[No response.]

Ms. RUSH. Mr. Tancredo?

Mr. TANCREDO. Yes.

Ms. RUSH. Mr. Tancredo votes yes.

Mr. Paul?

Mr. PAUL. Yes.

Ms. RUSH. Mr. Paul votes yes.

Mr. Smith of Michigan?

[No response.]

Ms. RUSH. Mr. Pitts?

Mr. PITTS. No.

Ms. RUSH. Mr. Pitts votes no.

Mr. Flake?

Mr. FLAKE. Yes.  
Ms. RUSH. Mr. Flake votes yes.  
Mrs. Davis?  
Mrs. DAVIS. Yes.  
Ms. RUSH. Mrs. Davis votes yes.  
Mr. Green?  
Mr. GREEN. No.  
Ms. RUSH. Mr. Green votes no.  
Mr. Weller?  
Mr. WELLER. No.  
Ms. RUSH. Mr. Weller votes no.  
Mr. Pence?  
Mr. PENCE. No.  
Ms. RUSH. Mr. Pence votes no.  
Mr. McCotter?  
Mr. McCOTTER. Yes.  
Ms. RUSH. Mr. McCotter votes yes.  
Mr. Janklow?  
[No response.]  
Ms. RUSH. Ms. Harris?  
Ms. HARRIS. No.  
Ms. RUSH. Ms. Harris votes no.  
Mr. Lantos?  
Mr. LANTOS. No.  
Ms. RUSH. Mr. Lantos votes no.  
Mr. Berman?  
Mr. BERMAN. No.  
Ms. RUSH. Mr. Berman votes no.  
Mr. Ackerman?  
Mr. ACKERMAN. No.  
Ms. RUSH. Mr. Ackerman votes no.  
Mr. Faleomavaega?  
[No response.]  
Ms. RUSH. Mr. Payne?  
[No response.]  
Ms. RUSH. Mr. Menendez?  
[No response.]  
Ms. RUSH. Mr. Brown?  
Mr. BROWN. No.  
Ms. RUSH. Mr. Brown votes no.  
Mr. Sherman?  
Mr. SHERMAN. No.  
Ms. RUSH. Mr. Sherman votes no.  
Mr. Wexler?  
[No response.]  
Ms. RUSH. Mr. Engel?  
Mr. ENGEL. No.  
Ms. RUSH. Mr. Engel votes no.  
Mr. Delahunt?  
Mr. DELAHUNT. No.  
Ms. RUSH. Mr. Delahunt votes no.  
Mr. Meeks?  
[No response.]  
Ms. RUSH. Ms. Lee?

Ms. LEE. No.  
 Ms. RUSH. Ms. Lee votes no.  
 Mr. Crowley?  
 Mr. CROWLEY. No.  
 Ms. RUSH. Mr. Crowley votes no.  
 Mr. Hoeffel?  
 Mr. HOEFFEL. No.  
 Ms. RUSH. Mr. Hoeffel votes no.  
 Mr. Blumenauer?  
 [No response.]  
 Ms. RUSH. Ms. Berkley?  
 [No response.]  
 Ms. RUSH. Ms. Napolitano?  
 Ms. NAPOLITANO. No.  
 Ms. RUSH. Ms. Napolitano votes no.  
 Mr. Schiff?  
 [No response.]  
 Ms. RUSH. Ms. Watson?  
 [No response.]  
 Ms. RUSH. Mr. Smith of Washington?  
 [No response.]  
 Ms. RUSH. Ms. McCollum?  
 Ms. MCCOLLUM. No.  
 Ms. RUSH. Ms. McCollum votes no.  
 Mr. Bell?  
 Mr. BELL. No.  
 Ms. RUSH. Mr. Bell votes no.  
 Chairman Hyde?  
 Chairman HYDE. Yes.  
 Ms. RUSH. Chairman Hyde votes yes.  
 Mr. SMITH OF WASHINGTON. Mr. Chairman?  
 Chairman HYDE. Mr. Smith of Washington?  
 Mr. SMITH OF WASHINGTON. I am not recorded. I vote no.  
 Ms. RUSH. Mr. Smith of Washington votes no.  
 Chairman HYDE. Mr. Blumenauer?  
 Mr. BLUMENAUER. I vote no.  
 Ms. RUSH. Mr. Blumenauer votes no.  
 Chairman HYDE. Mr. Menendez?  
 Mr. MENENDEZ. I vote no.  
 Ms. RUSH. Mr. Menendez votes no.  
 Chairman HYDE. Mr. Gallegly?  
 Mr. GALLEGLY. Aye.  
 Ms. RUSH. Mr. Gallegly votes yes.  
 Chairman HYDE. Mr. Houghton?  
 Mr. HOUGHTON. No.  
 Ms. RUSH. Mr. Houghton votes no.  
 Chairman HYDE. Mr. McHugh?  
 Mr. MCHUGH. Yes.  
 Ms. RUSH. Mr. McHugh votes yes.  
 Chairman HYDE. Mr. Wexler?  
 Mr. WEXLER. No.  
 Chairman HYDE. Mr. Burton?  
 Mr. BURTON. Pass.  
 Chairman HYDE. Mr. Rohrabacher?

Ms. RUSH. Did he say pass?

Mr. ROHRABACHER. I vote yes, I think.

Chairman HYDE. A qualified yes.

Mr. Burton?

Mr. BURTON. I vote yes.

Chairman HYDE. Mr. Burton votes yes.

Have all voted who wish?

[No response.]

Chairman HYDE. The clerk will announce the rollcall.

Mr. Smith?

Mr. SMITH. Aye.

Chairman HYDE. Votes aye.

Mr. Payne?

Ms. RUSH. You are not recorded. Mr. Payne is not recorded.

Mr. PAYNE. No.

Ms. RUSH. Mr. Payne votes no.

Chairman HYDE. All right. The clerk will report.

Ms. RUSH. Mr. Chairman, on this vote there are 14 ayes and 26  
noes.

Chairman HYDE. And the amendment is not agreed to.

Mr. Menendez?

Mr. MENENDEZ. Thank you, Mr. Chairman. Mr. Chairman, I  
have an amendment at the desk, No. 3.

[The amendment of Mr. Menendez follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. MENENDEZ**

Page 197, after line 24, insert the following (and conform the table of contents accordingly):

1 **SEC. 1357. ASSISTANCE TO TAMIL NADU.**

2 (a) FINDINGS.—Congress makes the following find-  
3 ings:

4 (1) Several United States businesses invested  
5 more than \$800,000,000 in capital in the Indian  
6 State of Tamil Nadu to build and operate state-of-  
7 the-art electric generation facilities to serve local  
8 customers.

9 (2) For nearly 2 years since these power plants  
10 went into service, the Tamil Nadu Electricity Board  
11 has violated the principle of contract sanctity by  
12 consistently refusing to pay the contractually-re-  
13 quired price for the electricity produced by these  
14 companies.

15 (3) The Tamil Nadu Electricity Board now  
16 owes these United States companies in excess of  
17 \$150,000,000 in arrearages despite repeated assur-  
18 ances by the Government of Tamil Nadu that the  
19 situation would be resolved.

1           (4) All of the projects are in a technical state  
2           of default on the principal of their loans and none  
3           of the United States companies is making a return  
4           on their equity.

5           (b) RESTRICTION.—No funds authorized by this Act  
6           (including any amendments made by this Act) or author-  
7           ized under any other provision of law may be used to di-  
8           rectly or indirectly support any programs, projects, or ac-  
9           tivities (other than humanitarian, health, or rule of law  
10          programs, projects, or activities) located in or designed to  
11          benefit the State of Tamil Nadu, India.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Menendez. Page 197, after line 24 insert the following—

Chairman HYDE. Without objection, further reading of the amendment is dispensed with, and the gentleman from New Jersey is recognized for 5 minutes.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. Chairman, this amendment seeks to address an unfortunate situation that has arisen in the State of Tamil Nadu, India, and involves several American companies doing business there.

Essentially seeking to provide additional electrical generating capacity, the Tamil Nadu Government sought to induce foreign companies to design and build power plants there. Several American companies accepted this proposition and constructed four projects that generate approximately 800 megawatts of electricity.

Each entered into a long-term contract for the purchase of the electricity generated with the Tamil Nadu Government at an agreed upon price. After getting these plants on line, after this inducement to create these opportunities for the people of Tamil Nadu, the Tamil Nadu Government then began a systematic underpayment of each of the contract terms and in one case ceased all payments.

Chairman HYDE. Would the gentleman yield?

Mr. MENENDEZ. Yes.

Chairman HYDE. I understand both the author, Mr. Menendez, and Mr. Smith of New Jersey have a strong interest in insuring that United States companies based in New Jersey are compensated for work they have done in the Indian State of Tamil Nadu.

I am sympathetic to their case, but I would rather this be handled without legislative action at this time, and I would ask Mr. Menendez to withdraw his amendment with the understanding that if progress is not being made in making these companies whole, you may wish to revisit this issue when the bill comes to the House Floor in June.

Mr. MENENDEZ. Mr. Chairman, if I may have 1 more minute, I would be happy to accede to the Chairman's request.

Chairman HYDE. I thank the gentleman, and I assume you are withdrawing the amendment.

Mr. MENENDEZ. If I may have 1 more minute on the amendment before I withdraw it?

Chairman HYDE. You may.

Mr. MENENDEZ. I appreciate the Chairman's efforts. Right now these companies are owed approximately \$150,000,000, and there has been no movement whatsoever.

Now, I and many others consider ourselves strong friends and allies of India, but we cannot have a set of circumstances where American investment takes abroad, American companies meet their obligations, and then they are in essence shortchanged in every way without any actions on their own. Even the Indian Parliament has indicated the necessity of getting these companies paid and the necessity of the difficulties that exist in getting additional investment into the country for such infrastructure.

The Indian Government has reached out to us through their representatives. I hope that the presentations that they have made from the Federal level to go work on this so that future investments can take place in India will in fact take place, Mr. Chairman.

With the understanding that I will reserve the right to offer this hopefully with Mr. Smith on the Floor should we not have significant process that we expect, I would be happy, before I withdraw it, to recognize Mr. Crowley on my time and then withdraw the amendment.

Mr. CROWLEY. I thank the gentleman.

I want to thank my friend from New Jersey and make the Members aware of the conversation that I have had with the Indian Embassy regarding the situation. The Embassy has informed me that the Indian Foreign Minister has been trying to resolve the situation with the state Government of Tamil Nadu.

I have received assurances that the Government of India is using all of its influences over the state to see that the State of Tamil Nadu pays these American companies back. I cannot say for certain when this will be done, but from what I have been told they foresee it in the near future.

I look forward to working with Mr. Menendez on this issue to see if these companies are paid the money that they are owed, and I yield back to him.

Mr. MENENDEZ. I thank the gentleman. This has been going on for some time, so we are going to need some significant progress, but with that, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

Chairman HYDE. Thank you. Without objection. Thanks for your cooperation.

Mr. Menendez?

Mr. MENENDEZ. Mr. Chairman, I have an amendment at the desk, No. 2.

[The amendment of Mr. Menendez follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. MENENDEZ**

Page 215, after line 6, add the following (and conform the table of contents accordingly):

1 **TITLE XV—SOCIAL INVESTMENT**  
2 **FUND FOR THE AMERICAS**  
3 **ACT OF 2003**

4 **SEC. 1501. SHORT TITLE.**

5 This title may be cited as the “Social Investment  
6 Fund for the Americas Act of 2003”.

7 **SEC. 1502. STATEMENT OF POLICY.**

8 Congress declares the following:

9 (1) The historic economic, political, cultural,  
10 and geographic relationships among the countries of  
11 the Western Hemisphere are unique and of con-  
12 tinuing special significance.

13 (2) Following the historic Summits of the  
14 Americas—the 1994 Summit in Miami, the 1998  
15 Summit in Santiago, Chile, and the 2001 Quebec  
16 City Summit—the heads of state of the countries of  
17 the Western Hemisphere accepted the formidable  
18 challenge of economic and social integration.

19 (3) The interests of the countries of the West-  
20 ern Hemisphere are more interrelated than ever, and

1 sound economic, social, and democratic progress in  
2 each of the countries continues to be of importance  
3 to all countries, and lack of it in any country may  
4 have serious repercussions in others.

5 (4) For the peoples of the Americas to make  
6 progress toward these goals within the framework of  
7 social justice, respect for human rights, political de-  
8 mocracy, and market-oriented economies, there is a  
9 compelling need for the achievement of social and  
10 economic advancement and the consolidation of po-  
11 litical democracy and the rule of law adequate to  
12 meet the legitimate aspirations of all of the indi-  
13 vidual citizens of the countries of the Americas for  
14 an adequate standard of living.

15 (5) The challenge of achieving economic inte-  
16 gration between one of the world's most developed  
17 economies and some of the poorest and most vulner-  
18 able countries requires a special effort to promote  
19 social equality, develop skills, and build an infra-  
20 structure to enable the poorer countries and citizens  
21 of all of the Americas to derive full benefits from  
22 economic integration.

23 (6) The prosperity, security, and well-being of  
24 the United States is linked directly to peace, pros-  
25 perity, and democracy in the Americas and ensuring

1 that all of the peoples of the Americas benefit from  
2 international trade and investment arrangements.

3 (7) Democratic values are dominant throughout  
4 the Americas and nearly all governments in the re-  
5 gion have come to power through democratic elec-  
6 tions.

7 (8) Nonetheless, existing democratic govern-  
8 ments and their supporting institutions remain frag-  
9 ile and face critical challenges, including, in par-  
10 ticular, the effective democratic civilian authority  
11 over these institutions, including the military, the  
12 consolidation or establishment of independent judi-  
13 cial institutions and of the rule of law, the elimi-  
14 nation of corruption, and where appropriate, the de-  
15 centralization of government.

16 (9) In adherence to free market principles, it is  
17 essential to promote economic growth with equity-  
18 enlarging employment and decisionmaking opportu-  
19 nities and the provision of basic social services for  
20 traditionally marginalized groups, such as indige-  
21 nous minorities, women, and the poor, to protect  
22 and promote workers rights to organize and collec-  
23 tive bargaining, and to achieve greater efficiency and  
24 transparency in the provision of government serv-  
25 ices.

1           (10) The Summit of the Americas has directly  
2 charged the multilateral institutions of the Americas,  
3 including the Organization of American States  
4 (OAS), the Inter-American Development Bank  
5 (IADB), and the new Inter-American Agency for Co-  
6 operation and Development with mobilizing private-  
7 public sector partnerships among industry and civil  
8 society to help achieve equitable development objec-  
9 tives.

10           (11) By supporting the purposes and objectives  
11 of sustainable development and applying such pur-  
12 poses and objectives to the Americas, a Social In-  
13 vestment Fund for the Americas can advance the  
14 national interests of the United States and can di-  
15 rectly improve the lives of the poor, encourage  
16 broad-based economic growth while protecting the  
17 environment, build human capital and knowledge,  
18 support meaningful participation in democracy, and  
19 promote peace and justice in the Americas.

20 **SEC. 1503. AMENDMENT TO FOREIGN ASSISTANCE ACT OF**  
21 **1961.**

22 Part I of the Foreign Assistance Act of 1961 (22  
23 U.S.C. 2151 et seq.) is amended by adding at the end  
24 the following:

1 **“CHAPTER 13—SOCIAL INVESTMENT FUND**  
2 **FOR THE AMERICAS**

3 **“SEC. 499H. AUTHORIZATION OF ASSISTANCE.**

4 “(a) IN GENERAL.—The President, acting through  
5 the Administrator of the United States Agency for Inter-  
6 national Development, shall provide assistance to reduce  
7 poverty and foster increased economic opportunity in the  
8 countries of the Western Hemisphere by improving access  
9 to, and quality of, education, health care, housing, land,  
10 and credit, in particular for small- and medium-size enter-  
11 prises. Assistance under this chapter should be directed  
12 through public-private partnerships and microenterprises  
13 to the extent practicable.

14 “(b) TERMS AND CONDITIONS.—Assistance under  
15 this chapter may be provided on such other terms and con-  
16 ditions as the President may determine.

17 **“SEC. 499I. TECHNICAL REVIEW COMMITTEE.**

18 “(a) IN GENERAL.—There is established within the  
19 United States Agency for International Development a  
20 technical review committee.

21 “(b) MEMBERSHIP.—The President, by and with the  
22 advice and consent of the Senate, shall appoint to serve  
23 on the technical review committee—

1           “(1) individuals with technical expertise with  
2       respect to the development of Latin America and the  
3       Caribbean;

4           “(2) representatives of local and international  
5       nongovernmental organizations with relevant tech-  
6       nical expertise; and

7           “(3) citizens of the United States with technical  
8       expertise with respect to development projects and  
9       business experience.

10       Technical expertise shall be the sole criterion in making  
11       appointments to the technical review committee.

12       “(c) DUTIES.—The technical review committee shall  
13       review all projects proposed for funding using assistance  
14       provided under section 499H(a), and make recommenda-  
15       tions to the President with respect to the guidelines to  
16       be used in evaluating project proposals and the suitability  
17       of the proposed projects for funding.

18       “(d) CONFLICTS OF INTEREST.—A member of the  
19       technical review committee shall not be permitted to re-  
20       view an application submitted by an organization with  
21       which the member has been or is affiliated.

22       **“SEC. 499J. REPORT.**

23       “The President shall prepare and transmit to Con-  
24       gress an annual report on the specific programs, projects,  
25       and activities carried out under this chapter during the

1 preceding year, including an evaluation of the results of  
2 such programs, projects, and activities.

3 **“SEC. 499K. AUTHORIZATION OF APPROPRIATIONS.**

4 “(a) IN GENERAL.—There are authorized to be ap-  
5 propriated to carry out this chapter \$150,000,000 for  
6 each of the fiscal years 2004 through 2009. Amounts ap-  
7 propriated pursuant to the authorization of appropriations  
8 under the preceding sentence may be referred to as the  
9 ‘United States Social Investment Fund for the Americas’.

10 “(b) LIMITATION.—Amounts appropriated pursuant  
11 to the authorization of appropriations under subsection (a)  
12 may not be used for administrative expenses in carrying  
13 out this chapter.

14 “(c) AVAILABILITY.—Amounts appropriated pursu-  
15 ant to the authorization of appropriations under sub-  
16 section (a) are authorized to remain available until ex-  
17 pended.”.

18 **SEC. 1504. AMENDMENT TO THE INTER-AMERICAN DEVEL-**  
19 **OPMENT BANK ACT.**

20 The Inter-American Development Bank Act (22  
21 U.S.C. 283–283z-10) is amended by adding at the end the  
22 following:

23 **“SEC. 39. SOCIAL INVESTMENT FUND FOR THE AMERICAS.**

24 “(a) IN GENERAL.—The Secretary of the Treasury  
25 shall instruct the United States Executive Director at the

1 Bank to use the voice, vote, and influence of the United  
2 States to urge the Bank to establish an account to be  
3 known as the ‘Social Investment Fund for the Americas’  
4 (in this section referred to as the ‘Fund’), which is to be  
5 operated and administered by the Board of Executive Di-  
6 rectors of the Bank consistent with subsection (b). The  
7 United States Governor of the Bank may vote for a resolu-  
8 tion transmitted by the Board of Executive Directors  
9 which provides for the establishment of such an account,  
10 and the operation and administration of the account con-  
11 sistent with subsection (b).

12 “(b) GOVERNING RULES.—

13 “(1) USE OF FUNDS.—The Fund shall be used  
14 to provide assistance to reduce poverty and foster in-  
15 creased economic opportunity in the countries of the  
16 Western Hemisphere by improving access to, and  
17 quality of, education, health care, housing, land, and  
18 credit, in particular for small- and medium-size en-  
19 terprises, including, to the extent practicable,  
20 through encouragement of public-private partner-  
21 ships and microenterprises.

22 “(2) APPLICATION FOR FUNDING THROUGH A  
23 COMPETITIVE PROCESS.—Any interested person or  
24 organization may submit an application for funding  
25 by the Fund.

1 “(3) TECHNICAL REVIEW COMMITTEE.—

2 “(A) IN GENERAL.—The Fund shall have  
3 a technical review committee.

4 “(B) MEMBERSHIP.—The Board of Execu-  
5 tive Directors of the Bank shall appoint to  
6 serve on the technical review committee—

7 “(i) citizens of countries in Latin  
8 America and the Caribbean with technical  
9 expertise with respect to the development  
10 of Latin America and the Caribbean;

11 “(ii) representatives of local and inter-  
12 national nongovernmental organizations  
13 with relevant technical expertise; and

14 “(iii) citizens of the United States  
15 with technical expertise with respect to de-  
16 velopment projects and business experi-  
17 ence. Technical expertise shall be the sole  
18 criterion in making appointments to the  
19 technical review committee.

20 “(C) DUTIES.—The technical review com-  
21 mittee shall review all projects proposed for  
22 funding by the Fund, and make recommenda-  
23 tions to the Board of Executive Directors of the  
24 Bank with respect to the guidelines to be used

1 in evaluating project proposals and the suit-  
2 ability of the proposed projects for funding.

3 “(D) CONFLICTS OF INTEREST.—A mem-  
4 ber of the technical review committee shall not  
5 be permitted to review an application submitted  
6 by an organization with which the member has  
7 been or is affiliated.

8 “(4) REVIEW OF PROPOSED PROJECTS.—Not  
9 more frequently than annually, the Board of Execu-  
10 tive Directors of the Bank shall review and make de-  
11 cisions on applications for projects to be funded by  
12 the Fund, in accordance with procedures which pro-  
13 vide for transparency. The Board of Executive Di-  
14 rectors shall provide advance notice to all interested  
15 parties of any date on which such a review will be  
16 conducted.

17 “(c) CONTRIBUTION AUTHORITY.—To the extent and  
18 in the amounts provided in advance in appropriations  
19 Acts, the United States Governor of the Bank may con-  
20 tribute to the Fund \$500,000,000.

21 “(d) LIMITATIONS ON AUTHORIZATION OF APPRO-  
22 PRIATIONS.—

23 “(1) IN GENERAL.—For the contribution au-  
24 thorized by subsection (c), there are authorized to be  
25 appropriated for payment by the Secretary of the

1 Treasury \$100,000,000 for each of the 5 fiscal years  
2 beginning with the fiscal year in which the resolution  
3 described in subsection (a) is adopted.

4 “(2) LIMITATION.—Amounts appropriated pur-  
5 suant to paragraph (1) may not be used for adminis-  
6 trative expenses.

7 “(3) AVAILABILITY.—Amounts appropriated  
8 pursuant to paragraph (1) are authorized to remain  
9 available until expended.”.

10 **SEC. 1505. SENSE OF CONGRESS.**

11 It is the sense of Congress that the countries of the  
12 Western Hemisphere should collectively provide assistance  
13 equal to the amount of United States bilateral assistance  
14 provided under chapter 13 of part I of the Foreign Assist-  
15 ance Act of 1961 (as added by section 1503(a) of this  
16 title) and multilateral assistance provided by the Social In-  
17 vestment Fund for the Americas under section 39 of the  
18 Inter-American Development Bank Act (as added by sec-  
19 tion 1504 of this title) for the same purpose for which  
20 such assistance was provided.

Chairman HYDE. The clerk will designate the amendment.

Ms. RUSH. Amendment offered by Mr. Menendez. Page 215, after line 6 add the following and conform the table's contents accordingly. Title 16—

Chairman HYDE. Without objection, further reading of the amendment is dispensed with.

The gentleman is recognized for 5 minutes in support of his amendment.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. Chairman, this amendment, which I hope to work with the Chair on, as well as the representations made to me by my colleague and friend, the Chair of the Western Hemisphere Subcommittee.

I will seek to withdraw it in a moment, but this amendment is based simply on a few propositions that it is in essence to pursue our interest in Latin America, but in a way that is meaningful, when we made a commitment as we did in Central America during the 1980s to fight the spread of communism, spending billions of dollars. We need to follow through on that commitment with foreign policy engagement that both reinforces and strengthens that commitment and our policies.

What we simply seek to do in this amendment and in these efforts is something we have been working on for quite some time here on the Committee; is in essence to create a social investment fund for the Americas. We understand that trade is incredibly important, but trade alone will not resolve the problem when we have 40 percent of the hemisphere's population below the poverty level.

Continuously we shortchange this part of the world in our foreign assistance and in our development funds, and we find ourselves that this is an area of the world in which we have so many immediate concerns.

My colleagues who are concerned about undocumented immigration to this country should look to stabilize those countries and help develop markets. We would sell more products and services to those markets to the growing middle class. We would have less health consequences right here in our own country if we were dealing with some of these issues. We would also have less energy problems.

There is a whole host of reasons why in fact we should make a major investment in Latin America, and we consistently shortchange it in our efforts. This is an effort to create at least a floor of investment that matches and helps trade be realized, and we look forward to an opportunity, Mr Chairman, that I believe we will have to have a separate discussion, debate and markup on this amendment.

I would like to yield to my colleague, Mr. Ballenger, who asked me to pursue this course of action in terms of withdrawing this amendment, and I hope that we will be able to have the markups that he talked about.

Mr. BALLENGER. I thank the gentleman for yielding, and I commend the gentleman from New Jersey for his initiative. He has been a tireless advocate for the Western Hemisphere, and it has been my privilege to have him serve as the Ranking Member of the Western Hemisphere Subcommittee.

I agree with him that we need to do more to help our neighbors in the Western Hemisphere. I will schedule an early hearing to review this proposal to create a social investment fund for the Americas. I'll also schedule a markup of a bill to create that fund of the Americas. I'll work with the gentlemen from New Jersey to ensure its passage.

Mr. DELAHUNT. Would my friend from New Jersey yield me some time?

Mr. MENENDEZ. I would be happy to yield to Mr. Delahunt.

Mr. DELAHUNT. I really want to commend Mr. Menendez. I mean, he has persevered and persisted in this particular concept. He has truly been a visionary, and it comes at a particularly critical moment in time.

As I indicated, it is my own assessment that the situation in Latin America is critical. In fact, reading through the testimony of the Secretary Designate for the Western Hemisphere, Mr. Noriega, he concurs with that. I just want to quote what he said:

“Mr. Chairman, any successful strategy must be based on the realistic appraisal that today the hemisphere is in trouble. Current growth rates are inadequate to generate sufficient jobs for growing populations, let alone address chronic poverty. In some countries, these factors have combined to produce violent outbursts, which relatively weak institutions or governments are hard pressed to control. What are our objectives in the Americas? We want a thriving partner with democratic, stable and prosperous economies and political systems.”

It is about time we moved in that direction. It is long overdue. What we do not want to see occur is a hemisphere that is imploding, and at some later date we are discussing the reconstruction, not just of Iraq and Afghanistan, but myriad countries in this hemisphere.

This particular proposal really deserves our full attention and support, and I yield back and congratulate the Ranking Member.

Chairman HYDE. Is there further discussion?

Mr. LANTOS. Mr. Chairman?

Chairman HYDE. Mr. Lantos?

Mr. LANTOS. Thank you, Mr. Chairman. I will just take a minute.

First I want to commend my friend, Bob Menendez, for a carefully thought through proposal. I want to commend my good friend, Mr. Ballenger, for his longstanding and similarly impressive work in the hemisphere, as well as Mr. Delahunt.

I think the Administration would be well advised to recognize that this Committee is very serious about this proposal. We intend to move on it, and we would like to do so in harmony with the Administration.

Thank you, Mr. Chairman.

Chairman HYDE. Is there further discussion?

Mr. PAYNE. Mr. Chairman?

Chairman HYDE. Who seeks recognition?

Mr. PAYNE. The gentleman from New Jersey.

Chairman HYDE. Mr. Payne?

Mr. PAYNE. The other gentleman from New Jersey.

Chairman HYDE. Right.

Mr. PAYNE. Let me just say that I would like to commend my colleague, Mr. Menendez, also and for Mr. Ballenger's interest in pursuing this.

I think that this hemisphere has lost interest and prominence. I recall we had the Alliance of the Americas in the 1960s, and we had a series of programs that through the decades have had a focus on Central and Latin America, but we have seen a lot of that go away. The Caribbean is here, South America, Central America, and I would hope that we could work toward having a real serious focus.

I ran into Mr. Ballenger and his delegates in the codel in the Dominican Republic. They have problems. Problems abound. As we move to free trade areas in certain parts of Central America we need to be sure that our friends in the Dominican Republic are not left out. We might want to look at the locking, staging somehow of including the D.R. in some of the new free trade for the Americas.

I look forward as a Member of the Committee to also working with the Chairman and the Ranking Member. With that, I yield back. Thank you.

Chairman HYDE. Would the gentleman execute his pledge of withdrawing this amendment?

Mr. MENENDEZ. Yes. Mr. Chairman, I would be happy to. I ask unanimous consent to withdraw the amendment.

Chairman HYDE. Without objection, so ordered. The amendment is withdrawn.

We have one more amendment, and we have about 25 minutes before another vote, so again expedition is the word.

Mr. Menendez?

Mr. MENENDEZ. Mr. Chairman, I have an amendment at the desk.

[The amendment of Mr. Menendez follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. MENENDEZ OF NEW JERSEY**

Page 154, after line 12, insert the following section:

1 **SEC. 726. SENSE OF CONGRESS REGARDING MIGRATION**  
2 **ISSUES BETWEEN THE UNITED STATES AND**  
3 **MEXICO.**

4 (a) FINDINGS.—The Congress finds as follows:

5 (1) During President Bush’s first meeting with  
6 President Fox in Guanajuato, Mexico, the Presi-  
7 dents stated in the Joint Communique of February  
8 16, 2001 that “we are instructing our Governments  
9 to engage, at the earliest opportunity, in formal high  
10 level negotiations aimed at achieving short and long-  
11 term agreements that will allow us to constructively  
12 address migration and labor issues between our two  
13 countries.”.

14 (2) During President Fox’s official visit to  
15 Washington, D.C., the Joint Statement of Sep-  
16 tember 6, 2001, summarized the meeting as follows:  
17 “The Presidents reviewed the progress made by our  
18 joint working group on migration chaired by Secre-  
19 taries Powell, Castaneda, and Creel and Attorney  
20 General Ashcroft and noted this represented the  
21 most fruitful and frank dialogue we have ever had

1 on a subject so important to both nations. They  
2 praised implementation of the border safety initia-  
3 tive, and recognized that migration-related issues are  
4 deeply felt by our publics and vital to our prosperity,  
5 well-being, and the kind of societies we want to  
6 build. They renewed their commitment to forging  
7 new and realistic approaches to migration to ensure  
8 it is safe, orderly, legal and dignified, and agreed on  
9 the framework within which this ongoing effort is  
10 based. This includes: matching willing workers with  
11 willing employers; serving the social and economic  
12 needs of both countries; respecting the human dig-  
13 nity of all migrants, regardless of their status; recog-  
14 nizing the contribution migrants make to enriching  
15 both societies; shared responsibility for ensuring mi-  
16 gration takes place through safe and legal channels.  
17 Both stressed their commitment to continue our dis-  
18 cussions, instructing the high-level working group to  
19 reach mutually satisfactory results on border safety,  
20 a temporary worker program and the status of un-  
21 documented Mexicans in the United States. They re-  
22 quested that the working group provide them pro-  
23 posals with respect to these issues as soon as pos-  
24 sible. The Presidents recognized that this is an ex-  
25 traordinarily challenging area of public policy, and

1 that it is critical to address the issue in a timely  
2 manner and with appropriate thoroughness and  
3 depth.”.

4 (3) On September 7, 2001, during President  
5 Fox’s historic State visit to Washington, the United  
6 States and Mexico issued a joint statement “in-  
7 structing our cabinet-level working group to provide  
8 us with specific proposals to forge a new and real-  
9 istic framework that will ensure a safe, legal, or-  
10 derly, and dignified migration flow between our  
11 countries. We have today agreed that our Cabinet  
12 level migration group should continue the work we  
13 charged it with in Guanajuato and Washington.”.

14 (4) When the Presidents met in Monterrey,  
15 Mexico, the Presidents stated in a Joint Statement  
16 on March 22, 2002, as follows: “Slightly more than  
17 one year ago, in Guanajuato, we talked about migra-  
18 tion as one of the major ties that join our societies.  
19 We launched then the frankest and most productive  
20 dialogue our countries have ever had on this impor-  
21 tant and challenging subject. Those talks have con-  
22 tinued over the past year, and have yielded a clearer  
23 assessment of the scope and nature of this issue.  
24 This bond between our nations can render countless  
25 benefits to our respective economies and families.”.

1           (5) Over the past year, important progress has  
2       been made to enhance migrant safety and particu-  
3       larly in saving lives by discouraging and reducing il-  
4       legal crossings in dangerous terrain.

5           (6) At the conclusion of the Mexico-United  
6       States Binational Commission (BNC) meeting in  
7       Mexico City in November 2002, Secretary of State  
8       Powell's press conference was summarized by the  
9       State Department as follows: The BNC's migration  
10      working group "affirmed our strong commitment to  
11      advancing our bilateral migration agenda," he  
12      stressed, adding that "there should be no doubt in  
13      anyone's mind that this is a priority for President  
14      Bush, just as it is a priority for [Mexican] President  
15      [Vicente] Fox."

16          (7) Secretary Powell said no schedule had been  
17      established for a migration accord, but he confirmed  
18      that the United States and Mexico want to come up  
19      with a series of migration initiatives over the course  
20      of the next six months to a year.

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

23          (1) the United States and Mexico should, as  
24      soon as is practicable, conclude a migration accord  
25      that is as comprehensive as possible and which ad-

1 dresses the key issues of concern for both nations;  
2 and

3 (2) the Bush Administration should submit to  
4 Congress, as soon as is practicable, legislation based  
5 on such a concluded migration accord that would en-  
6 courage new and realistic approaches to migration to  
7 ensure it is safe, orderly, legal, and dignified, includ-  
8 ing: matching willing workers with willing employers,  
9 serving the social and economic needs of both coun-  
10 tries, respecting the human dignity of all migrants  
11 regardless of their status, recognizing the contribu-  
12 tion migrants make to enriching both societies, and  
13 shared responsibility for ensuring migration takes  
14 place through safe and legal channels.

Chairman HYDE. The clerk will report the amendment.

Ms. RUSH. Amendment offered by Mr. Menendez. Page 154, after line 12 insert the following—

Chairman HYDE. Without objection, further reading is dispensed with.

Mr. Menendez is recognized for 5 minutes in support of his amendment.

Mr. MENENDEZ. Thank you, Mr. Chairman. This is an amendment that I do not intend to withdraw, so I want Members to know that I seek to ask for a vote on it.

This is in essence an expression of the sense of the Congress regarding migration issues between the United States and Mexico. In February 2001, the first Bush Administration/Fox Administration joint communique stated that both sides sought to “constructively address migration and labor issues between our two countries.” More than 2 years have passed, and I believe the time has come for action.

This amendment is a straightforward proposition. It simply asks that we address the reality on our borders, both the United States and Mexico. We have established a very long record of rhetoric on this matter in a series of joint statements. Now the time has come to match our rhetoric with that reality, to match that rhetoric with results.

First, we ask that the United States and Mexico, as soon as is practicable, conclude a migration accord that is as comprehensive as possible and which addresses the key issues of concern for both nations.

Second, we ask the Bush Administration to send Congress, as soon as is practicable, legislation based on such a concluded migration accord that would encourage new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified, including matching willing workers with willing employers, serving the social and economic needs of both countries, respecting the human dignity of all migrants regardless of their status, recognizing the contribution migrants make to enriching both societies and shared responsibility for ensuring migration takes place through safe and legal channels.

When President Fox visited the United States in September 2001, the two Presidents renewed their commitment to “continue our discussions instructing the high level working group to reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States.” Let me repeat that later statement. It said that we should reach mutually satisfactory results on border safety, a temporary worker program and the status of undocumented Mexicans in the United States.

In November 2002, at the conclusion of the Mexico-United States Binational Commission, Secretary Powell stated that there should be no doubt in anyone’s mind that this is a priority for President Bush, just as it is a priority for President Fox. He went on to say that no schedule had been established for such an accord, but he confirmed that the United States and Mexico wanted to come up with a series of migration initiatives over the course of the next 6 months to a year.

Now, this is incredibly important in our respective relationships. I have heard the President say time and time again of the importance of our relationship with Mexico, of the contributions of Mexican-Americans to this country and to the need for real migration accords. Mexicans have contributed greatly to this country. They have a long history in this country, going back several hundred years, and in doing so they have contributed much.

We have human capital being used to pick our fruits and vegetables throughout the west and south, to go ahead and put poultry on our tables, to go ahead and provide labor for the service industry on the east and west coasts, to nourish the construction industry in North Carolina, and I have only touched the tip of the iceberg. The fact of the matter is we need to get on with a migration agreement that will be important for national security, that will be important for this economy and which we can infuse the resources.

The President often says that he is a man of results. I believe he has called himself a reformer with results. This amendment asks in a nutshell that the President produce a result on this issue and that he do it soon. I urge adoption of the amendment.

Chairman HYDE. Mr. Ballenger?

Mr. BALLENGER. Mr. Chairman, I have a substitute amendment for the Menendez amendment at the desk.

[The amendment of Mr. Ballenger follows:]

**AMENDMENT TO H.R. 1950**  
**OFFERED BY MR. BALLENGER**

Page 154, after line 12, insert the following section:

1 **SEC. 726. SENSE OF CONGRESS REGARDING MIGRATION**  
2 **ISSUES BETWEEN THE UNITED STATES AND**  
3 **MEXICO.**

4 (a) FINDINGS.—The Congress finds as follows:

5 (1) During President Bush’s first meeting with  
6 President Fox in Guanajuato, Mexico, the Presi-  
7 dents stated in the Joint Communique of February  
8 16, 2001 that “we are instructing our Governments  
9 to engage, at the earliest opportunity, in formal high  
10 level negotiations aimed at achieving short and long-  
11 term agreements that will allow us to constructively  
12 address migration and labor issues between our two  
13 countries.”.

14 (2) During President Fox’s official visit to  
15 Washington, D.C., the Joint Statement of Sep-  
16 tember 6, 2001, summarized the meeting as follows:  
17 “The Presidents reviewed the progress made by our  
18 joint working group on migration chaired by Secre-  
19 taries Powell, CastaZeda, and Creel and Attorney  
20 General Ashcroft and noted this represented the  
21 most fruitful and frank dialogue we have ever had

1 on a subject so important to both nations. They  
2 praised implementation of the border safety initia-  
3 tive, and recognized that migration-related issues are  
4 deeply felt by our publics and vital to our prosperity,  
5 well-being, and the kind of societies we want to  
6 build. They renewed their commitment to forging  
7 new and realistic approaches to migration to ensure  
8 it is safe, orderly, legal and dignified, and agreed on  
9 the framework within which this ongoing effort is  
10 based. This includes: matching willing workers with  
11 willing employers; serving the social and economic  
12 needs of both countries; respecting the human dig-  
13 nity of all migrants, regardless of their status; recog-  
14 nizing the contribution migrants make to enriching  
15 both societies; shared responsibility for ensuring mi-  
16 gration takes place through safe and legal channels.  
17 Both stressed their commitment to continue our dis-  
18 cussions, instructing the high-level working group to  
19 reach mutually satisfactory results on border safety,  
20 a temporary worker program and the status of un-  
21 documented Mexicans in the United States. They re-  
22 quested that the working group provide them pro-  
23 posals with respect to these issues as soon as pos-  
24 sible. The Presidents recognized that this is an ex-  
25 traordinarily challenging area of public policy, and

1 that it is critical to address the issue in a timely  
2 manner and with appropriate thoroughness and  
3 depth.”.

4 (3) On September 7, 2001, during President  
5 Fox’s historic State Visit to Washington, the United  
6 States and Mexico issued a joint statement instruct-  
7 ing our cabinet-level working group to provide us  
8 with specific proposals to forge a new and realistic  
9 framework that will ensure a safe, legal, orderly, and  
10 dignified migration flow between our countries. We  
11 have today agreed that our Cabinet level migration  
12 group should continue the work we charged it with  
13 in Guanajuato and Washington.

14 (4) When the Presidents met in Monterrey,  
15 Mexico, the Presidents stated in a Joint Statement  
16 on March 22, 2002, as follows: “Slightly more than  
17 one year ago, in Guanajuato, we talked about migra-  
18 tion as one of the major ties that join our societies.  
19 We launched then the frankest and most productive  
20 dialogue our countries have ever had on this impor-  
21 tant and challenging subject. Those talks have con-  
22 tinued over the past year, and have yielded a clearer  
23 assessment of the scope and nature of this issue.  
24 This bond between our nations can render countless  
25 benefits to our respective economies and families.

1           (5) Over the past year, important progress has  
2           been made to enhance migrant safety and particu-  
3           larly in saving lives by discouraging and reducing il-  
4           legal crossings in dangerous terrain.

5           (6) At the conclusion of the Mexico-United  
6           States Binational Commission (BNC) meeting in  
7           Mexico City in November 2002, Secretary of State  
8           Powell's press conference was summarized by the  
9           State Department as follows: The BNC's migration  
10          working group "affirmed our strong commitment to  
11          advancing our bilateral migration agenda," he  
12          stressed, adding that "there should be no doubt in  
13          anyone's mind that this is a priority for President  
14          Bush, just as it is a priority for [Mexican] President  
15          [Vicente] Fox."

16          (7) Secretary Powell said no schedule had been  
17          established for a migration accord, but he confirmed  
18          that the United States and Mexico want to come up  
19          with a series of migration initiatives over the course  
20          of the next six months to a year.

21          (8) Mexico's state-run oil monopoly, Petróleos  
22          Mexicanos (PEMEX), is inefficient, plagued by cor-  
23          ruption, and in need of substantial reform and pri-  
24          vate investment in order to provide sufficient petro-  
25          leum products to Mexico and the United States to

1 fuel future economic growth which can help curb il-  
2 legal migration into the United States.

3 (b) SENSE OF CONGRESS.—It is the sense of the  
4 Congress that—

5 (1) That the United States and Mexico should  
6 as soon as is practicable commence negotiations in  
7 an attempt to reach a migration accord that is as  
8 comprehensive as possible and which addresses the  
9 key issues of concern for both nations.

10 (2) That any accord on migration issues be-  
11 tween the United States and Mexico should also in-  
12 clude an accord to open Petróleos Mexicanos  
13 (PEMEX) to investment by U.S. oil companies and  
14 specific steps to reform PEMEX's operations to  
15 make them more transparent and efficient.

Chairman HYDE. The clerk will designate the substitute.

Ms. RUSH. Amendment offered by Mr. Ballenger to the amendment—

Mr. BALLENGER. Move the amendment be considered as read.

Chairman HYDE. Without objection, so ordered.

The gentleman is recognized for 5 minutes.

Mr. BALLENGER. While I agree with the Ranking Member of the Western Hemisphere Subcommittee that the United States and Mexico need to address the problems we both face with immigration, I do not believe this amendment goes far enough.

It is vital to the national interests of the United States and Mexico to reach an accord that matches willing workers with willing employers and that serves social and economic interests of both countries and respects all human rights for all people. However, we must work at these goals with great care. An ill-conceived effort to achieve these noble ambitions will not only fail; it will, no doubt, have tragic consequences for our two nations and the global economy.

Any plan that grants blanket amnesty to illegal immigrants from Mexico or any other nation is simply unwise. The full consequences of such a disaster can only be known if it actually occurs. However, it is clear that, first of all, the sudden infusion of labor and demand for services will have a chilling effect on the recovery from the recession in my district and elsewhere. By extension, this will slow the growth of employment opportunities for both U.S. citizens and immigrants.

Second, the Department of Homeland Security's apparatus for inspecting and documenting lawfully admitted aliens is stretching to the breaking point already. A blanket amnesty would most likely result in a complete breakdown of that apparatus. Allowing amnesty to those who have broken the U.S. immigration laws only violates the human dignity of those who are here illegally, but, most importantly, it violates the human dignity of those who have immigrated legally and are waiting to legally immigrate in search of a better life.

I much prefer a guest worker program which allows employees access to temporary laborers to meet cyclical shortages of skilled and unskilled laborers—this works very well in North Carolina at the present time—without risking permanent displacement of U.S. citizens. An effective guest worker plan will dry up the demand of illegal alien labor, thus offering the formerly undocumented workers with the full protection of the U.S. labor regulations.

A guest worker program also is better suited to meet the demands required to maintain a healthy national economy. The interest of the American worker, persons from other countries seeking to better their lives and the improvement of conditions in the countries from which these workers come, are all better served by a guest worker program than they are by the amnesty program alluded to in this amendment.

Providing the acceptable accord on migration will be difficult. Both sides must work hard to ensure that there is an equal benefit to both parties. My amendment simply requires that any accord reached between the United States and Mexico on migration should include a provision by which Mexico opens its state owned Pemex

Oil Company to U.S. investors as Pemex is inefficient, some say corrupt, and cannot as currently structured meet the energy needs of both Mexico and the United States.

Since we are not allowed to drill in Alaska, we need somehow to protect the usage of oil in our country. If the U.S. is willing to take on tough issues of immigration, then Mexico should be willing to meet us halfway and take on the tough issue of opening its oil monopoly to the kind of investment that is needed to ensure a steady supply of gas and oil to keep both of our economies strong.

Thank you, Mr. Chairman.

Mr. MENENDEZ. Would the gentleman yield? Would my colleague and friend yield?

Mr. BALLENGER. Yes. Sure.

Mr. MENENDEZ. I thank the gentleman for yielding, and I have great regard for him in our work that we do together, but I am not sure what part of the Western Hemisphere you are visiting with me today on.

I would ask the gentleman to point out in my amendment where is it that I speak of an amnesty plan or, for that fact, any plan? I have no statements whatsoever about, as you describe, a total blanket amnesty. I would ask the gentleman to show me.

Mr. BALLENGER. May I return my time? Your basic statement in this says that we should not have gone to Afghanistan. We should not have gone to Iraq. We should have been involved in Central America, in Mexico.

In speaking to President Fox when he was here, I spoke to him about the idea of paving across the Rio Grande and having everybody come back and forth, back and forth. I used my little company in North Carolina and said I have two Salvadorans, two Costa Ricans, seven Guatemalans and five Mexicans. Now you want to pass a law that takes care of the five Mexicans. What about the rest of the people that are coming into this country?

He said, and this is the point that I was trying to bring across. He said you have a terrible problem. I think that is the point I am trying to bring up.

Mr. BEREUTER. Would the gentleman yield for a question?

Mr. BALLENGER. Sure.

Mr. BEREUTER. I ask this question in the context of having observed the gentleman voted in favor of Mr. Tancredo's earlier amendment.

I am wondering would it be in the same conversation or different conversations that our State Department officials would tell the Mexicans to quit lobbying us to adopt the matricula consular card and how to run their oil industries? Would those be in the same conversations or different ones?

Mr. BALLENGER. Well, it is up to you. Whichever one you want.

Mr. DELAHUNT. Mr. Chairman?

Mr. GALLEGLY. Mr. Chairman, I have an amendment.

Chairman HYDE. Mr. Gallegly?

Mr. GALLEGLY. Mr. Chairman, I have an amendment to Mr. Ballenger's substitute at the desk.

[The amendment of Mr. Gallegly follows:]

Amendment Offered by Mr. Gallegly of California  
to the Substitute Amendment offered by Mr. Ballenger to the Amendment to H.R. 1950  
offered by Mr. Menendez

On Page 5, insert after (b)(2):

(3) That as part of any migration agreement between the United States and Mexico, the issues of the extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

Chairman HYDE. The clerk will report the amendment to the substitute.

Ms. RUSH. Amendment offered by Mr. Gallegly to the substitute amendment offered by Mr. Ballenger to the amendment.

Chairman HYDE. Without objection, further reading is dispensed with.

Mr. Gallegly is recognized for 5 minutes in support of his amendment.

Mr. GALLEGLY. Thank you, Mr. Chairman. This amendment is very straightforward.

We have had even in earlier discussions in this meeting today the problem with the issue of extradition of criminals that have committed murder or other heinous crimes in the United States that have escaped to our neighbors in Mexico, and the lack of cooperation on extradition has presented a tremendous problem for law enforcement and justice in this country.

In fact, just last year someone handed me a letter that some of us had sent to President Bush. In fact, this letter was making an appeal to the President to work with Mexico on this issue of extradition and the problems that we face every day with issues like David March, the L.A. County Sheriff who was killed execution style at a normal traffic stop a little over a year ago by a suspect and a Mexican national, by the name of Armando Garcia. In fact, this letter was signed by several Members on this Committee and my friend, Grace Napolitano, Diane Watson, myself and others. It was dated June 27, 2002.

I would just ask that Mr. Ballenger's substitute be amended by incorporating the following statement: That as a part of any migration agreement between the United States and Mexico, the issue of extradition of violent criminals and law enforcement cooperation between the two nations be addressed.

Mr. ROHRBACHER. Would the gentleman yield to me for one moment?

Mr. GALLEGLY. I would yield to the gentleman from California.

Mr. ROHRBACHER. To let you know how important this issue is, this is not just something that we are doing here to play some sort of mental chess game over the issue of illegal immigration or legal immigration or migration or however you want to talk about it.

People are dying. People are being killed. There are 60 murderers in Mexico right now, people who have murdered people in southern California, and they are in Mexico now. We know where they are, and the Mexican Government will not extradite them.

I am right now involved in writing legislation that will prohibit any Export/Import Bank loans to be given to any project that will be built in a country that does not extradite murderers or capital offenders back to the United States.

What Mr. Gallegly is trying to do is vital and necessary, and we need to address this issue. People are being killed in our country.

Mr. GALLEGLY. I thank the gentleman. Would the gentleman yield?

Reclaiming my time, I would yield to the gentleman from North Carolina, Mr. Ballenger.

Mr. BALLENGER. I think the gentleman from California's amendment makes great sense, and I without objection would like to make it a part of my amendment.

Mr. MENENDEZ. Reserving the right to object.

Chairman HYDE. The gentleman reserves the right to object.

Mr. MENENDEZ. Speaking on my reservation, and I will withdraw my reservation, but I want to speak on it for a moment.

Chairman HYDE. The gentleman is recognized.

Mr. MENENDEZ. Thank you, Mr. Chairman.

Mr. Chairman, the last two speakers have given us the perfect example of why entering into a migration agreement and negotiation would bring up many issues, including legitimate issues that are part of a migration agreement—not a trade agreement, but a migration agreement—including the desire to extradite fugitives from the United States, and so all the more reason why the underlying amendment that I have offered, which is to move beyond the rhetoric and move to action, as has been stated in these communique, is desirable.

However, while this particular amendment, Mr. Gallegly's amendment, is a perfect example why we want to enter into a migration agreement, the underlying amendment of Mr. Ballenger's is not. Mr. Ballenger's amendment clearly goes ahead and guts the purpose of my amendment.

First of all, there is nothing in my amendment that speaks to any form of amnesty, and that is a red herring. There is no amnesty mentioned whatsoever.

Mr. BALLENGER. Would the gentleman yield?

Mr. MENENDEZ. No. When I am finished, I would be happy to yield to the gentleman.

There is no amnesty mentioned whatsoever, and I do not know what the references to Iraq or any other place were. If one reads the amendment, it simply says let us conclude a negotiation as expeditiously as possible with the interest of both countries observed, and let us submit legislation to Congress to implement that agreement. That is all it says. Nothing about a blanket amnesty. That is a red herring. That is for those who are xenophobic.

Also, this is the Haliburton amendment because what are we going to do? We are going to get into Mexico's petroleum industry when in fact this is about a migration agreement. This is about a migration agreement. Now you want to get into Mexico's petro-

leum, which may be a legitimate negotiation in commercial enterprise or in a trade enterprise, but I am not worried about the Vice President's former company getting engaged in the Mexican petroleum industry or other Texas companies that may be friendly with the President getting involved with Mexico.

This is about U.S.-Mexico relationships. This is about millions of people in this country. This is about this President, who has said time and time again—

Mr. BALLENGER. Would the gentleman yield?

Mr. MENENDEZ [continuing]. The great contributions of Mexican-Americans in this country. That is what this amendment is about.

Lastly, the gentleman guts my amendment, including extraneous issues, which I think may even be objectionable under the rules, by saying that we will commence it as soon as is practicable when this has been going on for 2 years. We say we should submit to Congress as soon as practicable legislation.

So this basically tells the Mexican Government and Mexican Americans in this country who seek family reunification. We really do not care, do not want you, do not want to be engaged with you. By the way, while we do not want you and do not want to be engaged with you, we are concerned about our American companies getting engaged in your petroleum industry, and for that we certainly are willing to go ahead and consider the amendment.

The underlying amendment clearly should be defeated. I have no problem with Mr. Gallegly's amendment. It only goes to prove that we need a migration accord.

Mr. BALLENGER. The gentleman I guess yields in the fact that you can read in your amendment regardless of status I think two or three times in there, and I think that is a general amnesty, unless I am mistaken.

Mr. MENENDEZ. No. That is the nature. The gentleman would have to read that as that is the nature of coming to an agreement as to what people may be in the process of an adjusted status. People may be in the process of having some worker permit. That is not about a general amnesty.

Now, if we want to be xenophobic, if we want to appeal to xenophobia, then we certainly can refer to this as general amnesty.

Mr. ROHRABACHER. Would the gentleman yield? Would the gentleman yield for a question?

Mr. MENENDEZ. There is no word in this amendment that talks about general amnesty. This is about U.S. foreign relations with the Government of Mexico and engaging in what the President—our President—has said is in fact a primary interest.

I would be happy to yield to my colleague.

Mr. ROHRABACHER. We obviously have a disagreement with you what that means. Many I think could read that as being a general amnesty.

Several times during your statement you referred to Mexican-Americans, that we were going to negotiate about Mexican-Americans. Are you not insulting people by equating Americans of Mexican descent with illegal immigrants, people who are—

Mr. MENENDEZ. Reclaiming my time, I am referring to the desires of Mexican-Americans to have family reunification and the de-

sire of Mexican-Americans to see people treated with dignity who are picking the fruits and the food that sits on your table.

Lastly, the findings that I referred to that you are saying are about amnesty are findings from the Bush Administration's statements that were issued publicly. Maybe your issue is with the Administration, not with me, because ultimately those statements come directly quoted from the Administration.

Mr. TANCREDO. Mr. Chairman?

Chairman HYDE. The gentleman's time has expired.

Mr. TANCREDO. Mr. Chairman?

Chairman HYDE. Just a moment. Let us focus on the Gallegly amendment, which I believe the gentleman from New Jersey agreed—

Mr. MENENDEZ. I withdraw my reservation on that.

Chairman HYDE [continuing]. Could be made a part of the Ballenger substitute.

Do I state the state of play properly?

Mr. MENENDEZ. Correct, Mr. Chairman. I withdraw my reservation that I had on the Gallegly amendment.

Chairman HYDE. All right. Without objection, the Gallegly amendment is adopted—

Mr. TANCREDO. Mr. Chairman?

Chairman HYDE [continuing]. To the Ballenger substitute.

Now we are reduced to the Ballenger substitute—

Mr. TANCREDO. Mr. Chairman?

Chairman HYDE [continuing]. For Menendez.

Who seeks recognition?

Mr. TANCREDO. Mr. Tancredo.

Chairman HYDE. Mr. Tancredo?

Mr. TANCREDO. Thank you, Mr. Chairman. Interestingly, in the discussion we had in this body a short time ago with regard to my amendment, it resolves continually around the issue of immigration, even though, of course, there was nothing in my amendment that had anything to do with immigration.

There were continual complaints from the other side that my amendment dealing with immigration, although it did not, should not be brought up because, of course, this is not the proper place for it. Well, of course, that is exactly what the Menendez amendment deals with. It is immigration.

Whether you call it a migration accord or not, this is not an issue with which the State Department is necessarily involved. Certainly it is not an issue with which this Committee should be involved. This is an immigration issue and should be properly debated and discussed in the Judiciary Committee.

Some of the statements in regard to that, by the way, in terms of what kind of a migration accord should be developed, one that "ensures safe, orderly, dignified . . ." Well, you know there is presently a safe, orderly and dignified way to come into the United States of America. We do not need a migration accord to establish it. There is a process.

You come into the United States of America legally one of two ways. You either come in as a visitor, or you come in the process of trying to become a citizen. That is it. There is a way to do that. We have had it for a long, long time. We have that relationship

with Mexico. No other kind of migration accord is really necessary in order to achieve the goal of safe, orderly and dignified.

In fact, the problem, as we all know here, is the people who choose to disregard the safe, orderly and dignified process for coming into the United States that we are trying to deal with. It is those people who decide to come into the United States illegally, and whether or not for whatever purpose that they are engaged to pick crops and build and all the rest of the things that we know that they do, it is totally irrelevant to the fact that they enter the country illegally. It is against the law.

That is the only thing to which this whole thing is directed; some way to change that, some way to pretend that that is not the case and that all the people who have come here illegally should be treated differently, treated with respect and all the rest.

I certainly believe every human being in the United States of America, everywhere, deserves to be treated with respect and certain basic freedoms need to be guaranteed, but the reality is when you come into the United States illegally there are things that you should not be able to achieve or attain.

If we simply wish to, why do we not go ahead and add something to this amendment that says let us actually do what we really and truly are trying to get at through things like this amendment and move to the elimination of borders, open borders, remove ports of entry, forget about the process entirely? That would even be better actually because it is a much more truthful way of trying to get to the same place here.

If you could point to something wrong with the present immigration laws in the United States, something that says, you know, we are not allowing enough people to come in from Mexico, we should expand the number of people coming into the country from Mexico, fine. Let us debate that. You see, you keep suggesting that there is something happening here different with Mexico than any other country.

Mr. ROHRABACHER. Would the gentleman yield?

Mr. TANCREDO. I will yield in just a second.

At the end of the day, what we are really talking about here is in fact an amnesty proposal. If you wanted to clarify your statement instead of saying regardless of their status, you could do so by saying regardless of their status as a person seeking permanent status in the United States but here legally, but you do not. You say regardless of their status because what we are really talking about here are undocumented people in this country, illegal aliens.

I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Tancredo makes some very good points, and the fact that what we hear, the rhetoric that we hear from the other side of the aisle talking about this as migration as if there is some sort of natural flow of things that are happening here. No. What we have here is a problem with illegal immigration, and after listening to what has been presented us today, I do not want to have a negotiation with the Government of Mexico as to whether or not we are going to enforce our immigration laws or what our immigration laws should be.

I do not want to negotiate with Mexico as to whether illegal immigrants from Mexico in the United States should be entitled to

Social Security or not. I do not want those type of discussions to take place because what we need to do instead is to draw a line and to make sure that we are enforcing our laws. This is not to be done in a compromise back and forth with the Government of Mexico.

Thank you very much. Mr. Tancredo, you can have the balance of the time.

Mr. TANCREDO. I will reclaim my time.

Chairman HYDE. The gentleman's time has expired.

Mr. BERMAN. Mr. Chairman?

Chairman HYDE. Mr. Berman?

Mr. BERMAN. The phrase in this amendment that apparently draws such ire is the notion that we would respect the human dignity of all migrants regardless of their status. Is the other side surely taking issue with those words? You can try and read and construe anything you want into it, but the words are clear. Respecting human dignity of all migrants.

Maybe that is an agreement that when people who have an unauthorized presence in the United States are rounded up, they are not housed 50 people to a little room with inadequate services. Maybe it involves other aspects of human dignity. Your reaction to it is so defensive that it is quite stunning.

Now to the notion of safe, orderly, legal and dignified. I have been in this place for 20 years. Only 8 of those years have the evil Democrats held the White House. In the other 12 years, under the system that Mr. Tancredo praises as safe, orderly, legal and dignified, we have 8,000,000 to 11,000,000 unauthorized workers holding up a number of different industries in this country without any legal status subject to exploitation here, correctly put, in violation of the laws.

The system of migration to this country is not safe, orderly, legal and dignified.

Mr. TANCREDO. Would the gentleman yield to answer a question?

Mr. BERMAN. I would be happy to after I make my point.

You can rail all you want about what to do. We can put and we have been putting more and more money into meaningful border enforcement, but let me tell you an agreement with Mexico that recognizes that illegal immigration undermines both issues of sovereignty and very specific interests whereby Mexico plays a greater role in helping to police the border from their side of the border. It is an agreement with Mexico which involves them deploying some resources to help us deter that kind of migration. It is also an agreement with Mexico which says that there are certain seasonal industries in this country where temporary workers from outside of the United States can fill a market that otherwise is only going to be filled by undocumented workers and provides adequate protections and housing and decent wages so it does not just become a vehicle to fill American jobs in order to get cheap labor, those things are in America's interest.

Why you are getting so obsessed with the notion of a situation being made worse when you all acknowledge how terrible it is right now. All Mr. Menendez is doing is recognizing what George Bush recognized from the beginning of this Administration. This system is broken. We have to try and find a realistic, practical way work-

ing with our neighbor to the south to meet interests of both countries economically and politically to solve this problem.

You guys are reacting like all of a sudden this is coming out of some whacko field in a situation where you all know the present situation is just intolerable for all kinds of reasons—law enforcement exploitation of human beings, unauthorized workers without real Social Security numbers. It is a disgusting and corrupt system. Let us try to rationalize it.

Mr. TANCREDO. Will the gentleman yield for a question?

Mr. BERMAN. Sure.

Mr. TANCREDO. Can the gentleman identify a single person who has come into this country from Mexico or anywhere else for that matter through a legal process, applied for a visa from any other country where that is required, come across to Mexico through a port of entry, did it in the way in which it is prescribed?

Can the gentleman identify a single person who has been harmed in that process, a single person that has been killed, died in the desert? Have any of the things happened that you suggest occurred in the present process?

The gentleman is absolutely correct. I agree certainly that there is something wrong. One of the things that is wrong is the fact that we choose not to enforce our immigration laws and secure our borders, but suggesting that there is something inherent in the migration process that would cause someone to have their human dignity and human rights abused is inaccurate. If you come here legally, you will not face any of those horrible consequences.

Mr. BERMAN. Reclaiming my time, I accept the gentleman's premise and believe he has made my point. In a system which has a rational, sensible and generous legal immigration system, as ours does, and I recognize it is the most generous in the world, the fact that—

Chairman HYDE. The gentleman's time has long since expired.

Mr. BERMAN. I ask unanimous consent for one additional minute just to finish up here.

Chairman HYDE. I would terribly like to finish this bill. The gentleman has one additional minute.

Mr. BERMAN. In a system which has laws, what do you mean we are not trying? We are putting billions of dollars every year into border patrols and airport checks and doing everything we can to try and stop and deter illegal entry. In that situation and with those laws, we have an acknowledged 8,000,000 to 11,000,000 to 12,000,000 unauthorized workers in this country. This system is broken.

Human dignity? We afford people accused of heinous crimes the human dignity—

Chairman HYDE. The gentleman's time again has expired.

Mr. BERMAN. The fact that we are not going to deprive people of human dignity as a retaliation is a horrendous notion, and I support Mr. Menendez's opposition to the substitute.

Mr. DELAHUNT. Mr. Chairman?

Chairman HYDE. The gentleman is pushing the envelope.

Mr. DELAHUNT. Mr. Chairman?

Chairman HYDE. I think we have been instructed by everybody enough on this amendment. I think we are ready for a vote if you do not want to come back tomorrow.

Mr. DELAHUNT. Mr. Chairman?

Chairman HYDE. Who is seeking recognition?

Mr. DELAHUNT. Mr. Delahunt.

Chairman HYDE. Mr. Delahunt?

Mr. DELAHUNT. And I promise I will not yield to Mr. Berman.

You know, this is very simple. I think that what we are about here is providing feedback to President Bush. I have full confidence that the Administration, in negotiations with Mexico, will have as its priorities American national interests.

The Administration, during the course of hearings in the Senate again before Senator Lugar, and I am going to read into the record the words of the Assistant Secretary Designate in charge of the Western Hemisphere. Unlike Mr. Tancredo, it would appear that Congress does have some role to play here, and that also appears to be the conclusion of the Administration. They are seeking advice and counsel from us.

In response to a question by Senator Lugar to Secretary Designate Mr. Noriega, and this is Senator Lugar speaking:

“The need to move, it seems to me, on the Mexican-American immigration front is imperative for a whole host of reasons.”

In response, the Secretary Designate indicates:

“Clearly, the Congress has an extraordinary important role to play in migration policy.”

Anything that we would seek to do would have to be in close consultation with you and your colleagues, with those that are directly involved in making immigration policy so that we know what the market would bear up here, meaning this institution frankly.

What we want to do is send a message to the President, to the Department of State, that Congress does support negotiations by the President with the Mexican Government to resolve all of the issues that have been alluded here today.

Mr. MENENDEZ. Would the gentleman yield?

Mr. DELAHUNT. I yield to Mr. Menendez.

Mr. MENENDEZ. I thank the gentleman for yielding. I know I want to vote on this bill as well, but this is an issue of major importance in this country.

Two quick points. The reason that this is pertinent is because we are talking about bilateral negotiations between two countries, about migration agreements, which we do with other people in the world. It is because it is also about a binational commission that has the Secretary of State represented on it, as well as the Mexican Foreign Minister, so it is fitting and appropriate to be in this bill, unlike the previous amendment that Mr. Tancredo talked about.

Now, if you want to reject the President, my colleagues on the other side can do so. The language that you rail against is the language that President Bush put in his communique of September 6, 2001. In that communique it was President Bush who says:

“. . . to renew our commitment to forging new and realistic approaches to migration to ensure it is safe, orderly, legal and dignified.”

That is President Bush. It is further President Bush who says:

“This includes respecting the human dignity of all migrants.”

If you have a problem with the President so be it, but that is his communique. That is his words. That is what we used in this resolution.

Lastly, if you in fact go ahead and adopt the Ballenger amendment, you will have gutted the Menendez amendment. You will not have made it about the migration accords that this President has said he wants to achieve. You will not have made it about regularizing and creating safety along the border. You will have made it about oil.

If that is what this Congress wants to go on record in our relationship with the Mexican Government and the Mexican people that what we care about is oil at a time in which various questions are being raised in this county about companies associated with this Administration, I think that is shameless.

I urge people to vote against the Ballenger amendment and then vote for the Menendez amendment.

Chairman HYDE. The question occurs—

Mr. PAYNE. Mr. Chairman? Mr. Chairman?

Chairman HYDE. Mr. Payne is seeking recognition.

Mr. PAYNE. Thank you. Yes. I would like to echo Mr. Menendez in strong support of defeat of the Ballenger amendment and the support of the Menendez amendment.

I think the things that Mr. Menendez has pointed out make a lot of sense. Mexican authorities say that there could be controlled immigration into the United States. They could put the number at 2,000,000 to 3,000,000 a year rather than the 5,000,000 or 6,000,000 that come across simply by having their authorities work with our authorities. They know where they are coming. They know when they are coming. It could be an orderly process. We could have these persons come in and go back when the seasonal work is done. There can really be an orderly process.

On September 6 several years ago, before September 11, the President had begun to unfold this plan that the U.S. and Mexico would be working together. However, when September 11 came and our whole policies changed and anti-immigration and anti-foreigners came into effect, it had the impact. That is the major impact on this whole plan.

I think that what Mr. Menendez is proposing could work. I think that if our authorities really wanted to work with Mexico to contain and work in a cooperative manner we could have the 2,000,000 or 3,000,000 that we know can come in and be absorbed legally to do the work that other people will not do. That is the only reason they keep coming.

I would say that to tie in the oil and a state run entity I think is just unjust. It is just wrong. I urge the defeat of Ballenger's amendment and the support of the Menendez amendment.

Chairman HYDE. The question occurs on the Ballenger substitute to Menendez. All in favor say aye?

[Chorus of ayes.]  
 Chairman HYDE. Opposed, nay?  
 [Chorus of noes.]  
 Chairman HYDE. The clerk will call the roll.  
 Ms. RUSH. Mr. Leach?  
 Mr. LEACH. Aye.  
 Ms. RUSH. Mr. Leach votes yes.  
 Mr. Bereuter?  
 Mr. BEREUTER. Aye.  
 Ms. RUSH. Mr. Bereuter votes yes.  
 Mr. Smith of New Jersey?  
 [No response.]  
 Ms. RUSH. Mr. Burton?  
 [No response.]  
 Ms. RUSH. Mr. Gallegly?  
 Mr. GALLEGLY. Aye.  
 Ms. RUSH. Mr. Gallegly votes yes.  
 Ms. Ros-Lehtinen?  
 [No response.]  
 Ms. RUSH. Mr. Ballenger?  
 Mr. BALLENGER. Aye.  
 Ms. RUSH. Mr. Ballenger votes yes.  
 Mr. Rohrabacher?  
 Mr. ROHRABACHER. Aye.  
 Ms. RUSH. Mr. Rohrabacher votes yes.  
 Mr. Royce?  
 Mr. ROYCE. Aye.  
 Ms. RUSH. Mr. Royce votes yes.  
 Mr. King?  
 Mr. KING. No.  
 Ms. RUSH. Mr. King votes no.  
 Mr. Chabot?  
 Mr. CHABOT. Aye.  
 Ms. RUSH. Mr. Chabot votes yes.  
 Mr. Houghton?  
 Mr. HOUGHTON. Yes.  
 Ms. RUSH. Mr. Houghton votes yes.  
 Mr. McHugh?  
 Mr. MCHUGH. Aye.  
 Ms. RUSH. Mr. McHugh votes yes.  
 Mr. Tancredo?  
 Mr. TANCREDO. Yes.  
 Ms. RUSH. Mr. Tancredo votes yes.  
 Mr. Paul?  
 Mr. PAUL. Aye.  
 Ms. RUSH. Mr. Paul votes yes.  
 Mr. Smith of Michigan?  
 Mr. SMITH OF MICHIGAN. Aye.  
 Ms. RUSH. Mr. Smith of Michigan votes yes.  
 Mr. Pitts?  
 Mr. PITTS. Aye.  
 Ms. RUSH. Mr. Pitts votes yes.  
 Mr. Flake?  
 Mr. FLAKE. Aye.

Ms. RUSH. Mr. Flake votes yes.  
Mrs. Davis?  
Mrs. DAVIS. Pass.  
Ms. RUSH. Mrs. Davis passes.  
Mr. Green?  
Mr. GREEN. Yes.  
Ms. RUSH. Mr. Green votes yes.  
Mr. Weller?  
Mr. WELLER. Yes.  
Ms. RUSH. Mr. Weller votes yes.  
Mr. Pence?  
Mr. PENCE. Yes.  
Ms. RUSH. Mr. Pence votes yes.  
Mr. McCotter?  
Mr. MCCOTTER. Yes.  
Ms. RUSH. Mr. McCotter votes yes.  
Mr. Janklow?  
[No response.]  
Ms. RUSH. Ms. Harris?  
Ms. HARRIS. Yes.  
Ms. RUSH. Ms. Harris votes yes.  
Mr. Janklow?  
Mr. JANKLOW. Aye.  
Ms. RUSH. Mr. Janklow votes yes.  
Mr. Lantos?  
Mr. LANTOS. No.  
Ms. RUSH. Mr. Lantos votes no.  
Mr. Berman?  
Mr. BERMAN. No.  
Ms. RUSH. Mr. Berman votes no.  
Mr. Ackerman?  
Mr. ACKERMAN. No.  
Ms. RUSH. Mr. Ackerman votes no.  
Mr. Faleomavaega?  
[No response.]  
Ms. RUSH. Mr. Payne?  
Mr. PAYNE. No.  
Ms. RUSH. Mr. Payne votes no.  
Mr. Menendez?  
Mr. MENENDEZ. No.  
Ms. RUSH. Mr. Menendez votes no.  
Mr. Brown?  
Mr. BROWN. No.  
Ms. RUSH. Mr. Brown votes no.  
Mr. Sherman?  
Mr. SHERMAN. No.  
Ms. RUSH. Mr. Sherman votes no.  
Mr. Wexler?  
Mr. WEXLER. No.  
Ms. RUSH. Mr. Wexler votes no.  
Mr. Engel?  
Mr. ENGEL. No.  
Ms. RUSH. Mr. Engel votes no.  
Mr. Delahunt?

Mr. DELAHUNT. No.  
 Ms. RUSH. Mr. Delahunt votes no.  
 Mr. Meeks?  
 Mr. MEEKS. No.  
 Ms. RUSH. Mr. Meeks votes no.  
 Ms. Lee?  
 Ms. LEE. No.  
 Ms. RUSH. Ms. Lee votes no.  
 Mr. Crowley?  
 [No response.]  
 Ms. RUSH. Mr. Hoeffel?  
 Mr. HOEFFEL. No.  
 Ms. RUSH. Mr. Hoeffel votes no.  
 Mr. Blumenauer?  
 Mr. BLUMENAUER. No.  
 Ms. RUSH. Mr. Blumenauer votes no.  
 Ms. Berkley?  
 Ms. BERKLEY. No.  
 Ms. RUSH. Ms. Berkley votes no.  
 Ms. Napolitano?  
 Ms. NAPOLITANO. No.  
 Ms. RUSH. Ms. Napolitano votes no.  
 Mr. Schiff?  
 Mr. SCHIFF. No.  
 Ms. RUSH. Mr. Schiff votes no.  
 Ms. Watson?  
 Ms. WATSON. No.  
 Ms. RUSH. Ms. Watson votes no.  
 Mr. Smith of Washington?  
 Mr. SMITH OF WASHINGTON. No.  
 Ms. RUSH. Mr. Smith of Washington votes no.  
 Ms. McCollum?  
 Ms. MCCOLLUM. No.  
 Ms. RUSH. Ms. McCollum votes no.  
 Mr. Bell?  
 Mr. BELL. No.  
 Ms. RUSH. Mr. Bell votes no.  
 Chairman Hyde?  
 Chairman HYDE. Aye.  
 Ms. RUSH. Chairman Hyde votes yes.  
 Chairman HYDE. Ms. Ros-Lehtinen?  
 Ms. ROS-LEHTINEN. Yes.  
 Ms. RUSH. Ms. Ros-Lehtinen votes yes.  
 Chairman HYDE. Mr. Smith of New Jersey?  
 Mr. SMITH OF NEW JERSEY. Yes.  
 Ms. RUSH. Mr. Smith of New Jersey votes yes.  
 Chairman HYDE. The clerk will report.  
 Ms. RUSH. Mrs. Davis? She passed.  
 Mrs. DAVIS. Yes.  
 Ms. RUSH. Yes? Mrs. Davis votes yes.  
 Chairman HYDE. The clerk will report.  
 Ms. RUSH. Mr. Chairman, on this vote there are 24 ayes and 22  
 noes.  
 Chairman HYDE. The amendment is agreed to.

The question occurs on the Menendez amendment as amended.  
All those in favor say aye?

[Chorus of ayes.]

Chairman HYDE. Opposed, no?

[Chorus of noes.]

Chairman HYDE. The ayes have it, and the amendment is agreed to.

The question occurs on the motion to report the bill, H.R. 1950, favorably as amended. All in favor say aye?

[Chorus of ayes.]

Chairman HYDE. Opposed, nay?

Mr. LANTOS. Mr. Chairman?

Chairman HYDE. The gentleman from California?

Mr. LANTOS. I request a recorded vote.

Chairman HYDE. A recorded vote is requested. The clerk will call the roll.

Ms. RUSH. Mr. Leach?

Mr. LEACH. Aye.

Ms. RUSH. Mr. Leach votes yes.

Mr. Bereuter?

Mr. BEREUTER. Aye.

Ms. RUSH. Mr. Bereuter votes yes.

Mr. Smith of New Jersey?

Mr. SMITH OF NEW JERSEY. Yes.

Ms. RUSH. Mr. Smith votes yes.

Mr. Burton?

[No response.]

Ms. RUSH. Mr. Gallegly?

Mr. GALLEGLY. Yes.

Ms. RUSH. Mr. Gallegly votes yes.

Ms. Ros-Lehtinen?

Ms. ROS-LEHTINEN. Yes.

Ms. RUSH. Ms. Ros-Lehtinen votes yes.

Mr. Ballenger?

Mr. BALLENGER. Aye.

Ms. RUSH. Mr. Ballenger votes yes.

Mr. Rohrabacher?

Mr. ROHRABACHER. Yes.

Ms. RUSH. Mr. Rohrabacher votes yes.

Mr. Royce?

Mr. ROYCE. Aye.

Ms. RUSH. Mr. Royce votes yes.

Mr. King?

Mr. KING. Aye.

Ms. RUSH. Mr. King votes yes.

Mr. Chabot?

Mr. CHABOT. Aye.

Ms. RUSH. Mr. Chabot votes yes.

Mr. Houghton?

Mr. HOUGHTON. Yes.

Ms. RUSH. Mr. Houghton votes yes.

Mr. McHugh?

Mr. MCHUGH. Aye.

Ms. RUSH. Mr. McHugh votes yes.

Mr. Tancredo?  
Mr. TANCREDO. Aye.  
Ms. RUSH. Mr. Tancredo votes yes.  
Mr. Paul?  
Mr. PAUL. No.  
Ms. RUSH. Mr. Paul votes no.  
Mr. Smith of Michigan?  
[No response.]  
Ms. RUSH. Mr. Pitts?  
Mr. PITTS. Aye.  
Ms. RUSH. Mr. Pitts votes yes.  
Mr. Flake?  
Mr. FLAKE. No.  
Ms. RUSH. Mr. Flake votes no.  
Mrs. Davis?  
Mrs. DAVIS. No.  
Ms. RUSH. Mrs. Davis votes no.  
Mr. Green?  
Mr. GREEN. Yes.  
Ms. RUSH. Mr. Green votes yes.  
Mr. Weller?  
Mr. WELLER. Yes.  
Ms. RUSH. Mr. Weller votes yes.  
Mr. Pence?  
Mr. PENCE. Yes.  
Ms. RUSH. Mr. Pence votes yes.  
Mr. McCotter?  
Mr. McCOTTER. Yes.  
Ms. RUSH. Mr. McCotter votes yes.  
Mr. Janklow?  
Mr. JANKLOW. Yes.  
Ms. RUSH. Mr. Janklow votes yes.  
Ms. Harris?  
[No response.]  
Ms. RUSH. Mr. Lantos?  
Mr. LANTOS. Yes.  
Ms. RUSH. Mr. Lantos votes yes.  
Mr. Berman?  
Mr. BERMAN. Aye.  
Ms. RUSH. Mr. Berman votes aye.  
Mr. Ackerman?  
Mr. ACKERMAN. Aye.  
Ms. RUSH. Mr. Ackerman votes aye.  
Mr. Faleomavaega?  
[No response.]  
Ms. RUSH. Mr. Payne?  
Mr. PAYNE. Yes.  
Ms. RUSH. Mr. Payne votes yes.  
Mr. Menendez?  
Mr. MENENDEZ. Yes.  
Ms. RUSH. Mr. Menendez votes yes.  
Mr. Brown?  
Mr. BROWN. Yes.  
Ms. RUSH. Mr. Brown votes yes.

Mr. Sherman?  
Mr. SHERMAN. Yes.  
Ms. RUSH. Mr. Sherman votes yes.  
Mr. Wexler?  
Mr. WEXLER. Yes.  
Ms. RUSH. Mr. Wexler votes yes.  
Mr. Engel?  
Mr. ENGEL. Yes.  
Ms. RUSH. Mr. Engel votes yes.  
Mr. Delahunt?  
Mr. DELAHUNT. Yes.  
Ms. RUSH. Mr. Delahunt votes yes.  
Mr. Meeks?  
Mr. MEEKS. Yes.  
Ms. RUSH. Mr. Meeks votes yes.  
Ms. Lee?  
Ms. LEE. Aye.  
Ms. RUSH. Ms. Lee votes yes.  
Mr. Crowley?  
Mr. CROWLEY. Aye.  
Ms. RUSH. Mr. Crowley votes yes.  
Mr. Hoeffel?  
Mr. HOEFFEL. Yes.  
Ms. RUSH. Mr. Hoeffel votes yes.  
Mr. Blumenauer?  
Mr. BLUMENAUER. Aye.  
Ms. RUSH. Mr. Blumenauer votes yes.  
Ms. Berkley?  
Ms. BERKLEY. Yes.  
Ms. RUSH. Ms. Berkley votes yes.  
Ms. Napolitano?  
Ms. NAPOLITANO. Yes.  
Ms. RUSH. Ms. Napolitano votes yes.  
Mr. Schiff?  
Mr. SCHIFF. Aye.  
Ms. RUSH. Mr. Schiff votes yes.  
Ms. Watson?  
Ms. WATSON. Yes.  
Ms. RUSH. Ms. Watson votes yes.  
Mr. Smith of Washington?  
Mr. SMITH OF WASHINGTON. Yes.  
Ms. RUSH. Mr. Smith votes yes.  
Ms. McCollum?  
Ms. MCCOLLUM. Aye.  
Ms. RUSH. Ms. McCollum votes yes.  
Mr. Bell?  
Mr. BELL. Yes.  
Ms. RUSH. Mr. Bell votes yes.  
Chairman Hyde?  
Chairman HYDE. Yes.  
Ms. RUSH. Chairman Hyde votes yes.  
Chairman HYDE. The clerk will report.  
Ms. RUSH. Mr. Chairman, on this vote there are 42 yeases, three  
noes.

Chairman HYDE. The bill is adopted.

The question occurs on the motion. All right. Without objection, the Chairman is authorized to move to go to conference pursuant to House Rule XXII.

Without objection, staff is directed to make any technical and conforming changes. Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute incorporating the amendments adopted here today.

The Chair thanks the Members for their excellent service.

Mr. LANTOS. Mr. Chairman?

Chairman HYDE. The gentleman from California.

Mr. LANTOS. Mr. Chairman, on behalf of the Democratic Members we want to express our deep appreciation to you for your fairness and leadership on this issue.

Chairman HYDE. Thank you very much, and the very same to you, Mr. Lantos.

Mr. BEREUTER. Mr. Chairman?

Chairman HYDE. Yes.

Mr. BEREUTER. I just wanted to announce that we will proceed with the joint Subcommittee hearing in this room just as soon as we can clear the room, so I appreciate the cooperation. Thank you very much, Mr. Chairman.

Chairman HYDE. Thank you.

[Whereupon, at 2:17 p.m. the Committee was adjourned.]

## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

PREPARED STATEMENT OF THE HONORABLE ADAM B. SCHIFF, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF CALIFORNIA

H.R. 1950

Mr. Chairman, I support this bill to reauthorize the State Department. In these troubled times, it is more important than ever that that we vigorously support diplomacy, development aid, and humanitarian aid throughout the world. I thank Chairman Hyde and Ranking Member Lantos for their leadership and hard work in crafting this important bill.

One area of particular concern to me is working to ensure that terrorists do not have easy access to weapons of mass destruction, particularly nuclear weapons. All-too vulnerable supplies of highly-enriched uranium or HEU—suitable for use in nuclear weapons—and fuel and waste from decommissioned reactors throughout Russia and the former Soviet Union pose grave threats to American security.

I am pleased to have worked with Committee staff to ensure that this bill contains language that directs the State Department to use a significant portion of the nonproliferation and disarmament fund (NDF) to reduce stockpiles of dangerous highly-enriched uranium (HEU). This action will reduce the direct and very real threat posed by stockpiles of HEU, a component of nuclear weapons and the fuel for over 100 research reactors worldwide in more than 40 nations, including Russia, Ukraine, Kazakhstan, Belarus, Latvia, and Uzbekistan. Because this material poses a grave threat as a terrorist weapon, there is an urgent need to deal with the small, insecure stocks of HEU used as fuel in research reactors. Operators of these reactors often do not have the financial resources to adequately protect this dangerous fuel, and there is grave danger that it could fall into the wrong hands.

The essence of the problem is as follows: HEU is the most likely source material for a terrorist or outlaw group seeking a nuclear weapon. Such groups are not likely to produce this material on their own, but will instead look to divert HEU from some of the many vulnerable stockpiles in numerous facilities around the world. Yet, currently, there is no single, coordinated U.S. government initiative working to secure and clean-out these international facilities of their HEU stocks.

The Non-proliferation and Disarmament Fund (NDF), within the U.S. Department of State, Bureau of Nonproliferation, is a unique and flexible entity that is well suited to take on the challenge of a global HEU clean-out. This fund's objective is to permit rapid response to unanticipated or unusually difficult, high priority requirements or opportunities to halt the proliferation of nuclear, biological, and chemical weapons, destroy or neutralize existing weapons of mass destruction, their delivery systems, and related sensitive materials; and to limit the spread of advanced conventional weapons and their delivery systems. Thus, this fund is an entirely appropriate mechanism for dealing with the issues of HEU clean-out and stockpile reduction.

Thus, this section of the bill increases total authorized funding for the Non-proliferation and Disarmament Fund (NDF) by \$25 million annually, and directs the State Department to use that additional funding for the mission of HEU cleanout.

I am confident that this provision will strengthen the State Department's ability to mitigate a critical weakness in our national security by proactively working to reduce the threats posed by stockpiles of nuclear material in the former Soviet Union.

I am also pleased to support Mr. Royce's amendment, which calls for an expansion of Radio Free Asia transmission to North Korea from the current four hours per day

to 24 hours per day. This amendment calls upon the Secretary of State to report to Congress on ways to increase the number of radio receivers in North Korea.

Overall, this bill will provide the State Department with the funding and direction that will enable it to effectively promote United States interests abroad, while providing much-needed foreign assistance and humanitarian aid, promoting cultural exchanges, and advancing national security goals.

