

**FOREIGN AFFAIRS ACTS**

PUBLIC LAW 107–228—SEPT. 30, 2002

**Public Law 107–228**  
**107th Congress**

**An Act**

Sept. 30, 2002  
[H.R. 1646]

To authorize appropriations for the Department of State for fiscal year 2003, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal year 2003, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Foreign Relations  
Authorization  
Act, Fiscal Year  
2003.  
22 USC 2651  
note.

**SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

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

Sec. 101. Short title.

TITLE I—AUTHORIZATIONS OF APPROPRIATIONS

Subtitle A—Department of State

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

Subtitle B—United States International Broadcasting Activities

Sec. 121. Authorizations of appropriations.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

Sec. 201. Emergency evacuation services.  
Sec. 202. Special agent authorities.  
Sec. 203. International Litigation Fund.  
Sec. 204. State Department records of overseas deaths of United States citizens from nonnatural causes.  
Sec. 205. Foreign Relations Historical Series.  
Sec. 206. Expansion of eligibility for award of certain construction contracts.  
Sec. 207. International Chancery Center.  
Sec. 208. Travel to Great Lakes fisheries meetings.  
Sec. 209. Correction of Fishermen’s Protective Act of 1967.  
Sec. 210. Use of funds received by the International Boundary and Water Commission.  
Sec. 211. Fee collections relating to intercountry adoptions and affidavits of support.  
Sec. 212. Annual reports on compliance with The Hague Convention on the Civil Aspects of International Child Abduction.  
Sec. 213. Repeal of provision regarding housing for Foreign Agricultural Attaches.  
Sec. 214. United States policy with respect to Jerusalem as the capital of Israel.  
Sec. 215. Report concerning efforts to promote Israel’s diplomatic relations with other countries.

## PUBLIC LAW 107-228—SEPT. 30, 2002

Sec. 216. Continuation of reporting requirements.

Subtitle B—Educational, Cultural, and Public Diplomacy Authorities

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

Subtitle C—Consular Authorities

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

Subtitle D—Migration and Refugees

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

TITLE III—ORGANIZATION AND PERSONNEL OF THE DEPARTMENT OF STATE

Subtitle A—Organizational Matters

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

Subtitle B—Personnel Matters

- Sec. 311. Thomas Jefferson Star for Foreign Service.
- Sec. 312. Presidential rank awards.
- Sec. 313. Foreign Service National Savings Fund.
- Sec. 314. Clarification of separation for cause.
- Sec. 315. Dependents on family visitation travel.
- Sec. 316. Health education and disease prevention programs.
- Sec. 317. Correction of time limitation for grievance filing.
- Sec. 318. Training authorities.
- Sec. 319. Unaccompanied air baggage.
- Sec. 320. Emergency medical advance payments.
- Sec. 321. Retirement credit for certain Government service performed abroad.
- Sec. 322. Computation of Foreign Service retirement annuities as if Washington, D.C., locality-based comparability payments were made to overseas-stationed Foreign Service members.
- Sec. 323. Plan for improving recruitment of veterans into the Foreign Service.
- Sec. 324. Report concerning minority employment.
- Sec. 325. Use of funds authorized for minority recruitment.
- Sec. 326. Assignments and details of personnel to the American Institute in Taiwan.
- Sec. 327. Annual reports on foreign language competence.
- Sec. 328. Travel of children of members of the Foreign Service assigned abroad.

TITLE IV—INTERNATIONAL ORGANIZATIONS

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

TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

- Sec. 501. Modification of limitation on grant amounts to RFE/RL, Incorporated.
- Sec. 502. Pay parity for senior executives of RFE/RL, Incorporated.
- Sec. 503. Authority to contract for local broadcasting services outside the United States.
- Sec. 504. Personal services contracting pilot program.

## PUBLIC LAW 107-228—SEPT. 30, 2002

- Sec. 505. Travel by Voice of America correspondents.
- Sec. 506. Report on broadcasting personnel.
- Sec. 507. Conforming amendments.

## TITLE VI—MISCELLANEOUS PROVISIONS

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

- Sec. 601. Short title.
- Sec. 602. Findings.
- Sec. 603. Reports.
- Sec. 604. Imposition of sanctions.

## Subtitle B—Tibet Policy

- Sec. 611. Short title.
- Sec. 612. Statement of purpose.
- Sec. 613. Tibet negotiations.
- Sec. 614. Reporting on Tibet.
- Sec. 615. Congressional-Executive Commission on the People's Republic of China.
- Sec. 616. Economic development in Tibet.
- Sec. 617. Release of prisoners and access to prisons.
- Sec. 618. Establishment of a United States branch office in Lhasa, Tibet.
- Sec. 619. Requirement for Tibetan language training.
- Sec. 620. Religious persecution in Tibet.
- Sec. 621. United States Special Coordinator for Tibetan Issues.

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

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

## Subtitle D—Clean Water for the Americas Partnership

- Sec. 641. Short title.
- Sec. 642. Definitions.
- Sec. 643. Establishment of program.
- Sec. 644. Environmental assessment.
- Sec. 645. Establishment of Technology America Centers.
- Sec. 646. Promotion of water quality, water treatment systems, and energy efficiency.
- Sec. 647. Grants for prefeasibility studies within a designated subregion.
- Sec. 648. Clean Water Technical Support Committee.
- Sec. 649. Authorization of appropriations.
- Sec. 650. Report.
- Sec. 651. Termination date.
- Sec. 652. Effective date.

## Subtitle E—Freedom Investment Act of 2002

- Sec. 661. Short title.
- Sec. 662. Purposes.
- Sec. 663. Human rights activities at the Department of State.
- Sec. 664. Human Rights and Democracy Fund.
- Sec. 665. Reports on actions taken by the United States to encourage respect for human rights.

## Subtitle F—Elimination and Streamlining of Reporting Requirements

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

## Subtitle G—Other Matters

- Sec. 681. Amendments to the International Religious Freedom Act of 1998.
- Sec. 682. Amendments to the Victims of Trafficking and Violence Protection Act of 2000.
- Sec. 683. Annual human rights country reports on child soldiers.
- Sec. 684. Extension of authority for Caucus on International Narcotics Control.
- Sec. 685. Participation of South Asian countries in international law enforcement.
- Sec. 686. Payment of anti-terrorism judgments.
- Sec. 687. Reports on participation by small businesses in procurement contracts of USAID.
- Sec. 688. Program to improve building construction and practices in Latin American countries.
- Sec. 689. Sense of Congress relating to HIV/AIDS and United Nations peacekeeping operations.
- Sec. 690. Sense of Congress relating to Magen David Adom Society.
- Sec. 691. Sense of Congress regarding the location of Peace Corps offices abroad.
- Sec. 692. Sense of Congress relating to resolution of the Taiwan Strait issue.
- Sec. 693. Sense of Congress relating to display of the American flag at the American Institute in Taiwan.

## PUBLIC LAW 107-228—SEPT. 30, 2002

- Sec. 694. Reports on activities in Colombia.
- Sec. 695. Report on United States-sponsored activities in Colombia.
- Sec. 696. Report on extradition policy and practice.
- Sec. 697. Special Court for Sierra Leone.
- Sec. 698. United States Envoy for Peace in Sudan.
- Sec. 699. Transfer of proscribed weapons to persons or entities in the West Bank and Gaza.
- Sec. 700. Sense of Congress relating to arsenic contamination in drinking water in Bangladesh.
- Sec. 701. Policing reform and human rights in Northern Ireland.
- Sec. 702. Annual reports on United States-Vietnam human rights dialogue meetings.
- Sec. 703. Sense of Congress regarding human rights violations in Indonesia.
- Sec. 704. Report concerning the German Foundation “Remembrance, Responsibility, and the Future”.
- Sec. 705. Sense of Congress on return of portraits of holocaust victims to the artist Dina Babbitt.
- Sec. 706. International drug control certification procedures.

## DIVISION B—SECURITY ASSISTANCE ACT OF 2002

## TITLE X—GENERAL PROVISIONS

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

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

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

## TITLE XII—MILITARY AND RELATED ASSISTANCE

## Subtitle A—Foreign Military Sales and Financing Authorities

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

## Subtitle B—International Military Education and Training

- Sec. 1211. Authorization of appropriations.
- Sec. 1212. Human rights violations.
- Sec. 1213. Participation in post-undergraduate flying training and tactical leadership programs.

## Subtitle C—Assistance for Select Countries

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

## Subtitle D—Excess Defense Article and Drawdown Authorities

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

## Subtitle E—Other Political-Military Assistance

- Sec. 1241. Destruction of surplus weapons stockpiles.

## Subtitle F—Antiterrorism Assistance

- Sec. 1251. Authorization of appropriations.

## Subtitle G—Other Matters

- Sec. 1261. Additions to United States War Reserve Stockpiles for Allies.
- Sec. 1262. Revised military assistance reporting requirements.
- Sec. 1263. Consultation with Congress with regard to Taiwan.

## TITLE XIII—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

## Subtitle A—General Provisions

- Sec. 1301. Authorization of appropriations.

## PUBLIC LAW 107-228—SEPT. 30, 2002

- Sec. 1302. Nonproliferation technology acquisition programs for friendly foreign countries.
- Sec. 1303. International nonproliferation and export control training.
- Sec. 1304. Relocation of scientists.
- Sec. 1305. International Atomic Energy Agency regular budget assessments and voluntary contributions.
- Sec. 1306. Amendments to the Iran Nonproliferation Act of 2000.
- Sec. 1307. Amendments to the North Korea Threat Reduction Act of 1999.
- Sec. 1308. Annual reports on the proliferation of missiles and essential components of nuclear, biological, chemical, and radiological weapons.
- Sec. 1309. Three-year international arms control and nonproliferation strategy.

## Subtitle B—Russian Federation Debt Reduction for Nonproliferation

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

## Subtitle C—Nonproliferation Assistance Coordination

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

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

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

## TITLE XIV—EXPEDITING THE MUNITIONS LICENSING PROCESS

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

## TITLE XV—NATIONAL SECURITY ASSISTANCE STRATEGY

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

## TITLE XVI—MISCELLANEOUS PROVISIONS

- Sec. 1601. Nuclear and missile nonproliferation in South Asia.
- Sec. 1602. Real-time public availability of raw seismological data.
- Sec. 1603. Detailing United States governmental personnel to international arms control and nonproliferation organizations.
- Sec. 1604. Diplomatic presence overseas.
- Sec. 1605. Compliance with the Chemical Weapons Convention.

## TITLE XVII—AUTHORITY TO TRANSFER NAVAL VESSELS

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

22 USC 2651  
note.

**SEC. 3. DEFINITIONS.**

In this Act:

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

Department of  
State  
Authorization  
Act, Fiscal Year  
2003.

**SEC. 101. SHORT TITLE.**

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

22 USC 2651  
note.

**TITLE I—AUTHORIZATIONS OF  
APPROPRIATIONS**

**Subtitle A—Department of State**

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

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

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—

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

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

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

(D) RECRUITMENT OF MINORITY GROUPS.—Of the amount authorized to be appropriated by subparagraph (A), \$2,000,000 for the fiscal year 2003 is authorized to be appropriated for the recruitment of members of minority groups for careers in the Foreign Service and international affairs.

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

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—

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

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

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

22 USC 4865  
note.

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

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

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

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

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

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

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

(1) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

(A) FULBRIGHT ACADEMIC EXCHANGE PROGRAMS.—

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

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

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

(B) OTHER EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

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

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

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

(2) NATIONAL ENDOWMENT FOR DEMOCRACY.—

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

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

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

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

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

(a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.—

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

(2) AVAILABILITY OF FUNDS FOR CIVIL BUDGET OF NATO.—Of the amount authorized to be appropriated under the heading “Contributions to International Organizations” for fiscal year 2003, and for each fiscal year thereafter, such sums as may



## PUBLIC LAW 107-228—SEPT. 30, 2002

be necessary are authorized for the United States assessment for the civil budget of the North Atlantic Treaty Organization.

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

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

(d) FOREIGN CURRENCY EXCHANGE RATES.—

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

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

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

22 USC 287e  
note.

#### SEC. 114. INTERNATIONAL COMMISSIONS.

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

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

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

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

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

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

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

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

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

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

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

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

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

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

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

(1) INTERNATIONAL BROADCASTING OPERATIONS.—

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

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

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

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

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

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

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

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

PUBLIC LAW 107-228—SEPT. 30, 2002

\$20,000,000 for the fiscal year 2003 for the Middle East Radio Network of Voice of America.

## TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

### Subtitle A—Basic Authorities and Activities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) by striking “(b) AGREEMENT.—” and all that follows through the end of paragraph (1) and inserting the following:

“(b) AGREEMENTS WITH ATTORNEY GENERAL AND SECRETARY OF THE TREASURY AND FIREARMS REGULATIONS.—

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

Federal Register,  
publication.

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

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

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

“(e) RETENTION OF FUNDS.—

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

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

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

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

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

22 USC 2729.

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

“(1) The date of death.

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

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

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

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

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

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

“(e) ANNUAL REPORTS BY THE SECRETARY.—

Deadline.

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

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

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

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

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

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

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

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

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

82 Stat. 958.

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

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

(2) by inserting “(a)” after “That”; and

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

- (1) by striking “five” and inserting “ten”; and
- (2) by striking “each” and inserting “the annual”.

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

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

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

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

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

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

- (1) in paragraph (2), by adding at the end the following new sentence: “Such fees shall remain available for obligation until expended.”; and
- (2) by striking paragraph (3).

42 USC 14943.

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

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

8 USC 1183a note.

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

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

42 USC 11601 note.

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

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

7 USC 1765d-1.

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

matic facility is under the supervision of the United States Ambassador to Israel.

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

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

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

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

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

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

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

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

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

Deadline.

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

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

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

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

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

22 USC 6091  
note.

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

112 Stat.  
2681-845.

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

22 USC 2656f  
note.

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

and inserting “Not later than May 1, 2003, and not later than May 1, 2004,”.

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

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

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

- (1) by inserting “(1)” immediately after “(d)”; and
- (2) by adding at the end the following:

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

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

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

22 USC 2452  
note.

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

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

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

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

22 USC 2451  
note.

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

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

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

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



## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

(e) **MEETINGS.**—A majority of the members of the Advisory Committee shall constitute a quorum. The Advisory Committee shall meet at least twice each year or as frequently as may be necessary to carry out its duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

“SEC. 5. In order to assist the Commission in carrying out its duties, the Secretary of State shall submit to the Commission an annual report discussing the overall United States policy objectives that are advanced through meetings of decision-making bodies of the Organization for Security and Cooperation in Europe (OSCE), the OSCE implementation review process, and other activities of the OSCE. The report shall also include a summary of specific United States policy objectives with respect to participating states where there is particular concern relating to the implementation of OSCE commitments or where an OSCE presence exists. Such summary shall address the role played by OSCE institutions,

## PUBLIC LAW 107-228—SEPT. 30, 2002

mechanisms, or field activities in achieving United States policy objectives. Each annual report shall cover the period from January 1 to December 31, shall be submitted not more than 90 days after the end of the reporting period, and shall be posted on the Internet website of the Department of State.”.

Deadline.

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

22 USC 2452  
note.

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

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

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

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

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

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

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

“(3) select the fellowship recipients.”.

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

(1) in subsection (f)—

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

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

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

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

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

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

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

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

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

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

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

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

“(2) **SCIENTIFIC AND TECHNICAL VOCABULARY IN ENGLISH.**—Fellowships awarded to Vietnamese nationals under paragraph

## PUBLIC LAW 107-228—SEPT. 30, 2002

(1) may include funding to improve English proficiency in a fellowship recipient's field of study.”.

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

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

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

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

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

(2) in section 209(b)—

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

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

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

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

(1) in section 206(d)—

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

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

(2) in section 206(e)—

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

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

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

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

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

22 USC 2464.

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

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

(b) COORDINATION WITH OTHER PROGRAMS.—The Secretary shall coordinate programs conducted pursuant to this section with similar programs that may be conducted by the United States Agency for International Development and other Federal agencies as part of United States international health programs, particularly with respect to research and treatment of infectious diseases.

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

**SEC. 229. CONFORMING AMENDMENTS.**

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

(2) in paragraph (3)—

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

(B) by striking subparagraph (B); and

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

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

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

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

## Subtitle C—Consular Authorities

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

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

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

(2) by adding at the end the following:

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

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

8 USC 1182f.

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

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

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

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

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

Deadline.

## PUBLIC LAW 107-228—SEPT. 30, 2002

8 USC 1201 note. **SEC. 233. PROCESSING OF VISA APPLICATIONS.**

Deadline.

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

(b) **DEFINITIONS.**—In this section:

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

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

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

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

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

## Subtitle D—Migration and Refugees

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

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

22 USC 2730.

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

“(a) **PROHIBITION.**—

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

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

“(b) **CONGRESSIONAL NOTIFICATION REQUIRED IN ALL CASES.**—None of the funds made available to the Department of State, or the United States Emergency Refugee and Migration Assistance Fund established in section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)), may be available to

## PUBLIC LAW 107-228—SEPT. 30, 2002

effect the involuntary return by the United States of any person to any country unless the Secretary first notifies the appropriate congressional committees, except that, in the case of an emergency involving a threat to human life, the Secretary shall notify the appropriate congressional committees as soon as practicable.

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

“(d) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

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

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

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

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

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

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

22 USC 2651a  
note.  
Deadlines.

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

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

Deadlines.  
22 USC 2651a  
note.  
Establishment.

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

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

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

(A) The objectives of the task force.

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

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

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

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

(b) INTERAGENCY WORKING GROUP.—

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

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

(A) The objectives of the working group.

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

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

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

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

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

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

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

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

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

“(2) OFFICER HAVING PRIMARY RESPONSIBILITY FOR DIPLOMATIC SECURITY.—The officer of the Department of State with primary responsibility for assisting the Secretary with respect



## PUBLIC LAW 107-228—SEPT. 30, 2002

to diplomatic security, or that officer's principal deputy, shall have substantial professional qualifications in the fields of (A) management, and (B) Federal law enforcement, intelligence, or security.

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

## Subtitle B—Personnel Matters

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

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

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

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

### SEC. 312. PRESIDENTIAL RANK AWARDS.

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

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

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

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

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

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

- (1) in paragraph (1), by inserting “decide to” after “may”;
- (2) by striking paragraphs (2), (3), (4), (5), and (6); and
- (3) by inserting after paragraph (1) the following:

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

“(ii) is serving under a limited appointment,

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

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

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

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

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

(1) in the first sentence—

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

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

(2) by striking the last sentence.

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

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

(b) PROMULGATION OF GUIDANCE.—The Secretary shall promulgate guidance for the implementation of the amendment made by subsection (a) to ensure its implementation in a manner which does not substantially increase the total amount of travel expenses paid or reimbursed by the Department for travel under section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081).

22 USC 4801  
note.

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

22 USC 4801  
note.

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

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

**SEC. 318. TRAINING AUTHORITIES.**

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

22 USC 4021 and  
note.  
22 USC 2725  
note.

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

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

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

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

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

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

5 USC 8411 note.

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

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

- (1) it was performed by such individual—
  - (A) after December 31, 1988, and before May 24, 1998;
  - (B) at a United States diplomatic mission, consular post (other than a consular agency), or other Foreign Service post abroad; and
  - (C) under a temporary appointment pursuant to sections 309 and 311 of the Foreign Service Act of 1980 (22 U.S.C. 3949 and 3951);
- (2) at the time of performing such service, such individual would have satisfied all eligibility requirements under regulations of the Department (as in effect on the date of the enactment of this Act) for a family member limited noncareer appointment (within the meaning of such regulations, as in effect on such date of enactment), except that, in applying this paragraph, an individual not employed by the Department while performing such service shall be treated as if then so employed;
- (3) such service would have been creditable under section 8411(b)(3) of such title 5 if—
  - (A) the service had been performed before January 1, 1989; and
  - (B) the deposit requirements of section 8411(f) of such title 5 had been met with respect to such service;
- (4) such service would not otherwise be creditable under the Federal Employees’ Retirement System or any other retire-

## PUBLIC LAW 107-228—SEPT. 30, 2002

ment system for employees of the United States Government (disregarding title II of the Social Security Act); and

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

(b) REQUIREMENTS.—

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

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

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

(2) GOVERNMENT CONTRIBUTIONS.—

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

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

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

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

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

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

(4) NOTIFICATION AND ASSISTANCE REQUIREMENTS.—

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

(B) ASSISTANCE TO INDIVIDUALS.—The Office shall, on request, assist any individual referred to in subparagraph (A) in obtaining from any department, agency, or other

Deadline.

## PUBLIC LAW 107-228—SEPT. 30, 2002

instrumentality of the United States such information in the possession of such instrumentality as may be necessary to verify the entitlement of such individual to have any service credited, or to have any annuity computed or recomputed, pursuant to this section.

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

(c) DEFINITIONS.—In this section:

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

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

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

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

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

(e) APPLICABILITY.—

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

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

(B) which commences on or after the effective date of the regulations prescribed to carry out this section (as determined under subsection (b)(1)(A)),

shall (subject to subsection (b)(1)) be computed taking into account all service described in subsection (a) that was performed by such individual.

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

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

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

(ii) which commences before the effective date referred to in paragraph (1)(B),

shall (subject to subsection (b)(1)) be recomputed taking into account all service described in subsection (a) that was performed by such individual.

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

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

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

(iii) which (if service described in subsection (a) had been taken into account, and an appropriate application been submitted) would have commenced before the effective date referred to in paragraph (1)(B),

shall (subject to subsection (b)(1)) be computed taking into account all service described in subsection (a) that was performed by such individual.

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

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

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

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

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

Regulations.

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

(a) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

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

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

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

(A) in paragraph (1)—

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

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

(B) in paragraph (2)—

PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

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

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

(b) FOREIGN SERVICE PENSION SYSTEM.—

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

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

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

“7.5 ..... After December 31, 2000.”

and inserting the following:

“7.55 ..... After January 11, 2003.”.

(c) EFFECTIVE DATES.—

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

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

22 USC 4046 note.

22 USC 4045 note.

Deadline.

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

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

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

**SEC. 324. REPORT CONCERNING MINORITY EMPLOYMENT.**22 USC 2651a  
note.

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 325. USE OF FUNDS AUTHORIZED FOR MINORITY RECRUITMENT.**22 USC 2651a  
note.

(a) CONDUCT OF RECRUITMENT ACTIVITIES.—

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

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

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

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



## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

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

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

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

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

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

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

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

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

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

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

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

and

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

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

Section 901(15) of the Foreign Service Act of 1980 (22 U.S.C. 4081(15)) is amended by striking “port of entry in the contiguous 48 States which is nearest to that post” and inserting “residence of the other parent, or between the post to which the member is assigned and the residence of the child if the child does not reside with a parent”.

## TITLE IV—INTERNATIONAL ORGANIZATIONS

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

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

(1) Section 912(b)(3) is amended by striking “, upon the certification described in section 941” and inserting the following: “upon a certification described in section 941 with respect

## PUBLIC LAW 107-228—SEPT. 30, 2002

to the United Nations or a particular designated specialized agency, and immediately with respect to organizations to which none of the conditions in section 941(b) apply”.

(2) Section 941(a)(2) is amended—

(A) by striking “also”;

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

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

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

(4) Section 941(b)(3) is amended—

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

(B) by striking “has established and”;

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

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

(5) Section 941(b)(9) is amended—

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

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

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

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

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

(2) by inserting after “respective agencies:” the following: “*Provided further*, That none of the funds appropriated or otherwise made available under this heading for payment of arrearages may be obligated with respect to a designated specialized agency of the United Nations until such time as the share of the total of all assessed contributions for that designated specialized agency does not exceed 22 percent for any member of the agency:”.

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

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

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

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

113 Stat.  
1501A-42.

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

(2) by adding at the end the following:

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

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

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

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

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

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

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

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

(A) by striking “Appropriations are authorized” and inserting “Subject to section 404(b)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note), appropriations are authorized”; and

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

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

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

22 USC 287e-3.

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

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

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

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

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

(2) The United States, which is assessed 22 percent of the United Nations regular budget, now pays its dues at least

## PUBLIC LAW 107-228—SEPT. 30, 2002

10 months late, and often later depending on when the relevant appropriation is enacted.

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

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

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should initiate a process to synchronize the payment of its assessments to the United Nations and other international organizations over a multiyear period so that the United States can resume paying its dues to such international organizations at the beginning of each calendar year.

(c) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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

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

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

Deadline.

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

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

President.

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

(b) CONFORMING AMENDMENTS.—

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

Deadline.  
Reports.

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

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

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

It is the sense of Congress that the President, having announced that the United States will rejoin the United Nations Educational, Scientific, and Cultural Organization (UNESCO), should submit a report to the appropriate congressional committees—

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

22 USC 287 note.

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

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

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

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

Deadline.  
Reports.

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

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

PUBLIC LAW 107-228—SEPT. 30, 2002

## TITLE V—UNITED STATES INTERNATIONAL BROADCASTING ACTIVITIES

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

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

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

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

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

(1) by adding at the end the following new subparagraph:

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

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

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

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

(1) by inserting before the period the following: “and is authorized to enter into contracts for periods not to exceed ten years to acquire local broadcasting services outside the United States”; and

(2) by striking “United States Information Agency” and inserting “Broadcasting Board of Governors”.

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

22 USC 6206  
note.

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

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

(1) The Director determines that existing personnel resources are insufficient and the need is not of permanent duration.

(2) The Director approves each employment of a personal services contractor.

(3) The contract length, including options, may not exceed 2 years, unless the Director makes a finding that exceptional circumstances justify an extension of up to one additional year.

(4) Not more than a total of 60 United States citizens or aliens are employed at any one time as personal services contractors under the program.

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

entered into prior to the termination date under this subsection may remain in effect for a period not to exceed 6 months after such termination date.

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

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

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

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

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

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

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

Deadline.

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

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

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

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

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

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

**SEC. 507. CONFORMING AMENDMENTS.**

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

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

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

## TITLE VI—MISCELLANEOUS PROVISIONS

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

Middle East  
Peace  
Commitments  
Act of 2002.

**SEC. 601. SHORT TITLE.**

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

**SEC. 602. FINDINGS.**

Congress makes the following findings:

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

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

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

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

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

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

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

**SEC. 603. REPORTS.**

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

President.

(b) TRANSMISSION.—The initial report required under subsection (a) shall be transmitted not later than 60 days after the date of enactment of this Act. Each subsequent report shall be submitted on the date on which the President is next required to submit a report under the P.L.O. Commitments Compliance Act of 1989 (title VIII of Public Law 101-246) and may be combined with such report.

Deadline.

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

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

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

(2) DOWNGRADE IN STATUS OF PLO OFFICE IN THE UNITED STATES.—Notwithstanding any other provision of law, the President shall withdraw or terminate any waiver by the President of the requirements of section 1003 of the Foreign Relations



## PUBLIC LAW 107-228—SEPT. 30, 2002

Authorization Act of 1988 and 1989 (22 U.S.C. 5202) (prohibiting the establishment or maintenance of a Palestinian information office in the United States), and such section shall apply so as to prohibit the operation of a PLO or Palestinian Authority office in the United States from carrying out any function other than those functions carried out by the Palestinian information office in existence prior to the Oslo Accords.

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

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

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

(1) the date that is 180 days after such date; or

(2) the date that the next report under section 603 is required to be transmitted.

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

## Subtitle B—Tibet Policy

Tibetan Policy Act of 2002.

22 USC 6901 note.

22 USC 6901 note.

22 USC 6901 note.

Deadline.

22 USC 6901 note.

### SEC. 611. SHORT TITLE.

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

### SEC. 612. STATEMENT OF PURPOSE.

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

### SEC. 613. TIBET NEGOTIATIONS.

(a) POLICY.—

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

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

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

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

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

### SEC. 614. REPORTING ON TIBET.

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

**SEC. 615. CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S  
REPUBLIC OF CHINA.**22 USC 6901  
note, 6912.

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

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

“(1) specific information”;

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

and

(3) by adding at the end the following:

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

**SEC. 616. ECONOMIC DEVELOPMENT IN TIBET.**22 USC 6901  
note.

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

(b) **INTERNATIONAL FINANCIAL INSTITUTIONS.**—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet, if the projects are designed in accordance with the principles contained in subsection (d).

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

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

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

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

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

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

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

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

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

22 USC 6901  
note.

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

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

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

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

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

22 USC 6901  
note.

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

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

22 USC 6901  
note.

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

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

22 USC 6901  
note.

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

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

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

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

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

22 USC 6901  
note.

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

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

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

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

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

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

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

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

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

East Timor  
Transition to  
Independence Act  
of 2002.

#### SEC. 631. SHORT TITLE.

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

22 USC 2656  
note.

#### SEC. 632. BILATERAL ASSISTANCE.

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

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

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

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

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

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

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

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

(b) AUTHORIZATION OF APPROPRIATIONS.—

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

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

22 USC 2656  
note.

#### SEC. 633. MULTILATERAL ASSISTANCE.

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

22 USC 2656  
note.

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

(a) OPIC.—The President should initiate negotiations with the Government of East Timor to enter into a new agreement authoriz-

22 USC 2656  
note.

## PUBLIC LAW 107-228—SEPT. 30, 2002

ing the Overseas Private Investment Corporation to carry out programs with respect to East Timor in order to expand United States investment in East Timor, emphasizing partnerships with local East Timorese enterprises.

(b) **TRADE AND DEVELOPMENT AGENCY.**—

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

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

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

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

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

Records.  
22 USC 2656  
note.

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

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

22 USC 2656  
note.

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

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

22 USC 2656  
note.

**SEC. 637. SECURITY ASSISTANCE FOR EAST TIMOR.**

(a) **STUDY AND REPORT.**—

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

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

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

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

Deadline.

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

(b) **AUTHORIZATION OF ASSISTANCE.**—

Effective date.

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

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

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

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

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

**SEC. 638. REPORTING REQUIREMENT.**

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

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

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

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

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

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

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

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

22 USC 2656  
note.  
Deadline.

## Subtitle D—Clean Water for the Americas Partnership

Clean Water for the Americas Partnership Act of 2002.

**SEC. 641. SHORT TITLE.**

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

22 USC 2151p  
note.

**SEC. 642. DEFINITIONS.**

In this subtitle:

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

(2) **LATIN AMERICAN OR CARIBBEAN NONGOVERNMENTAL ORGANIZATION.**—The term “Latin American or Caribbean non-

22 USC 2151p  
note.

## PUBLIC LAW 107-228—SEPT. 30, 2002

governmental organization” includes any institution of higher education, any private nonprofit entity involved in international education activities, or any research institute or other research organization, based in the region.

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

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

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

22 USC 2151p  
note.

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

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

22 USC 2151p  
note.

**SEC. 644. ENVIRONMENTAL ASSESSMENT.**

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

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

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

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

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

22 USC 2151p  
note.

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

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

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

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

Grants.  
22 USC 2151p  
note.

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

Subject to the availability of appropriations, the President is authorized to provide matching grants to United States associations and United States nonprofit entities for the purpose of promoting water quality, water treatment systems, and energy efficiency in

## PUBLIC LAW 107-228—SEPT. 30, 2002

the region. The grants shall be used to support joint projects, including professional exchanges, academic fellowships, training programs in the United States or in the region, cooperation in regulatory review, development of training materials, the establishment and development in the region of local chapters of the associations or nonprofit entities, and the development of online exchanges.

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

22 USC 2151p  
note.

(a) GRANT AUTHORITY.—

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

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

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

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

(d) DEFINITIONS.—In this section:

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

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

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

22 USC 2151p  
note.

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

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

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

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

22 USC 2151p  
note.

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

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

**SEC. 650. REPORT.**

Deadline.  
President.  
22 USC 2151p  
note.

Eighteen months after the establishment of the program pursuant to section 643, the President shall submit a report to the appropriate congressional committees containing—

(1) an assessment of the progress made in carrying out the program established under this subtitle; and

(2) any recommendations for the enactment of legislation to make changes in the program established under this subtitle.



## PUBLIC LAW 107-228—SEPT. 30, 2002

22 USC 2151p  
note.

**SEC. 651. TERMINATION DATE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), the authorities of this subtitle shall terminate 3 years after the date of establishment of the program described in section 643.

(b) **EXCEPTION.**—In lieu of the termination date specified in subsection (a), the termination required by that subsection shall take effect five years after the date of establishment of the program described in section 643 if, prior to the termination date specified in subsection (a), the President determines and certifies to the appropriate congressional committees that it would be in the national interest of the United States to continue the program described in such section 643 for an additional 2-year period.

22 USC 2151p  
note.

**SEC. 652. EFFECTIVE DATE.**

This subtitle shall take effect 90 days after the date of enactment of this Act.

Freedom  
Investment Act  
of 2002.  
Human rights.

## **Subtitle E—Freedom Investment Act of 2002**

22 USC 2151  
note.

**SEC. 661. SHORT TITLE.**

This subtitle may be cited as the “Freedom Investment Act of 2002”.

22 USC 2151n-2  
note.

**SEC. 662. PURPOSES.**

The purposes of this subtitle are the following:

(1) To underscore that promoting and protecting human rights is in the national interests of the United States and is consistent with American values and beliefs.

(2) To establish a goal of devoting one percent of the funds available to the Department under “Diplomatic and Consular Programs”, other than such funds that will be made available for worldwide security upgrades and information resource management, to enhance the ability of the United States to promote respect for human rights and the protection of human rights defenders.

**SEC. 663. HUMAN RIGHTS ACTIVITIES AT THE DEPARTMENT OF STATE.**

(a) **INCREASING RESOURCES AND IMPORTANCE OF HUMAN RIGHTS.**—It is the sense of Congress that—

(1) the budget for the Bureau of Democracy, Human Rights, and Labor for fiscal years 2003 and 2004 should be substantially increased so that beginning in fiscal year 2005, and each fiscal year thereafter, not less than 1 percent of the amounts made available to the Department under the heading “Diplomatic and Consular Programs”, other than amounts made available for worldwide security upgrades and information resource management, should be made available for salaries and expenses of the Bureau of Democracy, Human Rights, and Labor; and

(2) any assignment of an individual to a political officer position at a United States mission abroad that has the primary responsibility for monitoring human rights developments in a foreign country should be made upon the recommendation of the Assistant Secretary of State for Democracy, Human Rights, and Labor in conjunction with the head of the Department’s regional bureau having primary responsibility for that country.

Deadline.

(b) **PLAN RELATED TO HUMAN RIGHTS ACTIVITIES.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report containing a plan for the Department designed to achieve the following objectives:

## PUBLIC LAW 107-228—SEPT. 30, 2002

(1) Improving the integration of human rights policy into the Department's overall policy formulation and implementation.

(2) Achieving closer communication and policy coordination between the Bureau of Democracy, Human Rights, and Labor and the regional bureaus of the Department, both within the United States and at overseas posts.

(3) Assigning individuals recommended by the Bureau of Democracy, Human Rights, and Labor, in conjunction with the relevant Department regional bureau, to political officer positions at United States missions abroad that have the primary responsibility for monitoring human rights developments in foreign countries.

**SEC. 664. HUMAN RIGHTS AND DEMOCRACY FUND.**

22 USC 2151n-2.

(a) **ESTABLISHMENT OF FUND.**—There is established a Human Rights and Democracy Fund (in this section referred to as the “Fund”) to be administered by the Assistant Secretary of State for Democracy, Human Rights, and Labor.

(b) **PURPOSES OF FUND.**—The purposes of the Fund shall be—

- (1) to support defenders of human rights;
- (2) to assist the victims of human rights violations;
- (3) to respond to human rights emergencies;

(4) to promote and encourage the growth of democracy, including the support for nongovernmental organizations in foreign countries; and

(5) to carry out such other related activities as are consistent with paragraphs (1) through (4).

(c) **FUNDING.**—

(1) **IN GENERAL.**—Of the amounts made available to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 for fiscal year 2003, \$21,500,000 is authorized to be available to the Fund for carrying out the purposes described in subsection (b). Amounts made available to the Fund under this paragraph shall also be deemed to have been made available under section 116(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(e)).

(2) **ALLOCATION OF FUNDS FOR THE DOCUMENTATION CENTER OF CAMBODIA.**—Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, \$1,000,000 is authorized to be available for the Documentation Center of Cambodia for the purpose of collecting, cataloguing, and disseminating information about the atrocities committed by the Khmer Rouge against the Cambodian people.

(3) **FATHER JOHN KAISER MEMORIAL FUND.**—Of the amount authorized to be available to the Fund under paragraph (1) for fiscal year 2003, \$500,000 is authorized to be available to advance the extraordinary work and values of Father John Kaiser with respect to solving ethnic conflict and promoting government accountability and respect for human rights. The amount made available under this paragraph may be referred to as the “Father John Kaiser Memorial Fund”.

**SEC. 665. REPORTS ON ACTIONS TAKEN BY THE UNITED STATES TO ENCOURAGE RESPECT FOR HUMAN RIGHTS.**

(a) **SECTION 116 REPORT.**—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)) is amended—

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

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

(3) by adding at the end the following:

“(9) for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the

## PUBLIC LAW 107-228—SEPT. 30, 2002

extent to which the United States has taken or will take action to encourage an end to such practices in the country.”.

(b) SECTION 502B REPORT.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the fourth sentence the following: “Such report shall also include, for each country with respect to which the report indicates that extrajudicial killings, torture, or other serious violations of human rights have occurred in the country, the extent to which the United States has taken or will take action to encourage an end to such practices in the country.”.

22 USC 2151n  
note.

(c) SEPARATE REPORT.—The information to be included in the report required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 pursuant to the amendments made by subsections (a) and (b) may be submitted by the Secretary as a separate report. If the Secretary elects to submit such information as a separate report, such report shall be submitted not later than 30 days after the date of submission of the report required by section 116(d) and 502B(b) of the Foreign Assistance Act of 1961.

## Subtitle F—Elimination and Streamlining of Reporting Requirements

### SEC. 671. ELIMINATION OF CERTAIN REPORTING REQUIREMENTS.

The following provisions of law are hereby repealed:

(1) ECONOMIC POLICY AND TRADE PRACTICES.—Section 2202 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4711).

(2) ANNUAL REPORTS ON ECONOMIC AND SOCIAL GROWTH.—Section 574 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (22 U.S.C. 2394 note).

(3) REPORTING REQUIREMENTS REGARDING CERTAIN LEASES OF REAL PROPERTY.—Section 488(a)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291g(3)); relating to reporting requirements regarding certain leases of real property).

(4) REPORTING REQUIREMENTS REGARDING PLACEMENT OF SENIOR FOREIGN SERVICE PERSONNEL.—Section 324 of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (section 324 of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113; appendix G; 113 Stat. 1501A-437).

22 USC 3945  
note.

### SEC. 672. BIENNIAL REPORTS ON PROGRAMS TO ENCOURAGE GOOD GOVERNANCE.

(a) CONVERSION OF ANNUAL REPORTS TO BIENNIAL REPORTS.—Section 133(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)) is amended—

(1) in the subsection heading, by striking “ANNUAL REPORT” and inserting “BIENNIAL REPORTS”; and

(2) in paragraph (1)—

(A) in the text above subparagraph (A), by striking “an annual report” and inserting “a biennial report”;

(B) in subparagraph (A), by striking “prior year” and inserting “preceding two-year period”; and

(C) in subparagraph (B), by striking “prior year” and inserting “preceding two-year period”.

Deadline.  
22 USC 2152c  
note.

(b) TRANSITION.—The first biennial report under section 133(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(d)), as amended by subsection (a), is required to be submitted not later than two years after the date of submission of the last annual report required under such section 133 (as in effect before the date of enactment of this Act).

PUBLIC LAW 107-228—SEPT. 30, 2002

**Subtitle G—Other Matters****SEC. 681. AMENDMENTS TO THE INTERNATIONAL RELIGIOUS FREEDOM ACT OF 1998.**

(a) VIOLATIONS OF RELIGIOUS FREEDOM.—Section 102(b)(1)(B) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)(B)) is amended by inserting “including policies that discriminate against particular religious groups or members of such groups,” after “the existence of government policies violating religious freedom,”.

(b) ESTABLISHMENT OF STAGGERED TERMS OF MEMBERS OF COMMISSION.—Section 201(c) of such Act (22 U.S.C. 6431(c)) is amended by adding after paragraph (1) the following new paragraph:

“(2) ESTABLISHMENT OF STAGGERED TERMS.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), members of the Commission appointed to serve on the Commission during the period May 15, 2003, through May 14, 2005, shall be appointed to terms in accordance with the provisions of this paragraph.

“(B) PRESIDENTIAL APPOINTMENTS.—Of the three members of the Commission appointed by the President under subsection (b)(1)(B)(i), two shall be appointed to a 1-year term and one shall be appointed to a 2-year term.

“(C) APPOINTMENTS BY THE PRESIDENT PRO TEMPORE OF THE SENATE.—Of the three members of the Commission appointed by the President pro tempore of the Senate under subsection (b)(1)(B)(ii), one of the appointments made upon the recommendation of the leader in the Senate of the political party that is not the political party of the President shall be appointed to a 1-year term, and the other two appointments under such clause shall be 2-year terms.

“(D) APPOINTMENTS BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.—Of the three members of the Commission appointed by the Speaker of the House of Representatives under subsection (b)(1)(B)(iii), one of the appointments made upon the recommendation of the leader in the House of the political party that is not the political party of the President shall be to a 1-year term, and the other two appointments under such clause shall be 2-year terms.

“(E) APPOINTMENTS TO 1-YEAR TERMS.—The term of each member of the Commission appointed to a 1-year term shall be considered to have begun on May 15, 2003, and shall end on May 14, 2004, regardless of the date of the appointment to the Commission. Each vacancy which occurs upon the expiration of the term of a member appointed to a 1-year term shall be filled by the appointment of a successor to a 2-year term.

“(F) APPOINTMENTS TO 2-YEAR TERMS.—Each appointment of a member to a two-year term shall identify the member succeeded thereby, and each such term shall end on May 14 of the year that is at least two years after the expiration of the previous term, regardless of the date of the appointment to the Commission.”

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

(d) VACANCIES.—Section 201(g) of such Act (22 U.S.C. 6431(g)) is amended by adding at the end the following: “A member may serve after the expiration of that member’s term until a successor has taken office. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor

## PUBLIC LAW 107-228—SEPT. 30, 2002

was appointed shall be appointed only for the remainder of that term.”.

(e) **AUTHORIZATIONS OF APPROPRIATIONS.**—Section 207(a) of such Act (22 U.S.C. 6435(a)) is amended by inserting “for the fiscal year 2003” after “\$3,000,000”.

(f) **PROCUREMENT OF NONGOVERNMENTAL SERVICES.**—The third sentence of section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)) is amended to read as follows: “The Commission may procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code, except that the Commission may not expend more than \$100,000 in any fiscal year to procure such services.”.

(g) **REVISED TERMINATION DATE OF COMMISSION.**—Section 209 of the International Religious Freedom Act of 1998 (22 U.S.C. 6436) is amended by striking “May 14, 2003” and inserting “September 30, 2011”.

**SEC. 682. AMENDMENTS TO THE VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000.**

(a) **ASSISTANCE FOR VICTIMS IN OTHER COUNTRIES.**—Section 107(a)(1) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7105(a)(1)) is amended by adding at the end the following: “In addition, such programs and initiatives shall, to the maximum extent practicable, include the following:

“(A) Support for local in-country nongovernmental organization-operated hotlines, culturally and linguistically appropriate protective shelters, and regional and international nongovernmental organization networks and databases on trafficking, including support to assist nongovernmental organizations in establishing service centers and systems that are mobile and extend beyond large cities.

“(B) Support for nongovernmental organizations and advocates to provide legal, social, and other services and assistance to trafficked individuals, particularly those individuals in detention.

“(C) Education and training for trafficked women and girls.

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

“(E) Support for developing or increasing programs to assist families of victims in locating, repatriating, and treating their trafficked family members, in assisting the voluntary repatriation of these family members or their integration or resettlement into appropriate communities, and in providing them with treatment.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 113 of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7110) is amended—

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

(2) in subsection (c)—

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

(B) in paragraph (2)—

(i) by striking “there are authorized to be appropriated to the Secretary of State” and inserting “there is authorized to be appropriated to the Secretary of State for each of the fiscal years 2001, 2002, and 2003”; and

(ii) by striking “for fiscal year 2001” and inserting “for such fiscal year”; and

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

**SEC. 683. ANNUAL HUMAN RIGHTS COUNTRY REPORTS ON CHILD SOLDIERS.**

(a) COUNTRIES RECEIVING ECONOMIC ASSISTANCE.—Section 116(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d)), as amended by section 665(a) of this Act, is further amended—

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

(2) in paragraph (9), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(10)(A) wherever applicable, a description of the nature and extent—

“(i) of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, and the participation of such individuals in such groups; and

“(ii) that such individuals take a direct part in hostilities;

“(B) what steps, if any, taken by the government of the country to eliminate such practices; and

“(C) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary.”.

(b) COUNTRIES RECEIVING SECURITY ASSISTANCE.—Section 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)) is amended by inserting after the sixth sentence the following: “Each report under this section shall also include (i) wherever applicable, a description of the nature and extent of the compulsory recruitment and conscription of individuals under the age of 18 by armed forces of the government of the country, government-supported paramilitaries, or other armed groups, the participation of such individuals in such groups, and the nature and extent that such individuals take a direct part in hostilities, (ii) what steps, if any, taken by the government of the country to eliminate such practices, and (iii) such other information related to the use by such government of individuals under the age of 18 as soldiers, as determined to be appropriate by the Secretary of State.”.

**SEC. 684. EXTENSION OF AUTHORITY FOR CAUCUS ON INTERNATIONAL NARCOTICS CONTROL.**

Section 814(i) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (Public Law 99-93) is amended by striking “2002” and inserting “2005”.

22 USC 2291  
note.

**SEC. 685. PARTICIPATION OF SOUTH ASIAN COUNTRIES IN INTERNATIONAL LAW ENFORCEMENT.**

The Secretary shall ensure, where practicable, that appropriate government officials from countries in the South Asia region shall be eligible to attend courses at the International Law Enforcement Academy located in Bangkok, Thailand, and Budapest, Hungary, consistent with other provisions of law, with the goal of enhancing regional cooperation in the fight against transnational crime.

**SEC. 686. PAYMENT OF ANTI-TERRORISM JUDGMENTS.**

Section 2002(a)(2)(A)(ii) of the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386; 114 Stat. 1542) is amended by striking “or July 27, 2000” and inserting “June 6, 2000, July 27, 2000, or January 16, 2002”.

## PUBLIC LAW 107-228—SEPT. 30, 2002

22 USC 2352  
note.

**SEC. 687. REPORTS ON PARTICIPATION BY SMALL BUSINESSES IN  
PROCUREMENT CONTRACTS OF USAID.**

Deadline.

(a) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the designated congressional committees a report that contains the following:

(1) For each of the fiscal years 2000, 2001, and 2002:

(A) The total number of the contracts that were awarded by the Agency to—

- (i) all small businesses;
- (ii) small business concerns owned and controlled by socially and economically disadvantaged individuals;
- (iii) small business concerns owned and controlled by women;

(iv) small businesses participating in the program under section 8(a) of such Act (15 U.S.C. 637(a)); and

(v) qualified HUBZone small business concerns.

(B) The percentage of all contracts awarded by the Agency that were awarded to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.

(C) Of all contracts awarded by the Agency for performance in the United States, the percentage of the contracts that were awarded to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.

(D) To the extent available—

(i) the total number of grant and cooperative agreements that were made by the Agency to the small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A);

(ii) the percentage of all grant and cooperative agreements awarded by the Agency that were awarded to small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts; and

(iii) of all grant and cooperative agreements made by the Agency to entities in the United States, the percentage of the grant and cooperative agreements that were awarded to small businesses in each category of small businesses specified in clauses (i) through (v) of subparagraph (A), as computed on the basis of dollar amounts.

(E) To the extent available—

(i) the total dollar amount of all subcontracts entered into with the small businesses in each category specified in clauses (i) through (v) of subparagraph (A) by the prime contractors for contracts entered into by the Agency; and

(ii) the percentage of all contracts entered into by the Agency that were performed under subcontracts described in clause (i), as computed on the basis of dollar amounts.

(2) An analysis of any specific industries or sectors that are underrepresented by small businesses in the awarding of contracts by the Agency and, to the extent such information is available, such analysis pertaining to the making of grants and cooperative agreements by the Agency.

(3) A specific plan of outreach, including measurable achievement milestones, to increase the total number of contracts that are awarded by the Agency, and the percentage

## PUBLIC LAW 107-228—SEPT. 30, 2002

of all contracts awarded by the Agency (computed on the basis of dollar amount) that are awarded, to—

- (A) all small businesses;
- (B) small business concerns owned and controlled by socially and economically disadvantaged individuals;
- (C) small business concerns owned and controlled by women;
- (D) small businesses participating in the program under section 8(a) of such Act (15 U.S.C. 637(a)); and
- (E) qualified HUBZone small business concerns,

in order to meet the statutory and voluntary targets established by the Agency and the Small Business Administration, with a particular focus on the industries or sectors identified in paragraph (2).

(4) Any other information the Administrator determines appropriate.

(b) **PLAN TO INCREASE SMALL BUSINESS CONTRACTING.**—The plan required for the report under subsection (a)(3) shall include the following matters:

(1) Proposals and milestones that apply to all contracts entered into by or on behalf of the Agency in Washington, D.C., and proposals and milestones that apply to all contracts entered into by or on behalf of the Agency by offices outside Washington, D.C.

(2) Proposals and milestones of the Agency to increase the amount of subcontracting to businesses described in such subsection (a)(3) by the prime contractors of the Agency.

(3) With the milestones described in paragraph (2), a description of how the Administrator plans to use the failure of a prime contractor to meet goals as a ranking factor for evaluating any other submission from the contractor for future contracts by the Agency.

(c) **ANNUAL REPORTS.**—Not later than January 31, 2004, January 31, 2005, and January 31, 2006, the Administrator shall submit to the designated congressional committees a report for the preceding fiscal year that contains a description of the percentage of total contract and grant and cooperative agreement dollar amounts that were entered into by the Agency, and the total number of contracts and grants and cooperative agreements that were awarded by the Agency, to small businesses in each category specified in clauses (i) through (v) of subsection (a)(1)(A) during such fiscal year. The report for a fiscal year shall include, separately stated for contracts and grant and cooperative agreements entered into by the Agency, the percentage of the contracts and grant and cooperative agreements, respectively, that were awarded to small businesses in each such category, as computed on the basis of dollar amounts. The report shall also include a description of achievements toward measurable milestones for direct contracts of the Agency entered into by offices outside of Washington, D.C., and for subcontracting by prime contractors of the Agency.

Deadlines.

(d) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the United States Agency for International Development.

(2) **AGENCY.**—The term “Agency” means the United States Agency for International Development.

(3) **DESIGNATED CONGRESSIONAL COMMITTEES.**—The term “designated congressional committees” means—

(A) the Committee on International Relations and the Committee on Small Business of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Small Business of the Senate.



## PUBLIC LAW 107-228—SEPT. 30, 2002

22 USC 2152e.

**SEC. 688. PROGRAM TO IMPROVE BUILDING CONSTRUCTION AND PRACTICES IN LATIN AMERICAN COUNTRIES.**

(a) **IN GENERAL.**—The President, acting through the Administrator of the United States Agency for International Development, is authorized, under such terms and conditions as the President may determine, to carry out a program to improve building construction codes and practices in Ecuador, El Salvador, and other Latin American countries (in this section referred to as the “program”).

(b) **PROGRAM DESCRIPTION.**—

(1) **IN GENERAL.**—The program shall be in the form of grants to, or contracts with, organizations described in paragraph (2) to support the following activities:

(A) **TRAINING.**—Training of appropriate professionals in Latin America from both the public and private sectors to enhance their understanding of building and housing codes and standards.

(B) **TRANSLATION AND DISTRIBUTION.**—Translating and distributing in the region detailed construction manuals, model building codes, and publications from organizations described in paragraph (2), including materials that address zoning, egress, fire and life safety, plumbing, sewage, sanitation, electrical installation, mechanical installation, structural engineering, and seismic design.

(C) **OTHER ASSISTANCE.**—Offering other relevant assistance as needed, such as helping government officials develop seismic micro-zonation maps or draft pertinent legislation, to implement building codes and practices that will help improve the resistance of buildings and housing in the region to seismic activity and other natural disasters.

(2) **COVERED ORGANIZATIONS.**—Grants and contracts provided under this section shall be carried out through United States organizations with expertise in the areas described in paragraph (1), including the American Society of Testing Materials, the Underwriters Laboratories, the American Society of Mechanical Engineers, the American Society of Civil Engineers, the American Society of Heating, Refrigeration, and Air Conditioning Engineers, the International Association of Plumbing and Mechanical Officials, the International Code Council, and the National Fire Protection Association.

**SEC. 689. SENSE OF CONGRESS RELATING TO HIV/AIDS AND UNITED NATIONS PEACEKEEPING OPERATIONS.**

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

**SEC. 690. SENSE OF CONGRESS RELATING TO MAGEN DAVID ADOM SOCIETY.**

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

(1) It is the mission of the International Red Cross and Red Crescent Movement to prevent and alleviate human suffering wherever it may be found, without discrimination.

(2) The International Red Cross and Red Crescent Movement is a worldwide institution in which all national Red Cross and Red Crescent societies have equal status.

(3) The Magen David Adom Society is the national humanitarian society in the State of Israel.

(4) Since 1949 the Magen David Adom Society has been refused admission into the International Red Cross and Red Crescent Movement and has been relegated to observer status without a vote because it has used the Red Shield of David, the only such national organization denied membership in the Movement.

## PUBLIC LAW 107-228—SEPT. 30, 2002

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

(1) the International Committee of the Red Cross should immediately recognize the Magen David Adom Society;

(2) the Federation of Red Cross and Red Crescent Societies should grant full membership to the Magen David Adom Society immediately following recognition by the International Committee of the Red Cross of the Magen David Adom Society as a full member of the International Committee of the Red Cross;

(3) the Red Shield of David should be accorded the same protections under international law as the Red Cross and the Red Crescent; and

(4) the United States should continue to press for full membership for the Magen David Adom Society in the International Red Cross Movement.

**SEC. 691. SENSE OF CONGRESS REGARDING THE LOCATION OF PEACE CORPS OFFICES ABROAD.**

It is the sense of the Congress that, to the degree permitted by security considerations, the Secretary should give favorable consideration to requests by the Director of the Peace Corps that the Secretary exercise his authority under section 606(a)(2)(B) of the Secure Embassy Construction and Counterterrorism Act of 1999 (22 U.S.C. 4865(a)(2)(B)) to waive certain requirements of that Act in order to permit the Peace Corps to maintain offices in foreign countries at locations separate from the United States embassy.

**SEC. 692. SENSE OF CONGRESS RELATING TO RESOLUTION OF THE TAIWAN STRAIT ISSUE.**

It is the sense of the Congress that Taiwan is a mature democracy that fully respects human rights and it is the policy of the United States that any resolution of the Taiwan Strait issue must be peaceful and include the assent of the people of Taiwan.

**SEC. 693. SENSE OF CONGRESS RELATING TO DISPLAY OF THE AMERICAN FLAG AT THE AMERICAN INSTITUTE IN TAIWAN.**

It is the sense of the Congress that the American Institute in Taiwan and the residence of the director of the American Institute in Taiwan should publicly display the flag of the United States in the same manner as United States embassies, consulates, and official residences throughout the world.

**SEC. 694. REPORTS ON ACTIVITIES IN COLOMBIA.**

(a) REPORT ON REFORM ACTIVITIES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary shall submit to the appropriate congressional committees a report on the status of activities funded or authorized, in whole or in part, by the Department or the Department of Defense in Colombia to promote alternative development, recovery and resettlement of internally displaced persons, judicial reform, the peace process, and human rights.

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

(A) A summary of activities described in paragraph

(1) during the previous 12-month period.

(B) An estimated timetable for the conduct of such activities in the subsequent 12-month period.

(C) An explanation of any delay in meeting timetables contained in the previous report submitted in accordance with this subsection.

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

(b) REPORT ON CERTAIN COUNTERNARCOTICS ACTIVITIES.—

22 USC 2291  
note.

Deadlines.

## PUBLIC LAW 107-228—SEPT. 30, 2002

(1) **DECLARATION OF POLICY.**—It is the policy of the United States to encourage the transfer of counternarcotics activities carried out in Colombia by United States businesses that have entered into agreements with the Department or the Department of Defense to conduct such activities, to Colombian nationals, in particular personnel of the Colombian antinarcotics police, when properly qualified personnel are available.

Deadlines.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter, the Secretary shall submit to the appropriate congressional committees a report on the activities of United States businesses that have entered into agreements in the previous 12-month period with the Department or the Department of Defense to carry out counternarcotics activities in Colombia.

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

(A) The name of each United States business described in paragraph (2) and description of the counternarcotics activities carried out by the business in Colombia.

(B) The total value of all payments by the Department and the Department of Defense to each such business for such activities.

(C) A written statement justifying the decision by the Department and the Department of Defense to enter into an agreement with each such business for such activities.

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

(E) A plan to provide for the transfer of the counternarcotics activities carried out by such United States businesses to Colombian nationals, in particular personnel of the Colombian antinarcotics police.

(4) **DEFINITION.**—In this subsection, the term “United States business” means any person (including any corporation, partnership, or other organization) that is subject to the jurisdiction of the United States or organized under the laws of the United States, but does not include any person (including any corporation, partnership, or other organization) that performs contracts involving personal services.

**SEC. 695. REPORT ON UNITED STATES-SPONSORED ACTIVITIES IN COLOMBIA.**

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

(1) Heroin originating from Colombia is beginning to dominate the illicit market of that narcotic in the United States partly because law enforcement has struggled to interdict effectively what is often voluminous importations of small quantities of Colombia’s inexpensive and pure heroin.

(2) Destruction of opium, from which heroin is derived, at its source in Colombia is traditionally one of the best strategies to combat the heroin crisis in the United States, according to Federal law enforcement officials.

(3) There is a growing alarm concerning the spillover effect of Plan Colombia on Ecuador, a frontline state. The northern region of Ecuador, including the Sucumbios province, is an area of particular concern.

(4) As a result of Plan Colombia-related activities, drug traffickers, guerrillas, and paramilitary groups have made incursions from Colombia into Ecuador, increasing the level of violence and delinquency in the border region.

Deadline.

(b) **REPORT TO CONGRESS.**—Not later than 150 days after the date of enactment of this Act, the Secretary shall submit a report to the appropriate congressional committees which sets forth a

## PUBLIC LAW 107-228—SEPT. 30, 2002

statement of policy and comprehensive strategy for United States activities in Colombia related to—

- (1) the eradication of all opium cultivation at its source in Colombia; and
- (2) the impact of Plan Colombia on Ecuador and the other adjacent countries to Colombia.

**SEC. 696. REPORT ON EXTRADITION POLICY AND PRACTICE.**

Not later than May 1, 2003, the Secretary shall submit a report to the appropriate congressional committees on extradition practice between the United States and governments of foreign countries with which the United States has an extradition relationship. The report shall include—

- (1) an aggregate list, by country, of—
  - (A) the number of extradition requests made by the United States to that country in 2002; and
  - (B) the number of fugitives extradited by that country to the United States in 2002;
- (2) an aggregate list, by country, of—
  - (A) the number of extradition requests made by that country to the United States in 2002; and
  - (B) the number of fugitives extradited by the United States to that country in 2002;
- (3) any other relevant information regarding difficulties the United States has experienced in obtaining the extradition of fugitives (including a discussion of the unwillingness of treaty partners to extradite nationals or where fugitives may face capital punishment or life imprisonment); and
- (4) a summary of the Department's efforts in 2002 to negotiate new or revised extradition treaties, and its agenda for such negotiations in 2003.

**SEC. 697. SPECIAL COURT FOR SIERRA LEONE.**

(a) FINDING.—Congress finds that prompt establishment of a Special Court for Sierra Leone is an important step in restoring a credible system of justice and accountability for the crimes committed in Sierra Leone and would contribute to the process of national reconciliation in that country.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support the Truth and Reconciliation Commission in Sierra Leone, including through assistance in the collection of human rights data relevant to the Commission's work.

(c) ALLOCATION OF FUNDS.—Of the amounts made available to the Department of State for fiscal year 2003, there is authorized to be available \$5,000,000 to support the Special Court for Sierra Leone.

(d) EXTENSION OF REWARDS PROGRAM.—Section 102 of Public Law 105-323, as amended (22 U.S.C. 2708 note), is further amended—

- (1) in subsection (a), by inserting “the Special Court of Sierra Leone” after “by,”; and
- (2) in subsection (c), by adding at the end the following new paragraph:

“(3) For the purposes of subsection (a), the Statute of the Special Court for Sierra Leone means the Statute contained in the Annex to the Agreement Between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone.”.

**SEC. 698. UNITED STATES ENVOY FOR PEACE IN SUDAN.**

There should continue to be a United States Envoy for Peace in Sudan until the full implementation of a comprehensive settlement to the conflict in Sudan that is acceptable to the parties to the conflict.

## PUBLIC LAW 107-228—SEPT. 30, 2002

22 USC 2301  
note.

**SEC. 699. TRANSFER OF PROSCRIBED WEAPONS TO PERSONS OR ENTITIES IN THE WEST BANK AND GAZA.**

(a) DETERMINATION REGARDING TRANSFERS.—If the President determines, based on a preponderance of the evidence, that a foreign person or entity has knowingly transferred proscribed weapons to Palestinian entities in the West Bank or Gaza, then, for the period specified in subsection (b), no assistance may be provided to the person or entity under part II of the Foreign Assistance Act of 1961 and no sales of defense articles or defense services may be made to the person or entity under section 23 of the Arms Export Control Act.

(b) DURATION OF PROHIBITION.—The period referred to in subsection (a) is the period commencing on the date on which a notification of a determination under subsection (a) is submitted to the appropriate congressional committees and ending on the date that is two years after such date.

President.

(c) REPORT.—In conjunction with the report required under title VIII of the P.L.O. Commitments Compliance Act of 1989 (Public Law 101-246), the President shall submit a report to the appropriate congressional committees on transfers reviewed pursuant to subsection (a).

(d) DEFINITION.—In this section, the term “proscribed weapons” means arms, ammunition, and equipment the transfer of which is not in compliance with the Agreement on the Gaza Strip and the Jericho Area of May 4, 1994, its annexes, or subsequent agreements between Israel and the PLO, or Palestinian Authority, as appropriate.

**SEC. 700. SENSE OF CONGRESS RELATING TO ARSENIC CONTAMINATION IN DRINKING WATER IN BANGLADESH.**

(a) FINDINGS.—Congress finds that—

(1) beginning in 1993, naturally occurring inorganic arsenic contamination of water began to be confirmed in Bangladesh in tube-wells installed in the 1970s, when standard water testing did not include arsenic tests;

(2) because health effects of ingesting arsenic-contaminated drinking water appear slowly, preventative measures are critical to preventing future contamination in the Bangladeshi population; and

(3) health effects of exposure to arsenic include skin lesions, skin cancer, and mortality from internal cancers.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should—

(1) work with appropriate United States Government agencies, national laboratories, universities in the United States, the Government of Bangladesh, international financial institutions and organizations, and international donors to identify a long-term solution to the arsenic-contaminated drinking water problem in Bangladesh, including drawing arsenic out of the existing tube-wells and finding alternate sources of water; and

(2) submit a report to the appropriate congressional committees on proposals to bring about arsenic-free drinking water to Bangladeshis and to facilitate treatment for those who have already been affected by arsenic-contaminated drinking water in Bangladesh.

**SEC. 701. POLICING REFORM AND HUMAN RIGHTS IN NORTHERN IRELAND.**

(a) CONGRESSIONAL STATEMENT OF POLICY.—Congress—

(1) supports independent judicial public inquiries into the murders of defense attorneys Patrick Finucane and Rosemary Nelson as a way to instill confidence in the Police Service of Northern Ireland; and

Patrick  
Finucane.  
Rosemary  
Nelson.

## PUBLIC LAW 107-228—SEPT. 30, 2002

(2) continues to urge the United Kingdom to take appropriate action to protect defense lawyers and human rights defenders in Northern Ireland.

(b) DECOMMISSIONING WEAPONS.—Congress—

(1) calls on the Irish Republican Army to continue and complete the decommissioning of all their arms and explosives; and

(2) calls for—

(A) the decommissioning of all weapons held by paramilitaries on all sides, such as the Provisional Irish Republican Army (PIRA), the Real Irish Republican Army (RIRA), the Continuity Irish Republican Army (CIRA), the Loyalist Volunteer Force (LVF), the Orange Volunteers (OV), the Red Hand Defenders (RHD), the Ulster Defense Association/Ulster Freedom Fighters (UDA/UFF), the Ulster Volunteer Force (UVF); and

(B) the immediate cessation of paramilitary punishment attacks and exiling.

(c) SUPPORT FOR GLOBAL WAR ON TERRORISM.—Congress recognizes the United Kingdom's commitment to support the United States in a global war on terrorism.

(d) REPORT ON POLICING REFORM AND HUMAN RIGHTS IN NORTHERN IRELAND.—Not later than 60 days after the date of the enactment of this Act, the President shall submit a report to the appropriate congressional committees on the following:

Deadline.  
President.

(1) The extent to which the Governments of the United Kingdom and Ireland have implemented the recommendations relating to the 175 policing reforms contained in the Patten Commission report issued on September 9, 1999, including a description of the progress of the integration of human rights, as well as recruitment procedures aimed at increasing Catholic representation, including the effectiveness of such procedures, in the new Police Service of Northern Ireland.

(2) The status of the investigations into the murders of Patrick Finucane, Rosemary Nelson, and Robert Hammill, including the extent to which progress has been made on recommendations for independent judicial public inquiries into these murders.

Robert Hammill.

(3) All decommissioning acts taken to date by the Irish Republican Army, including the quantity and precise character of what the IRA decommissioned, as reported and verified by the International Commission on Decommissioning.

(4) All acts of decommissioning taken by other paramilitary organizations, including a description of all weapons and explosives decommissioned.

(5) A description of the measures taken to ensure that the programs described under subsection (e) comply with the requirements of that subsection.

(e) COMPLIANCE WITH PRIOR PROVISIONS.—Any training or exchange program conducted by the Federal Bureau of Investigation or any other Federal law enforcement agency for the Police Service of Northern Ireland or its members shall—

(1) be necessary to improve the professionalism of policing in Northern Ireland;

(2) be necessary to advance the peace process in Northern Ireland;

(3) include in the curriculum a significant human rights component; and

(4) only be provided to Police Service of Northern Ireland (PSNI) members who have been subject to a vetting procedure established by the Department and the Department of Justice to ensure that such program does not include PSNI members who there are substantial ground for believing have committed or condoned violations of internationally recognized human rights, including any role in the murder of Patrick Finucane

## PUBLIC LAW 107-228—SEPT. 30, 2002

or Rosemary Nelson or other violence or serious threat of violence against defense attorneys in Northern Ireland.

22 USC 2151n  
note.

**SEC. 702. ANNUAL REPORTS ON UNITED STATES-VIETNAM HUMAN RIGHTS DIALOGUE MEETINGS.**

Deadline.

Not later than December 31 of each year or 60 days after the second United States-Vietnam human rights dialogue meeting held in a calendar year, whichever is earlier, the Secretary shall submit to the appropriate congressional committees a report covering the issues discussed at the previous two meetings and describing to what extent the Government of Vietnam has made progress during the calendar year toward achieving the following objectives:

(1) Improving the Government of Vietnam's commercial and criminal codes to bring them into conformity with international standards, including the repeal of the Government of Vietnam's administrative detention decree (Directive 31/CP).

(2) Releasing political and religious activists who have been imprisoned or otherwise detained by the Government of Vietnam, and ceasing surveillance and harassment of those who have been released.

(3) Ending official restrictions on religious activity, including implementing the recommendations of the United Nations Special Rapporteur on Religious Intolerance.

(4) Promoting freedom for the press, including freedom of movement of members of the Vietnamese and foreign press.

(5) Improving prison conditions and providing transparency in the penal system of Vietnam, including implementing the recommendations of the United Nations Working Group on Arbitrary Detention.

(6) Respecting the basic rights of indigenous minority groups, especially in the central and northern highlands of Vietnam.

(7) Respecting the basic rights of workers, including working with the International Labor Organization to improve mechanisms for promoting such rights.

(8) Cooperating with requests by the United States to obtain full and free access to persons who may be eligible for admission to the United States as refugees or immigrants, and allowing such persons to leave Vietnam without being subjected to extortion or other corrupt practices.

**SEC. 703. SENSE OF CONGRESS REGARDING HUMAN RIGHTS VIOLATIONS IN INDONESIA.**

It is the sense of Congress that the Government of Indonesia should—

(1) demonstrate substantial progress toward ending human rights violations by the armed forces in Indonesia (TNI);

(2) terminate any TNI support for and cooperation with terrorist organizations, including Laskar Jihad and militias operating in the Maluku, Central Sulawesi, West Papua (Irian Jaya), and elsewhere;

(3) investigate and prosecute those responsible for human rights violations, including TNI officials, members of Laskar Jihad, militias, and other terrorist organizations; and

(4) make concerted and demonstrable efforts to find and prosecute those responsible for the murders of Papuan leader Theys Elvay, Aceh human rights advocate Jafar Siddiq Hamzah, and United States citizens Edwin L. Burgon and Ricky L. Spier.

**SEC. 704. REPORT CONCERNING THE GERMAN FOUNDATION "REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE".**

Deadline.

(a) REPORT CONCERNING THE GERMAN FOUNDATION "REMEMBRANCE, RESPONSIBILITY, AND THE FUTURE".—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until all funds made available to the German

## PUBLIC LAW 107-228—SEPT. 30, 2002

Foundation have been disbursed, the Secretary shall report to the appropriate congressional committees on the status of the implementation of the Agreement and, to the extent possible, on whether or not—

(1) during the 180-day period preceding the date of the report, the German Bundestag has authorized the allocation of funds to the Foundation, in accordance with section 17 of the law on the creation of the Foundation, enacted by the Federal Republic of Germany on August 8, 2000;

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

(3) during the 180-day period preceding the date of the report, any company or companies investigating a claim, who are members of ICHEIC, were required to provide to the claimant, within 90 days after receiving the claim, a status report on the claim, or a decision that included—

(A) an explanation of the decision, pursuant to those standards of ICHEIC to be applied in approving claims;

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

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

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

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

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

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

The Secretary's report shall include the Secretary's justification for each determination under this subsection.

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

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

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

(c) DEFINITIONS.—In this section:

(1) AGREEMENT.—The term “Agreement” means the Agreement between the Government of the United States of America and the Government of the Federal Republic of Germany concerning the Foundation “Remembrance, Responsibility and the Future”, done at Berlin July 17, 2000.

(2) ANNEX B TO THE JOINT STATEMENT OF JULY 17, 2000.—The term “Annex B to the Joint Statement of July 17, 2000” means Annex B to the Joint Statement on occasion of the final plenary meeting concluding international talks on the preparation of the Federal Foundation “Remembrance, Responsibility and the Future”, done at Berlin on July 17, 2000.



## PUBLIC LAW 107-228—SEPT. 30, 2002

(3) GERMAN FOUNDATION.—The term “German Foundation” means the Foundation “Remembrance, Responsibility and the Future” referred to in the Agreement.

(4) ICHEIC.—The term “ICHEIC” means the International Commission on Holocaust Era Insurance Claims referred to in Article 1(4) of the Agreement.

**SEC. 705. SENSE OF CONGRESS ON RETURN OF PORTRAITS OF HOLOCAUST VICTIMS TO THE ARTIST DINA BABBITT.**

(a) FINDINGS.—Congress finds that—

Dinah  
Gottliebova.

(1) Dina Babbitt (formerly known as Dinah Gottliebova), a United States citizen has requested the return of watercolor portraits she painted while suffering a 1½-year-long internment at the Auschwitz death camp during World War II;

(2) Dina Babbitt was ordered to paint the portraits by the infamous war criminal Dr. Josef Mengele;

(3) Dina Babbitt’s life, and her mother’s life, were spared only because she painted portraits of doomed inmates of Auschwitz-Birkenau, under orders from Dr. Josef Mengele;

(4) these paintings are currently in the possession of the Auschwitz-Birkenau State Museum;

(5) Dina Babbitt is the rightful owner of the artwork, since the paintings were produced by her own talented hands as she endured the unspeakable conditions that existed at the Auschwitz death camp;

(6) the artwork is not available for the public to view at the Auschwitz-Birkenau State Museum and therefore this unique and important body of work is essentially lost to history; and

(7) this continued injustice can be righted through cooperation between agencies of the United States and Poland.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the moral right of Dina Babbitt to obtain the artwork she created, and recognizes her courage in the face of the evils perpetrated by the Nazi command of the Auschwitz-Birkenau death camp, including the atrocities committed by Dr. Josef Mengele;

(2) urges the President to make all efforts necessary to retrieve the 7 watercolor portraits Dina Babbitt painted, while suffering a 1½-year-long internment at the Auschwitz death camp, and return them to her;

(3) urges the Secretary to make immediate diplomatic efforts to facilitate the transfer of the 7 original watercolors painted by Dina Babbitt from the Auschwitz-Birkenau State Museum to Dina Babbitt, their rightful owner;

(4) urges the Government of Poland to immediately facilitate the return to Dina Babbitt of the artwork painted by her that is now in the possession of the Auschwitz-Birkenau State Museum; and

(5) urges the officials of the Auschwitz-Birkenau State Museum to transfer the 7 original paintings to Dina Babbitt as expeditiously as possible.

22 USC 2291j-1.

**SEC. 706. INTERNATIONAL DRUG CONTROL CERTIFICATION PROCEDURES.**

During any fiscal year, funds that would otherwise be withheld from obligation or expenditure under section 490 of the Foreign Assistance Act of 1961 may be obligated or expended beginning October 1 of such fiscal year provided that:

Deadline.  
President.

(1) REPORT.—Not later than September 15 of the previous fiscal year the President has submitted to the appropriate congressional committees a report identifying each country determined by the President to be a major drug transit country or major illicit drug producing country as defined in section 481(e) of the Foreign Assistance Act of 1961.

## PUBLIC LAW 107-228—SEPT. 30, 2002

(2) DESIGNATION AND JUSTIFICATION.—In each report under paragraph (1), the President shall also—

(A) designate each country, if any, identified in such report that has failed demonstrably, during the previous 12 months, to make substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961; and

(B) include a justification for each country so designated.

(3) LIMITATION ON ASSISTANCE FOR DESIGNATED COUNTRIES.—In the case of a country identified in a report under paragraph (1) that is also designated under paragraph (2) in the report, United States assistance may be provided to such country in the subsequent fiscal year only if the President determines and reports to the appropriate congressional committees that—

(A) provision of such assistance to the country in such fiscal year is vital to the national interests of the United States; or

(B) subsequent to the designation being made under paragraph (2)(A), the country has made substantial efforts—

(i) to adhere to its obligations under international counternarcotics agreements; and

(ii) to take the counternarcotics measures set forth in section 489(a)(1) of the Foreign Assistance Act of 1961.

(4) INTERNATIONAL COUNTERNARCOTICS AGREEMENT DEFINED.—In this section, the term “international counternarcotics agreement” means—

(A) the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or

(B) any bilateral or multilateral agreement in force between the United States and another country or countries that addresses issues relating to the control of illicit drugs, such as—

(i) the production, distribution, and interdiction of illicit drugs;

(ii) demand reduction;

(iii) the activities of criminal organizations;

(iv) international legal cooperation among courts, prosecutors, and law enforcement agencies (including the exchange of information and evidence);

(v) the extradition of nationals and individuals involved in drug-related criminal activity;

(vi) the temporary transfer for prosecution of nationals and individuals involved in drug-related criminal activity;

(vii) border security;

(viii) money laundering;

(ix) illicit firearms trafficking;

(x) corruption;

(xi) control of precursor chemicals;

(xii) asset forfeiture; and

(xiii) related training and technical assistance,

and includes, where appropriate, timetables and objective and measurable standards to assess the progress made by participating countries with respect to such issues.

(5) APPLICATION.—(A) Section 490 (a) through (h) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291j(a)-(h)) shall not apply during any fiscal year with respect to any country identified in the report required by paragraph (1) of this section.

## PUBLIC LAW 107-228—SEPT. 30, 2002

(B) Notwithstanding paragraphs (1) through (5)(A) of this section, the President may apply the procedures set forth in section 490 (a) through (h) of the Foreign Assistance Act of 1961 during any fiscal year with respect to any country determined to be a major drug transit country or major illicit drug producing country as defined in section 481(e) of the Foreign Assistance Act of 1961.

(6) **STATUTORY CONSTRUCTION.**—Nothing in this section supersedes or modifies the requirement in section 489(a) of the Foreign Assistance Act of 1961 (with respect to the International Narcotics Control Strategy Report) for the transmittal of a report not later than March 1, each fiscal year under that section.

(7) **TRANSITION RULE.**—For funds obligated or expended under this section in fiscal year 2003, the date for submission of the report required by paragraph (1) of this section shall be at least 15 days before funds are obligated or expended.

(8) **EFFECTIVE DATE.**—This section shall take effect upon the date of enactment of this Act into law and shall remain in effect thereafter unless Congress enacts subsequent legislation repealing such section.

Security  
Assistance Act of  
2002.

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

### **TITLE X—GENERAL PROVISIONS**

22 USC 2151  
note.

#### **SEC. 1001. SHORT TITLE.**

This division may be cited as the “Security Assistance Act of 2002”.

22 USC 2151  
note.

#### **SEC. 1002. DEFINITIONS.**

In this division:

(1) **DEFENSE ARTICLE.**—The term “defense article” has the meaning given the term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794 note).

(2) **DEFENSE SERVICE.**—The term “defense service” has the meaning given the term in section 47(4) of the Arms Export Control Act (22 U.S.C. 2794 note).

(3) **EXCESS DEFENSE ARTICLE.**—The term “excess defense article” has the meaning given the term in section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)).

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

#### **SEC. 1101. VERIFICATION AND COMPLIANCE BUREAU PERSONNEL.**

(a) **IN GENERAL.**—Of the amount authorized to be appropriated by section 111(a)(1)(A), \$14,000,000 is authorized to be available for the Bureau of Verification and Compliance of the Department of State for Bureau-administered activities, including the Key Verification Assets Fund and to upgrade Bureau spaces for certification as a Sensitive Compartmented Information Facility (SCIF).

(b) **ADDITIONAL PERSONNEL.**—In addition to the amount made available under subsection (a), \$1,800,000 is authorized to be available for the fiscal year 2003 from the Department’s American Salaries Account, for the purpose of hiring new personnel to carry out the Bureau’s responsibilities, as set forth in section 112 of the Arms Export Control and Nonproliferation Act of 1999 (113 Stat. 1501A-486), as enacted into law by section 1000(a)(7) of

## PUBLIC LAW 107-228—SEPT. 30, 2002

Public Law 106-113, including the assignment of one full-time person to the Bureau to manage the document control, tracking, and printing requirements of the Bureau's operation in a SCIF.

**SEC. 1102. KEY VERIFICATION ASSETS FUND.**

Of the total amount made available to the Department for fiscal year 2003, \$7,000,000 is authorized to be available within the Verification and Compliance Bureau's account to carry out section 1111 of the Arms Control and Nonproliferation Act of 1999 (113 Stat. 1501A-486), as enacted into law by section 1000(a)(7) of Public Law 106-113.

**SEC. 1103. REVISED VERIFICATION AND COMPLIANCE REPORTING REQUIREMENTS.**

Section 403(a) of the Arms Control and Disarmament Act (22 U.S.C. 2593a(a)) is amended by striking "January 31" and inserting "April 15".

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

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

**SEC. 1201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the President for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763) and for the subsidy cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of direct loans under such section \$4,107,200,000 for fiscal year 2003.

**SEC. 1202. RELATIONSHIP OF FOREIGN MILITARY SALES TO UNITED STATES NONPROLIFERATION INTERESTS.**

(a) **AUTHORIZED PURPOSES.**—The first sentence of section 4 of the Arms Export Control Act (22 U.S.C. 2754) is amended by inserting "for preventing or hindering the proliferation of weapons of mass destruction and of the means of delivering such weapons," after "self-defense,".

(b) **DEFINITION OF "WEAPONS OF MASS DESTRUCTION"**.—Section 47 of the Arms Export Control Act (22 U.S.C. 2794) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting "; and"; and

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

"(10) 'weapons of mass destruction' has the meaning provided by section 1403(1) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 110 Stat. 2717; 50 U.S.C. 2302(1))."

**SEC. 1203. OFFICIAL RECEPTION AND REPRESENTATION EXPENSES.**

Section 43(c) of the Arms Export Control Act (22 U.S.C. 2792(c)), is amended by striking "\$72,500" and inserting "\$86,500".

**SEC. 1204. ARMS EXPORT CONTROL ACT PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT HAVE REPEATEDLY PROVIDED SUPPORT FOR ACTS OF INTERNATIONAL TERRORISM.**

The second sentence of section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) is amended—

(1) by striking "groups or" and inserting "groups,"; and

(2) by inserting before the period the following: " or willfully aid or abet the efforts of an individual or group to use,

## PUBLIC LAW 107-228—SEPT. 30, 2002

develop, produce, stockpile, or otherwise acquire chemical, biological, or radiological weapons”.

**SEC. 1205. CONGRESSIONAL NOTIFICATION OF SMALL ARMS AND LIGHT WEAPONS LICENSE APPROVALS; REPORTS.**

(a) CONGRESSIONAL NOTIFICATION OF EXPORT LICENSE APPROVALS.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended by inserting “(or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more)” after “\$50,000,000 or more”.

(b) REPORT.—Section 40A(c) of the Arms Export Control Act (22 U.S.C. 2785(c)) is amended by inserting before the period the following: “and the numbers, range, and findings of end-use monitoring of United States transfers of small arms and light weapons”.

(c) ANNUAL MILITARY ASSISTANCE REPORTS.—Section 655(b)(3) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)(3)) is amended by inserting before the period at the end the following: “, including, in the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful under section 922 of title 18, United States Code, that were licensed for export during the period covered by the report”.

Deadline.

(d) REPORT ON ARMS BROKERING.—Not later than June 30, 2003, the Secretary shall submit a report to the appropriate congressional committees on activities of registered arms brokers, which shall discuss—

(1) the role of such brokers in the United States and other countries;

(2) United States law, regulations, and policy regarding arms brokers;

(3) violations of the Arms Export Control Act;

(4) United States resources and personnel devoted to the monitoring of arms brokers;

(5) any needed changes in law, regulation, policy, or resources; and

(6) any implications for the regulation of arms brokers in other countries.

22 USC 2321k  
note.

**SEC. 1206. TREATMENT OF TAIWAN RELATING TO TRANSFERS OF DEFENSE ARTICLES AND DEFENSE SERVICES.**

Notwithstanding any other provision of law, for purposes of the transfer or possible transfer of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or any other provision of law, Taiwan shall be treated as though it were designated a major non-NATO ally (as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q)).

## Subtitle B—International Military Education and Training

**SEC. 1211. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the President \$85,000,000 for fiscal year 2003 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training).

**SEC. 1212. HUMAN RIGHTS VIOLATIONS.**

(a) ANNUAL REPORT.—Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new section:

## PUBLIC LAW 107-228—SEPT. 30, 2002

**“SEC. 549. HUMAN RIGHTS REPORT.**

22 USC 2347h.

“(a) **IN GENERAL.**—Not later than March 1 of each year, the Secretary of State shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing, to the extent practicable, any involvement of a foreign military or defense ministry civilian participant in education and training activities under this chapter in a violation of internationally recognized human rights reported under section 116(d) of this Act subsequent to such participation.

Deadline.

“(b) **FORM.**—The report described in subsection (a) shall be in unclassified form, but may include a classified annex.”.

(b) **RECORDS REGARDING FOREIGN PARTICIPANTS.**—Section 548 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347g) is amended—

(1) by striking “In” and inserting:

“(a) **DEVELOPMENT AND MAINTENANCE OF DATABASE.**—In”; and

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

“(b) **ANNUAL LIST OF FOREIGN PERSONNEL.**—For the purposes of preparing the report required pursuant to section 549 of this Act, the Secretary of State may annually request the Secretary of Defense to provide information contained in the database, with respect to a list submitted to the Secretary of Defense by the Secretary of State, that contains the names of foreign personnel or military units. To the extent practicable, the Secretary of Defense shall provide, and the Secretary of State may take into account, the information contained in the database, if any, relating to the Secretary of State’s submission.

“(c) **UPDATING OF DATABASE.**—If the Secretary of State determines and reports to Congress under section 549 of this Act that a foreign person identified in the database maintained pursuant to this section was involved in a violation of internationally recognized human rights, the Secretary of Defense shall ensure that the database is updated to contain such fact and all relevant information.”.

**SEC. 1213. PARTICIPATION IN POST-UNDERGRADUATE FLYING TRAINING AND TACTICAL LEADERSHIP PROGRAMS.**

Section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c) is amended by adding at the end the following new subsection:

“(c)(1) The President is authorized to enter into cooperative arrangements providing for the participation of foreign and United States military and civilian defense personnel in post-undergraduate flying training and tactical leadership programs at training locations in Southwest Asia without charge to participating foreign countries, and without charge to funds available to carry out this chapter (notwithstanding section 632(d) of this Act). Such training must satisfy common requirements with the United States for post-undergraduate flying and tactical leadership training.

“(2) Cooperative arrangements under this subsection shall require an equitable contribution of support and services from each participating country. The President may waive the requirement for an equitable contribution of a participating foreign country if he determines that to do so is important to the national security interests of the United States.

“(3) Costs incurred by the United States shall be charged to the current applicable appropriations accounts or funds of the participating United States Government agencies.”.

PUBLIC LAW 107-228—SEPT. 30, 2002

**Subtitle C—Assistance for Select Countries****SEC. 1221. ASSISTANCE FOR ISRAEL AND EGYPT.**

114 Stat. 856. (a) AUTHORIZATION OF APPROPRIATIONS FOR ISRAEL.—Section 513 of the Security Assistance Act of 2000 (Public Law 106-280) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “2001 and 2002” and inserting “2002 and 2003”; and

(ii) by adding at the end the following new sentence: “Such funds are authorized to be made available on a grant basis as a cash transfer.”;

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

“(3) ADDITIONAL ESF ASSISTANCE FOR FISCAL YEAR 2003.— Only for fiscal year 2003, in addition to the amount computed under paragraph (2) for that fiscal year, an additional amount of \$200,000,000 is authorized to be made available for ESF assistance for Israel, notwithstanding section 531(e) or 660(a) of the Foreign Assistance Act of 1961, for defensive, nonlethal, antiterrorism assistance, which amount shall be considered, for purposes of subsection (d), as an amount appropriated by an Act making supplemental appropriations.”;

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

(3) in subsection (c)(3), by striking “Funds authorized” and all that follows through “later” and inserting: “Funds authorized to be available for Israel under subsection (b)(1) and paragraph (1) of this subsection for fiscal years 2002 and 2003 shall be disbursed not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2002, and not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2003, or October 31 of the respective fiscal year, whichever is later.”; and

(4) in subsection (c)(4)—

(A) by striking “fiscal year 2001” and inserting “fiscal years 2002 and 2003”; and

(B) by striking “\$520,000,000” and inserting “\$535,000,000 for fiscal year 2002 and not less than \$550,000,000 for fiscal year 2003”.

114 Stat. 857. (b) AUTHORIZATION OF APPROPRIATIONS FOR EGYPT.—Section 514 of the Security Assistance Act of 2000 (Public Law 106-280) is amended—

(1) by striking “2001 and 2002” each place it appears and inserting “2002 and 2003”; and

Deadline. (2) in subsection (e), by striking “Funds estimated” and all that follows through “and” at the end of paragraph (2) and inserting the following: “Funds estimated to be outlaid for Egypt under subsection (c) during fiscal years 2002 and 2003 shall be disbursed to an interest-bearing account for Egypt in the Federal Reserve Bank of New York not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2002, and not later than 30 days after the date of enactment of an Act making appropriations for foreign operations, export financing, and related programs for fiscal year 2003, or by October 31 of the respective fiscal year, whichever is later, provided that—

“(1) withdrawal of funds from such account shall be made only on authenticated instructions from the Defense Finance and Accounting Service of the Department of Defense;

## PUBLIC LAW 107-228—SEPT. 30, 2002

“(2) in the event such account is closed, the balance of the account shall be transferred promptly to the appropriations account for the Foreign Military Financing Program.”.

**SEC. 1222. SECURITY ASSISTANCE FOR GREECE AND TURKEY.**

(a) **IN GENERAL.**—Of the amount made available for the fiscal year 2003 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.)—

(1) \$1,120,000 for fiscal year 2003 is authorized to be available for Greece; and

(2) \$2,800,000 for fiscal year 2003 is authorized to be available for Turkey.

(b) **USE FOR PROFESSIONAL MILITARY EDUCATION.**—Of the amounts available under paragraphs (1) and (2) of subsection (a) for fiscal year 2003, \$500,000 of each such amount should be available for purposes of professional military education.

(c) **USE FOR JOINT TRAINING.**—It is the sense of Congress that, to the maximum extent practicable, amounts available under subsection (a) that are used in accordance with subsection (b) should be used for joint training of Greek and Turkish officers.

(d) **REPEAL.**—Effective October 1, 2002, section 512 of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 856) is repealed.

**SEC. 1223. SECURITY ASSISTANCE FOR CERTAIN OTHER COUNTRIES.**

(a) **FMF FOR CERTAIN OTHER COUNTRIES.**—Of the total amount made available for the fiscal year 2003 under section 23 of the Arms Export Control Act (22 U.S.C. 2763), the following amounts are authorized to be available on a grant basis for the following countries:

(1) **THE BALTIC STATES.**—For all of the Baltic states of Estonia, Latvia, and Lithuania, \$22,000,000.

(2) **BULGARIA.**—For Bulgaria, \$11,000,000.

(3) **THE CZECH REPUBLIC.**—For the Czech Republic, \$11,000,000.

(4) **GEORGIA.**—For Georgia, \$7,000,000.

(5) **HUNGARY.**—For Hungary, \$11,000,000.

(6) **JORDAN.**—For Jordan, \$198,000,000.

(7) **MALTA.**—For Malta, \$1,150,000.

(8) **THE PHILIPPINES.**—For the Philippines, \$25,000,000.

(9) **POLAND.**—For Poland, \$16,000,000.

(10) **ROMANIA.**—For Romania, \$12,000,000.

(11) **SLOVAKIA.**—For Slovakia, \$9,000,000.

(12) **SLOVENIA.**—For Slovenia, \$5,000,000.

(b) **IMET.**—Of the amount made available for the fiscal year 2003 to carry out chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.), the following amounts are authorized to be available for the following countries:

(1) **THE BALTIC STATES.**—For all of the Baltic states of Estonia, Latvia, and Lithuania, \$3,300,000.

(2) **BULGARIA.**—For Bulgaria, \$1,370,000.

(3) **THE CZECH REPUBLIC.**—For the Czech Republic, \$1,900,000.

(4) **GEORGIA.**—For Georgia, \$1,200,000.

(5) **HUNGARY.**—For Hungary, \$1,900,000.

(6) **JORDAN.**—For Jordan, \$4,000,000.

(7) **MALTA.**—For Malta, \$350,000.

(8) **THE PHILIPPINES.**—For the Philippines, \$2,000,000.

(9) **POLAND.**—For Poland, \$2,000,000.

(10) **ROMANIA.**—For Romania, \$1,500,000.

(11) **SLOVAKIA.**—For Slovakia, \$950,000.

(12) **SLOVENIA.**—For Slovenia, \$950,000.

(c) **REPEALS.**—Sections 511 (a) and (b) and 515 of the Security Assistance Act of 2000 are repealed.



## PUBLIC LAW 107-228—SEPT. 30, 2002

22 USC 2346  
note.

**SEC. 1224. ASSISTANCE TO LEBANON.**

(a) **PROHIBITION.**—Notwithstanding any other provision of law, \$10,000,000 of the amounts made available for fiscal year 2003 or any subsequent fiscal year that are allocated for assistance to Lebanon under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to the economic support fund) may not be obligated unless and until the President certifies to the appropriate congressional committees that—

(1) the armed forces of Lebanon have been deployed to the internationally recognized border between Lebanon and Israel; and

(2) the Government of Lebanon is effectively asserting its authority in the area in which such armed forces have been deployed.

(b) **REQUIREMENT RELATING TO FUNDS WITHHELD.**—Notwithstanding any other provision of law, any funds withheld pursuant to subsection (a) may not be programmed in order to be used for a purpose other than for assistance to Lebanon until the last month of the fiscal year in which the authority to obligate such funds lapses.

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

**SEC. 1231. EXCESS DEFENSE ARTICLES FOR CERTAIN COUNTRIES.**

(a) **AUTHORITY.**—Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during the fiscal year 2003 funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Bulgaria, Croatia, Estonia, Former Yugoslavia Republic of Macedonia, Georgia, India, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Slovenia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the authority provided under this section should be utilized only for those countries demonstrating a genuine commitment to democracy and human rights.

**SEC. 1232. ANNUAL LISTING OF POSSIBLE EXCESS DEFENSE ARTICLES.**

Section 25(a) of the Arms Export Control Act (22 U.S.C. 2765(a)) is amended—

(1) by striking “and” at the end of paragraph (12)(B);

(2) by redesignating paragraph (13) as paragraph (14); and

(3) by inserting after paragraph (12) the following:

“(13) a list of weapons systems that are significant military equipment (as defined in section 47(9) of this Act), and numbers thereof, that are believed likely to become available for transfer as excess defense articles during the next 12 months; and”.

**SEC. 1233. LEASES OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS.**

Section 61(b) of the Arms Export Control Act (22 U.S.C. 2796(b)), is amended—

(1) by striking “(b) Each lease agreement” and inserting “(b)(1) Each lease agreement”;

(2) by striking “of not to exceed five years” and inserting “which may not exceed (A) five years, and (B) a specified period of time required to complete major refurbishment work of the leased articles to be performed prior to the delivery of the leased articles.”; and

(3) by adding at the end the following:

## PUBLIC LAW 107-228—SEPT. 30, 2002

“(2) In this subsection, the term ‘major refurbishment work’ means work for which the period of performance is 6 months or more.”.

**SEC. 1234. PRIORITY WITH RESPECT TO TRANSFER OF EXCESS DEFENSE ARTICLES.**

Section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)) is amended by striking “and to major non-NATO allies on such southern and southeastern flank” and inserting “, to major non-NATO allies on such southern and southeastern flank, and to the Philippines”.

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

**SEC. 1241. DESTRUCTION OF SURPLUS WEAPONS STOCKPILES.**

Of the funds authorized to be appropriated to the President for fiscal year 2003 to carry out chapters 1 and 10 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), relating to development assistance, up to \$10,000,000 is authorized to be made available for the destruction of surplus stockpiles of small arms, light weapons, and other munitions.

## **Subtitle F—Antiterrorism Assistance**

**SEC. 1251. AUTHORIZATION OF APPROPRIATIONS.**

Section 574(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-4(a)) is amended by striking “and \$73,000,000 for fiscal year 2002” and inserting “, \$73,000,000 for fiscal year 2002, and \$64,200,000 for fiscal year 2003”.

## **Subtitle G—Other Matters**

**SEC. 1261. ADDITIONS TO UNITED STATES WAR RESERVE STOCKPILES FOR ALLIES.**

Section 514(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)) is amended to read as follows:

“(2)(A) The value of such additions to stockpiles of defense articles in foreign countries shall not exceed \$100,000,000 for fiscal year 2003.

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

**SEC. 1262. REVISED MILITARY ASSISTANCE REPORTING REQUIREMENTS.**

(a) EXCEPTION FOR CERTAIN COUNTRIES.—Section 656(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416(a)) is amended—

(1) by striking “(a) ANNUAL REPORT.—Not” and inserting the following:

“(a) ANNUAL REPORT.—

“(1) IN GENERAL.—Not”; and

(2) by adding at the end the following:

“(2) EXCEPTION FOR CERTAIN COUNTRIES.—Paragraph (1) does not apply to any NATO member, Australia, Japan, or New Zealand, unless one of the appropriate congressional committees has specifically requested, in writing, inclusion of such country in the report. Such request shall be made not later than 90 calendar days prior to the date on which the report is required to be transmitted.”.

Deadline.

(b) ANNUAL MILITARY ASSISTANCE REPORTS.—Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415) is amended—

## PUBLIC LAW 107-228—SEPT. 30, 2002

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) QUARTERLY REPORTS ON GOVERNMENT-TO-GOVERNMENT ARMS EXPORTS.—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(1) by striking paragraph (7); and

(2) by redesignating paragraphs (8), (9), (10), (11), (12), and (13) as paragraphs (7), (8), (9), (10), (11), and (12), respectively.

Effective date.  
President.  
22 USC 3302  
note.

**SEC. 1263. CONSULTATION WITH CONGRESS WITH REGARD TO TAIWAN.**

Beginning 180 days after the date of enactment of this Act, and every 180 days thereafter, the President shall provide detailed briefings to and consult with the appropriate congressional committees regarding the United States security assistance to Taiwan, including the provision of defense articles and defense services.

## TITLE XIII—NONPROLIFERATION AND EXPORT CONTROL ASSISTANCE

### Subtitle A—General Provisions

**SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

(a) AUTHORIZATION.—Section 585 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb-4) is amended—

(1) in subsection (a), by striking all after “chapter” and inserting “\$162,000,000 for fiscal year 2003.”; and

(2) in subsection (c)—

(A) in the subsection heading by striking “FISCAL YEAR 2001”; and

(B) by striking “2001” and inserting “2002”.

(b) SUBALLOCATIONS.—Of the amount authorized to be appropriated to the President for fiscal year 2003 by section 585 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb-4)—

(1) \$2,000,000 is authorized to be available for such fiscal year for the purpose of carrying out section 584 of the Foreign Assistance Act of 1961, as added by section 1303 of this Act; and

(2) \$65,000,000 for fiscal year 2003 are authorized to be available for science and technology centers in the independent states of the former Soviet Union.

(c) CONFORMING AMENDMENT.—Section 302 of the Security Assistance Act of 2000 (Public Law 106-280; 114 Stat. 853) is repealed.

(d) FURTHER AUTHORIZATION.—There is authorized to be appropriated under “Nonproliferation, Anti-terrorism, Demining, and Related Programs” \$382,400,000 for fiscal year 2003.

22 USC 2349bb  
note.

**SEC. 1302. NONPROLIFERATION TECHNOLOGY ACQUISITION PROGRAMS FOR FRIENDLY FOREIGN COUNTRIES.**

(a) IN GENERAL.—For the purpose of enhancing the nonproliferation and export control capabilities of friendly countries, of the amount authorized to be appropriated for fiscal year 2003 by section 585 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.), the Secretary is authorized to make available—

(1) \$5,000,000 for the procurement and provision of nuclear, chemical, and biological detection systems, including spectroscopic and pulse echo technologies; and

(2) \$10,000,000 for the procurement and provision of x-ray systems capable of imaging sea-cargo containers.

(b) REPORTS ON TRAINING PROGRAM.—

(1) INITIAL REPORT.—Not later than March 31, 2003, the Secretary shall submit a report to the appropriate congressional

Deadlines.

## PUBLIC LAW 107-228—SEPT. 30, 2002

committees setting forth his plans and budget for a multiyear training program to train foreign personnel in the utilization of the systems described in subsection (a).

(2) **SUBSEQUENT REPORTS.**—Not later than March 31, 2004, and annually thereafter for the next three years, the Secretary shall submit a report to the appropriate congressional committees describing the progress, current status, and budget of that training program and of the provision of those systems.

**SEC. 1303. INTERNATIONAL NONPROLIFERATION AND EXPORT CONTROL TRAINING.**

Chapter 9 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349bb et seq.) is amended—

(1) by redesignating sections 584 and 585 as sections 585 and 586, respectively; and

(2) by inserting after section 583 the following:

22 USC  
2349bb-3,  
2349bb-4.

**“SEC. 584. INTERNATIONAL NONPROLIFERATION EXPORT CONTROL TRAINING.**

22 USC  
2349bb-2a note.

“(a) **GENERAL AUTHORITY.**—The President is authorized to furnish, on such terms and conditions consistent with this chapter (but whenever feasible on a reimbursable basis), education and training to appropriate military and civilian personnel of foreign countries for the purpose of enhancing the nonproliferation and export control capabilities of such personnel through their attendance in special courses of instruction conducted by the United States.

“(b) **ADMINISTRATION OF COURSES.**—The Secretary of State shall have overall responsibility for the development and conduct of international nonproliferation education and training programs under this section, and may utilize other departments and agencies of the United States, as appropriate, to recommend personnel for the education and training and to administer specific courses of instruction.

“(c) **PURPOSES.**—Education and training activities conducted under this section shall be—

“(1) of a technical nature, emphasizing techniques for detecting, deterring, monitoring, interdicting, and countering proliferation;

“(2) designed to encourage effective and mutually beneficial relations and increased understanding between the United States and friendly countries; and

“(3) designed to improve the ability of friendly countries to utilize their resources with maximum effectiveness, thereby contributing to greater self-reliance by such countries.

“(d) **PRIORITY TO CERTAIN COUNTRIES.**—In selecting personnel for education and training pursuant to this section, priority should be given to personnel from countries determined by the Secretary of State to be countries frequently transited by proliferation-related shipments of cargo.”.

**SEC. 1304. RELOCATION OF SCIENTISTS.**

(a) **REINSTATEMENT OF CLASSIFICATION AUTHORITY.**—Section 4 of the Soviet Scientists Immigration Act of 1992 (Public Law 102-509; 106 Stat. 3316; 8 U.S.C. 1153 note) is amended by striking subsection (d) and inserting the following:

“(d) **DURATION OF AUTHORITY.**—The authority under subsection (a) shall be in effect during the following periods:

“(1) The period beginning on the date of the enactment of this Act and ending 4 years after such date.

“(2) The period beginning on the date of the enactment of the Security Assistance Act of 2002 and ending 4 years after such date.”.

(b) **LIMITATION ON NUMBER OF SCIENTISTS ELIGIBLE FOR VISAS UNDER AUTHORITY.**—Section 4(c) of such Act (8 U.S.C. 1153 note) is amended by striking “750” and inserting “950”.

## PUBLIC LAW 107-228—SEPT. 30, 2002

(c) **LIMITATION ON ELIGIBILITY.**—Section 4(a) of that Act (8 U.S.C. 1153 note) is amended by adding at the end the following new sentence: “A scientist is not eligible for designation under this subsection if the scientist has previously been granted the status of an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).”

8 USC 1153 note.

(d) **CONSULTATION REQUIREMENT.**—The Attorney General shall consult with the Secretary, the Secretary of Defense, the Secretary of Energy, and the heads of other appropriate agencies of the United States regarding—

- (1) previous experience in implementing the Soviet Scientists Immigration Act of 1992; and
- (2) any changes that those officials would recommend in the regulations prescribed under that Act.

**SEC. 1305. INTERNATIONAL ATOMIC ENERGY AGENCY REGULAR BUDGET ASSESSMENTS AND VOLUNTARY CONTRIBUTIONS.**

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

(1) The Department has concluded that the International Atomic Energy Agency (in this section referred to as the “IAEA”) is a critical and effective instrument for verifying compliance with international nuclear nonproliferation agreements, and that it serves as an essential barrier to the spread of nuclear weapons.

(2) The IAEA furthers United States national security objectives by helping to prevent the proliferation of nuclear weapons material, especially through its work on effective verification and safeguards measures.

(3) The IAEA can also perform a critical role in monitoring and verifying aspects of nuclear weapons reduction agreements between nuclear weapons states.

(4) The IAEA has adopted a multifaceted action plan, to be funded by voluntary contributions, to address the threats posed by radioactive sources that could be used in a radiological weapon and will be the leading international agency in this effort.

(5) As the IAEA has negotiated and developed more effective verification and safeguards measures, it has experienced significant real growth in its mission, especially in the vital area of nuclear safeguards inspections.

(6) Nearly two decades of zero budget growth have affected the ability of the IAEA to carry out its mission and to hire and retain the most qualified inspectors and managers, as evidenced in the decreasing proportion of such personnel who hold doctorate degrees.

(7) Increased voluntary contributions by the United States will be needed if the IAEA is to increase its safeguards activities and also to implement its action plan to address the worldwide risks posed by lost or poorly secured radioactive sources.

(8) Although voluntary contributions by the United States lessen the IAEA’s budgetary constraints, they cannot readily be used for the long-term capital investments or permanent staff increases necessary to an effective IAEA safeguards regime.

(9) The recent United States decision to accept a 25 percent IAEA regular budget assessment was based upon a correct interpretation of existing law. It was not the intent of Congress that the United States contributions to all United Nations-related organizations and activities be reduced pursuant to the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 (as enacted into law by section 1000(a)(7) of Public Law 106-113; 113 Stat. 1501A-405 et seq.), which sets 22 percent assessment

## PUBLIC LAW 107-228—SEPT. 30, 2002

rates as benchmarks for the general United Nations budget, the Food and Agricultural Organization, the World Health Organization, and the International Labor Organization. Rather, contributions for an important and effective agency such as the IAEA should be maintained at levels commensurate with the criticality of its mission.

(10) The Secretary should negotiate a gradual and sustained increase in the regular budget of the International Atomic Energy Agency, which should begin with the 2004 budget.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized to be appropriated for Nonproliferation, Anti-terrorism, Demining, and Related Programs there is authorized to be appropriated \$60,000,000 for fiscal year 2003 for a United States voluntary contribution to the International Atomic Energy Agency, including for the purpose of implementing the Protection Against Nuclear Terrorism program adopted by the International Atomic Energy Agency Board of Governors in March 2002.

**SEC. 1306. AMENDMENTS TO THE IRAN NONPROLIFERATION ACT OF 2000.**

(a) REPORTS ON PROLIFERATION TO IRAN.—Section 2 of the Iran Nonproliferation Act of 2000 (Public Law 106-178; 114 Stat. 39; 50 U.S.C. 1701 note) is amended by adding at the end the following new subsection:

“(e) CONTENT OF REPORTS.—Each report under subsection (a) shall contain, with respect to each foreign person identified in such report, a brief description of the type and quantity of the goods, services, or technology transferred by that person to Iran, the circumstances surrounding the transfer, the usefulness of the transfer to Iranian weapons programs, and the probable awareness or lack thereof of the transfer on the part of the government with primary jurisdiction over the person.”

(b) DETERMINATION EXEMPTING FOREIGN PERSONS FROM CERTAIN MEASURES UNDER THE ACT.—Section 5(a)(2) of such Act is amended by striking “systems” and inserting “systems, or weapons listed on the Wassenaar Arrangement Munitions List of July 12, 1996, or any subsequent revision of that list”.

50 USC 1701  
note.

**SEC. 1307. AMENDMENTS TO THE NORTH KOREA THREAT REDUCTION ACT OF 1999.**

(a) RESTRICTIONS.—Section 822(a) of the North Korea Threat Reduction Act of 1999 (subtitle B of title VIII of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113; appendix G; 113 Stat. 1501A-472) is amended by striking “nuclear material, facilities, components, or other goods, services, or technology that would be subject to such agreement,” each of the two places it appears and inserting “specified nuclear item,”.

(b) SPECIFIED NUCLEAR ITEM DEFINED.—Section 823 of the North Korea Threat Reduction Act of 1999 is amended by inserting at the end the following:

113 Stat.  
1501A-473.

“(5) SPECIFIED NUCLEAR ITEM.—The term ‘specified nuclear item’ includes—

“(A) nuclear material, facilities, components, or other goods, services, or technology the transfer of which to North Korea would be required by the Atomic Energy Act of 1954 to be subject to an agreement for cooperation, as defined in section 11 b. of that Act (42 U.S.C. 2014 b.), between the United States and North Korea; and

“(B) components that are listed on Annex A or Annex B to the Nuclear Suppliers Group Guidelines for the Export of Nuclear Material, Equipment and Technology (published by the International Atomic Energy Agency as Information

## PUBLIC LAW 107-228—SEPT. 30, 2002

Circular INFCIRC/254/Rev. 5/Part 1, or any subsequent revision thereof).”.

50 USC 2368.

**SEC. 1308. ANNUAL REPORTS ON THE PROLIFERATION OF MISSILES AND ESSENTIAL COMPONENTS OF NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL WEAPONS.**

Deadline.  
President.

(a) **REPORT.**—Not later than March 1, 2003, and annually thereafter, the President shall transmit to the designated congressional committees an annual report on the transfer by any country of weapons, technology, components, or materials that can be used to deliver, manufacture (including research and experimentation), or weaponize nuclear, biological, chemical or radiological weapons (in this section referred to as “NBC weapons”) to any country other than a country referred to in subsection (d) that is seeking to possess or otherwise acquire such weapons, technology, or materials, or other system that the Secretary or the Secretary of Defense has reason to believe could be used to develop, acquire, or deliver NBC weapons.

(b) **MATTERS TO BE INCLUDED.**—Each such report shall include—

(1) the transfer of all aircraft, cruise missiles, artillery weapons, unguided rockets and multiple rocket systems, and related bombs, shells, warheads and other weaponization technology and materials that the Secretary or the Secretary of Defense has reason to believe may be intended for the delivery of NBC weapons;

(2) international transfers of MTCR equipment or technology to any country that is seeking to acquire such equipment or any other system that the Secretary or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(3) the transfer of technology, test equipment, radioactive materials, feedstocks and cultures, and all other specialized materials that the Secretary or the Secretary of Defense has reason to believe could be used to manufacture NBC weapons.

(c) **CONTENT OF REPORT.**—Each such report shall include the following with respect to preceding calendar year:

(1) The status of missile, aircraft, and other NBC weapons delivery and weaponization programs in any such country, including efforts by such country or by any subnational group to acquire MTCR-controlled equipment, NBC-capable aircraft, or any other weapon or major weapon component which may be utilized in the delivery of NBC weapons, whose primary use is the delivery of NBC weapons, or that the Secretary or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

(2) The status of NBC weapons development, acquisition, manufacture, stockpiling, and deployment programs in any such country, including efforts by such country or by any subnational group to acquire essential test equipment, manufacturing equipment and technology, weaponization equipment and technology, and radioactive material, feedstocks or components of feedstocks, and biological cultures and toxins.

(3) A description of assistance provided by any person or government, after the date of the enactment of this Act, to any such country or subnational group in the acquisition or development of—

(A) NBC weapons;

(B) missile systems, as defined in the MTCR or that the Secretary or the Secretary of Defense has reason to believe may be used to deliver NBC weapons; and

(C) aircraft and other delivery systems and weapons that the Secretary or the Secretary of Defense has reason to believe could be used to deliver NBC weapons.

## PUBLIC LAW 107-228—SEPT. 30, 2002

(4) A listing of those persons and countries that continue to provide such equipment or technology described in paragraph (3) to any country or subnational group as of the date of submission of the report, including the extent to which foreign persons and countries were found to have knowingly and materially assisted such programs.

(5) A description of the use of, or substantial preparations to use, the equipment or technology described in paragraph (3) by any foreign country or subnational group.

(6) A description of the diplomatic measures that the United States, and that other adherents to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons, have made with respect to activities and private persons and governments suspected of violating the MTCR and such other arrangements.

(7) An analysis of the effectiveness of the regulatory and enforcement regimes of the United States and other countries that adhere to the MTCR and other arrangements affecting the acquisition and delivery of NBC weapons in controlling the export of MTCR and other NBC weapons and delivery system equipment or technology.

(8) A summary of advisory opinions issued under section 11B(b)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(b)(4)) and under section 73(d) of the Arms Export Control Act (22 U.S.C. 2797b(d)).

(9) An explanation of United States policy regarding the transfer of MTCR equipment or technology to foreign missile programs, including programs involving launches of space vehicles.

(10) A description of each transfer by any person or government during the preceding 12-month period which is subject to sanctions under the Iran-Iraq Arms Non-Proliferation Act of 1992 (title XVI of Public Law 102-484).

(d) EXCLUSIONS.—The countries excluded under subsection (a) are Australia, Belgium, Canada, the Czech Republic, Denmark, France, Germany, Greece, Hungary, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Turkey, the United Kingdom, and the United States.

(e) CLASSIFICATION OF REPORT.—The Secretary shall make every effort to submit all of the information required by this section in unclassified form. Whenever the Secretary submits any such information in classified form, the Secretary shall submit such classified information in an addendum and shall also submit concurrently a detailed summary, in unclassified form, of that classified information.

(f) DEFINITIONS.—In this section:

(1) DESIGNATED CONGRESSIONAL COMMITTEES.—The term “designated congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) MISSILE; MTCR; MTCR EQUIPMENT OR TECHNOLOGY.—The terms “missile”, “MTCR”, and “MTCR equipment or technology” have the meanings given those terms in section 74 of the Arms Export Control Act (22 U.S.C. 2797c).

(3) PERSON.—The term “person” means any United States or foreign individual, partnership, corporation, or other form of association, or any of its successor entities, parents, or subsidiaries.

(4) WEAPONIZE; WEAPONIZATION.—The term “weaponize” or “weaponization” means to incorporate into, or the incorporation



## PUBLIC LAW 107-228—SEPT. 30, 2002

into, usable ordnance or other militarily useful means of delivery.

(g) REPEALS.—

(1) IN GENERAL.—The following provisions of law are repealed:

(A) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(B) Section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5606).

50 USC 1701  
note.

(C) Section 1607(a) of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102-484).

22 USC 2656  
note.

(D) Paragraph (d) of section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (as contained in section 101(c) of title I of division A of Public Law 104-208; 110 Stat. 3009-171).

22 USC 2656  
note.

(2) CONFORMING AMENDMENTS.—Section 585 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, is amended—

(A) in paragraph (b), by adding “and” at the end; and

(B) in paragraph (c), by striking “; and” and inserting a period.

Deadline.

**SEC. 1309. THREE-YEAR INTERNATIONAL ARMS CONTROL AND NON-PROLIFERATION STRATEGY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the appropriate congressional committees a 3-year international arms control and nonproliferation strategy. The strategy shall contain the following:

(1) A 3-year plan for the reduction of existing nuclear, chemical, and biological weapons and ballistic missiles and for controlling the proliferation of these weapons.

(2) Identification of the goals and objectives of the United States with respect to arms control and nonproliferation of weapons of mass destruction and their delivery systems.

(3) A description of the programs, projects, and activities of the Department of State intended to accomplish goals and objectives described in paragraph (2).

Russian  
Federation Debt  
for  
Nonproliferation  
Act of 2002.  
22 USC 5952  
note.

## Subtitle B—Russian Federation Debt Reduction for Nonproliferation

**SEC. 1311. SHORT TITLE.**

This subtitle may be cited as the “Russian Federation Debt for Nonproliferation Act of 2002”.

22 USC 5952  
note.

**SEC. 1312. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) It is in the vital security interests of the United States to prevent the spread of weapons of mass destruction to additional states or to terrorist organizations, and to ensure that other nations’ obligations to modify their stockpiles of such arms in accordance with treaties, executive agreements, or political commitments are fulfilled.

(2) In particular, it is in the vital national security interests of the United States to ensure that—

(A) all stocks of nuclear weapons and weapons-usable nuclear material in the Russian Federation are secure and accounted for;

(B) stocks of nuclear weapons and weapons-usable nuclear material that are excess to military needs in the Russian Federation are monitored and reduced;

## PUBLIC LAW 107-228—SEPT. 30, 2002

(C) any chemical or biological weapons, related materials, and facilities in the Russian Federation are destroyed;

(D) the Russian Federation's nuclear weapons complex is reduced to a size appropriate to its post-Cold War missions, and its experts in weapons of mass destruction technologies are shifted to gainful and sustainable civilian employment;

(E) the Russian Federation's export control system blocks any proliferation of weapons of mass destruction, the means of delivering such weapons, and materials, equipment, know-how, or technology that would be used to develop, produce, or deliver such weapons; and

(F) these objectives are accomplished with sufficient monitoring and transparency to provide confidence that they have in fact been accomplished and that the funds provided to accomplish these objectives have been spent efficiently and effectively.

(3) United States programs should be designed to accomplish these vital objectives in the Russian Federation as rapidly as possible, and the President should develop and present to Congress a plan for doing so.

(4) Substantial progress has been made in United States-Russian Federation cooperative programs to achieve these objectives, but much more remains to be done to reduce the urgent risks to United States national security posed by the current state of the Russian Federation's weapons of mass destruction stockpiles and complexes.

(5) The threats posed by inadequate management of weapons of mass destruction stockpiles and complexes in the Russian Federation remain urgent. Incidents in years immediately preceding 2001, which have been cited by the Russia Task Force of the Secretary of Energy Advisory Board, include—

(A) a conspiracy at one of the Russian Federation's largest nuclear weapons facilities to steal nearly enough highly enriched uranium for a nuclear bomb;

(B) an attempt by an employee of the Russian Federation's premier nuclear weapons facility to sell nuclear weapons designs to agents of Iraq and Afghanistan; and

(C) the theft of radioactive material from a Russian Federation submarine base.

(6) Addressing these threats to United States and world security will ultimately consume billions of dollars, a burden that will have to be shared by the Russian Federation, the United States, and other governments, if these threats are to be neutralized.

(7) The creation of new funding streams could accelerate progress in reducing these threats to United States security and help the government of the Russian Federation to fulfill its responsibility for secure management of its weapons stockpiles and complexes as United States assistance phases out.

(8) The Russian Federation has a significant foreign debt, a substantial proportion of which it inherited from the Soviet Union.

(9) Past debt-for-environment exchanges, in which a portion of a country's foreign debt is canceled in return for certain environmental commitments or payments by that country, suggest that a debt-for-nonproliferation exchange with the Russian Federation could be designed to provide additional funding for nonproliferation and arms reduction initiatives.

(10) Most of the Russian Federation's official bilateral debt is held by United States allies that are advanced industrial democracies. Since the issues described pose threats to United States allies as well, United States leadership that results in a larger contribution from United States allies to cooperative threat reduction activities will be needed.

## PUBLIC LAW 107-228—SEPT. 30, 2002

(11) At the June 2002 meeting of the G-8 countries, agreement was achieved on a G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, under which the advanced industrial democracies committed to contribute \$20,000,000,000 to nonproliferation programs in the Russian Federation during a 10-year period, with each contributing country having the option to fund some or all of its contribution through reduction in the Russian Federation's official debt to that country.

(12) The Russian Federation's Soviet-era official debt to the United States is estimated to be \$480,000,000 in Lend-Lease debt and \$2,250,000,000 in debt as a result of credits extended under title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.).

(b) PURPOSES.—The purposes of this subtitle are—

(1) to facilitate the accomplishment of the United States objectives described in the findings set forth in subsection (a) by providing for the use of a portion of the Russian Federation's foreign debt to fund nonproliferation programs, thus allowing the use of additional resources for these purposes; and

(2) to help ensure that the resources made available to the Russian Federation are targeted to the accomplishment of the United States objectives described in the findings set forth in subsection (a).

22 USC 5952  
note.

**SEC. 1313. DEFINITIONS.**

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) COST.—The term “cost” has the meaning given that term in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

(3) RUSSIAN FEDERATION NONPROLIFERATION INVESTMENT AGREEMENT OR AGREEMENT.—The term “Russian Federation Nonproliferation Investment Agreement” or “Agreement” means the agreement between the United States and the Russian Federation entered into under section 1315(a).

(4) SOVIET-ERA DEBT.—The term “Soviet-era debt” means debt owed as a result of loans or credits provided by the United States (or any agency of the United States) to the Union of Soviet Socialist Republics under the Lend Lease Act of 1941 or the Commodity Credit Corporation Charter Act.

(5) STATE SPONSOR OF INTERNATIONAL TERRORISM.—The term “state sponsor of international terrorism” means those countries that have been determined by the Secretary of State, for the purposes of section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or section 6(j) of the Export Administration Act of 1979, to have repeatedly provided support for acts of international terrorism.

22 USC 5952  
note.

**SEC. 1314. AUTHORITY TO REDUCE THE RUSSIAN FEDERATION'S SOVIET-ERA DEBT OBLIGATIONS TO THE UNITED STATES.**

(a) AUTHORITY TO REDUCE DEBT.—

(1) IN GENERAL.—Upon the entry into force of a Russian Federation Nonproliferation Investment Agreement, the President may reduce amounts of Soviet-era debt owed by the Russian Federation to the United States (or any agency or instrumentality of the United States) that are outstanding as of the last day of the fiscal year preceding the fiscal year

## PUBLIC LAW 107-228—SEPT. 30, 2002

for which appropriations are available for the reduction of debt, in accordance with this subtitle.

(2) **LIMITATION.**—The authority provided by paragraph (1) shall be available only to the extent that appropriations for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of reducing any debt pursuant to such subsection are made in advance.

(3) **SUPERSEDES EXISTING LAW.**—The authority provided by paragraph (1) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(r)) or section 321 of the International Development and Food Assistance Act of 1975.

(b) **IMPLEMENTATION.**—

(1) **DELEGATION OF AUTHORITY.**—The President may delegate any authority conferred upon the President in this subtitle to the Secretary of State.

(2) **ESTABLISHMENT OF TERMS AND CONDITIONS.**—Consistent with this subtitle, the President shall establish the terms and conditions under which loans and credits may be reduced pursuant to subsection (a).

President.

(3) **IMPLEMENTATION.**—In exercising the authority of subsection (a), the President—

President.

(A) shall notify—

Notification.

(i) the Department of State, with respect to obligations of the former Soviet Union under the Lend Lease Act of 1941; and

(ii) the Commodity Credit Corporation, with respect to obligations of the former Soviet Union under the Commodity Credit Corporation Act;

(B) shall direct the cancellation of old obligations and the substitution of new obligations consistent with the Russian Federation Nonproliferation Investment Agreement; and

(C) shall direct the appropriate agency to make an adjustment in the relevant accounts to reflect the new debt treatment.

(4) **DEPOSIT OF REPAYMENTS.**—All repayments of outstanding loan amounts under subsection (a) that are not designated under a Russian Federation Nonproliferation Investment Agreement shall be deposited in the United States Government accounts established for repayments of the original obligations.

(5) **NOT TREATED AS FOREIGN ASSISTANCE.**—Any reduction of Soviet-era debt pursuant to this subtitle shall not be considered assistance for the purposes of any provision of law limiting assistance to a country.

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

(1) **IN GENERAL.**—For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of modifying any Soviet-era debt obligation pursuant to subsection (a), there are authorized to be appropriated to the President such sums as may be necessary.

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

**SEC. 1315. RUSSIAN FEDERATION NONPROLIFERATION INVESTMENT AGREEMENT.**

22 USC 5952  
note.

(a) **IN GENERAL.**—

(1) **IN GENERAL.**—The President is authorized to enter into an agreement with the Russian Federation under which an amount equal to the value of the debt reduced pursuant to section 1314 will be used to promote the nonproliferation of weapons of mass destruction and the means of delivering such weapons. An agreement entered into under this section may

## PUBLIC LAW 107-228—SEPT. 30, 2002

be referred to as the “Russian Federation Nonproliferation Investment Agreement”.

President.

(2) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees at least 15 days in advance of the United States entering into a Russian Federation Nonproliferation Investment Agreement.

(b) CONTENT OF THE AGREEMENT.—The Russian Federation Nonproliferation Investment Agreement shall ensure that—

(1) an amount equal to the value of the debt reduced pursuant to this subtitle will be made available by the Russian Federation for agreed nonproliferation programs and projects;

(2) each program or project funded pursuant to the Agreement will be approved by the President;

(3) the administration and oversight of nonproliferation programs and projects will incorporate best practices from established threat reduction and nonproliferation assistance programs;

(4) each program or project funded pursuant to the Agreement will be subject to monitoring and audits conducted by or for the United States Government to confirm that agreed funds are expended on agreed projects and meet agreed targets and benchmarks;

(5) unobligated funds for investments pursuant to the Agreement will not be diverted to other purposes;

(6) funds allocated to programs and projects pursuant to the Agreement will not be subject to any taxation by the Russian Federation;

(7) all matters relating to the intellectual property rights and legal liabilities of United States firms in any project will be agreed upon before the expenditure of funds would be authorized for that project; and

(8) not less than 75 percent of the funds made available for each nonproliferation program or project under the Agreement will be spent in the Russian Federation.

(c) USE OF EXISTING MECHANISMS.—It is the sense of Congress that, to the extent practicable, the boards and administrative mechanisms of existing threat reduction and nonproliferation programs should be used in the administration and oversight of programs and projects under the Agreement.

(d) JOINT AUDITING.—It is the sense of Congress that the United States and the Russian Federation should consider commissioning the United States General Accounting Office and the Russian Chamber of Accounts to conduct joint audits to ensure that the funds saved by the Russian Federation as a result of any debt reduction are used exclusively, efficiently, and effectively to implement agreed programs or projects pursuant to the Agreement.

(e) STRUCTURE OF THE AGREEMENT.—It is the sense of Congress that the Agreement should provide for significant penalties—

(1) if funds obligated for approved programs or projects are determined to have been misappropriated; and

(2) if the President is unable to make the certification required by section 1317(a) for two consecutive years.

22 USC 5952  
note.

**SEC. 1316. INDEPENDENT MEDIA AND THE RULE OF LAW.**

Notwithstanding section 1315 (a)(1) and (b)(1), up to 10 percent of the amount equal to the value of the debt reduced pursuant to this subtitle may be used to promote a vibrant, independent media sector and the rule of law in the Russian Federation through an endowment to support the establishment of a “Center for an Independent Press and the Rule of Law” in the Russian Federation, which shall be directed by a joint United States-Russian Board of Directors in which the majority of members, including the chairman, shall be United States personnel, and which shall be responsible for management of the endowment, its funds, and the Center’s programs.

## PUBLIC LAW 107-228—SEPT. 30, 2002

**SEC. 1317. RESTRICTION ON DEBT REDUCTION AUTHORITY.**22 USC 5952  
note.

(a) **PROLIFERATION TO STATE SPONSORS OF TERRORISM.**—Subject to the provisions of subsection (c), the debt reduction authority provided by section 1314 may not be exercised unless and until the President certifies to the appropriate congressional committees that the Russian Federation has made material progress in stemming the flow of sensitive goods, technologies, material, and know-how related to the design, development, and production of weapons of mass destruction and the means to deliver them to state sponsors of international terrorism.

(b) **ANNUAL DETERMINATION.**—If, in any annual report to Congress submitted pursuant to section 1321, the President cannot certify that the Russian Federation continues to meet the condition required in subsection (a), then, subject to the provisions of subsection (c), the debt reduction authority provided by section 1314 may not be exercised unless and until such certification is made to the appropriate congressional committees.

(c) **PRESIDENTIAL WAIVER.**—The President may waive the requirements of subsection (a) or (b) for a fiscal year if the President—

- (1) determines that application of the subsection for a fiscal year would be counter to the national interest of the United States; and
- (2) so reports to the appropriate congressional committees.

**SEC. 1318. DISCUSSION OF RUSSIAN FEDERATION DEBT REDUCTION FOR NONPROLIFERATION WITH OTHER CREDITOR STATES.**22 USC 5952  
note.

It is the sense of Congress that the President and such other appropriate officials as the President may designate should pursue discussions with other creditor states with the objectives of—

- (1) ensuring that other advanced industrial democracies, especially the largest holders of Soviet-era Russian debt, dedicate significant proportions of their bilateral official debt with the Russian Federation or equivalent amounts of direct assistance to the G-8 Global Partnership against the Spread of Weapons and Materials of Mass Destruction, as agreed upon in the Statement by G-8 Leaders on June 27, 2002; and
- (2) reaching agreement, as appropriate, to establish a unified Russian Federation official debt reduction fund to manage and provide financial transparency for the resources provided by creditor states through debt reductions.

**SEC. 1319. IMPLEMENTATION OF UNITED STATES POLICY.**22 USC 5952  
note.

It is the sense of Congress that implementation of debt-for-nonproliferation programs with the Russian Federation should be overseen by the coordinating mechanism established pursuant to section 1334 of this Act.

**SEC. 1320. CONSULTATIONS WITH CONGRESS.**President.  
22 USC 5952  
note.

The President shall consult with the appropriate congressional committees on a periodic basis to review the implementation of this subtitle and the Russian Federation's eligibility for debt reduction pursuant to this subtitle.

**SEC. 1321. ANNUAL REPORTS TO CONGRESS.**Deadlines.  
President.  
22 USC 5952  
note.

Not later than December 31, 2003, and not later than December 31 of each year thereafter, the President shall prepare and transmit to Congress a report concerning actions taken to implement this subtitle during the fiscal year preceding the fiscal year in which the report is transmitted. The report on a fiscal year shall include—

- (1) a description of the activities undertaken pursuant to this subtitle during the fiscal year;
- (2) a description of the nature and amounts of the loans reduced pursuant to this subtitle during the fiscal year;

## PUBLIC LAW 107-228—SEPT. 30, 2002

(3) a description of any agreement entered into under this subtitle;

(4) a description of the progress during the fiscal year of any projects funded pursuant to this subtitle;

(5) a summary of the results of relevant audits performed in the fiscal year; and

(6) a certification, if appropriate, that the Russian Federation continued to meet the condition required by section 1317(a), and an explanation of why the certification was or was not made.

Nonproliferation  
Assistance  
Coordination Act  
of 2002.

## Subtitle C—Nonproliferation Assistance Coordination

50 USC 2301  
note.

### SEC. 1331. SHORT TITLE.

This subtitle may be cited as the “Nonproliferation Assistance Coordination Act of 2002”.

50 USC 2357.

### SEC. 1332. FINDINGS.

Congress finds that—

(1) United States nonproliferation efforts in the independent states of the former Soviet Union have achieved important results in ensuring that weapons of mass destruction, weapons-usable material and technology, and weapons-related knowledge remain beyond the reach of terrorists and weapons-proliferating states;

(2) although these efforts are in the United States national security interest, the effectiveness of these efforts has suffered from a lack of coordination within and among United States Government agencies;

(3) increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union, specifically, spending and investment by the United States private sector in job creation initiatives and proposals for unemployed Russian Federation weapons scientists and technicians, are making an important contribution in ensuring that knowledge related to weapons of mass destruction remains beyond the reach of terrorists and weapons-proliferating states; and

(4) increased spending and investment by the United States private sector on nonproliferation efforts in the independent states of the former Soviet Union make advisable the establishment of a coordinating body to ensure that United States public and private efforts are not in conflict, and to ensure that public spending on efforts by the independent states of the former Soviet Union is maximized to ensure efficiency and further United States national security interests.

50 USC 2357a.

### SEC. 1333. DEFINITIONS.

(a) INDEPENDENT STATES OF THE FORMER SOVIET UNION.—In this subtitle, the term “independent states of the former Soviet Union” has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this subtitle, the term “the appropriate committees of Congress” means the Committees on Foreign Relations, Armed Services, and Appropriations of the Senate and the Committees on International Relations, Armed Services, and Appropriations of the House of Representatives.

President.  
50 USC 2357b.

### SEC. 1334. ESTABLISHMENT OF COMMITTEE ON NONPROLIFERATION ASSISTANCE.

(a) IN GENERAL.—The President shall establish a mechanism to coordinate, with the maximum possible effectiveness and effi-

## PUBLIC LAW 107-228—SEPT. 30, 2002

ciency, the efforts of United States Government departments and agencies engaged in formulating policy and carrying out programs for achieving nonproliferation and threat reduction.

(b) MEMBERSHIP.—The coordination mechanism established pursuant to subsection (a) shall include—

- (1) representatives designated by—
  - (A) the Secretary of State;
  - (B) the Secretary of Defense;
  - (C) the Secretary of Energy;
  - (D) the Secretary of Commerce;
  - (E) the Attorney General; and
  - (F) the Director of the Office of Homeland Security, or the head of a successor department or agency; and
- (2) such other executive branch officials as the President may select.

(c) LEVEL OF REPRESENTATION.—To the maximum extent possible, each department or agency's representative designated pursuant to subsection (b)(1) shall be an official of that department or agency who has been appointed by the President with the advice and consent of the Senate.

(d) CHAIR.—The President shall designate an official to direct the coordination mechanism established pursuant to subsection (a). The official so designated may invite the head of any other department or agency of the United States to designate a representative of that department or agency to participate from time to time in the activities of the Committee.

**SEC. 1335. PURPOSES AND AUTHORITY.**

50 USC 2357c.

(a) PURPOSES.—

(1) IN GENERAL.—The primary purpose of the coordination mechanism established pursuant to section 1334 of this Act should be—

- (A) to exercise continuing responsibility for coordinating worldwide United States nonproliferation and threat reduction efforts to ensure that they effectively implement United States policy; and
- (B) to enhance the ability of participating departments and agencies to anticipate growing nonproliferation areas of concern.

(2) PROGRAM MONITORING AND COORDINATION.—The coordination mechanism established pursuant to section 1334 of this Act should have primary continuing responsibility within the executive branch of the Government for—

- (A) United States nonproliferation and threat reduction efforts, and particularly such efforts in the independent states of the former Soviet Union; and
- (B) coordinating the implementation of United States policy with respect to such efforts.

(b) AUTHORITY.—In carrying out the responsibilities described in subsection (a), the coordination mechanism established pursuant to section 1334 of this Act should have, at a minimum, the authority to—

- (1) establish such subcommittees and working groups as it deems necessary;
- (2) direct the preparation of analyses on issues and problems relating to coordination within and among United States departments and agencies on nonproliferation and threat reduction efforts;
- (3) direct the preparation of analyses on issues and problems relating to coordination between the United States public and private sectors on nonproliferation and threat reduction efforts, including coordination between public and private spending on nonproliferation and threat reduction programs and coordination between public spending and private invest-



## PUBLIC LAW 107-228—SEPT. 30, 2002

ment in defense conversion activities of the independent states of the former Soviet Union;

(4) provide guidance on arrangements that will coordinate, deconflict, and maximize the utility of United States public spending on nonproliferation and threat reduction programs, and particularly such efforts in the independent states of the former Soviet Union;

(5) encourage companies and nongovernmental organizations involved in nonproliferation efforts of the independent states of the former Soviet Union or other countries of concern to voluntarily report these efforts to it;

(6) direct the preparation of analyses on issues and problems relating to the coordination between the United States and other countries with respect to nonproliferation efforts, and particularly such efforts in the independent states of the former Soviet Union; and

(7) consider, and make recommendations to the President with respect to, proposals for such new legislation or regulations relating to United States nonproliferation efforts as may be necessary.

50 USC 2357d. **SEC. 1336. ADMINISTRATIVE SUPPORT.**

All United States departments and agencies shall provide, to the extent permitted by law, such information and assistance as may be requested by the coordination mechanism established pursuant to section 1334 of this Act, in carrying out its functions and activities under this subtitle.

50 USC 2357e. **SEC. 1337. CONFIDENTIALITY OF INFORMATION.**

Information which has been submitted to or received by the coordination mechanism established pursuant to section 1334 of this Act in confidence shall not be publicly disclosed, except to the extent required by law, and such information shall be used by it only for the purpose of carrying out the functions set forth in this subtitle.

50 USC 2357f. **SEC. 1338. STATUTORY CONSTRUCTION.**

Nothing in this subtitle—

(1) applies to the data-gathering, regulatory, or enforcement authority of any existing United States department or agency over nonproliferation efforts in the independent states of the former Soviet Union, and the review of those efforts undertaken by the coordination mechanism established pursuant to section 1334 of this Act shall not in any way supersede or prejudice any other process provided by law; or

(2) applies to any activity that is reportable pursuant to title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

50 USC 2357g. **SEC. 1339. REPORTING AND CONSULTATION.**

Deadline.

(a) **PRESIDENTIAL REPORT.**—Not later than 120 days after each inauguration of a President, the President shall submit a report to the Congress on his general and specific nonproliferation and threat reduction objectives and how the efforts of executive branch agencies will be coordinated most effectively, pursuant to section 1334 of this Act, to achieve those objectives.

(b) **CONSULTATION.**—The President should consult with and brief, from time to time, the appropriate committees of Congress regarding the efficacy of the coordination mechanism established pursuant to section 1334 of this Act in achieving its stated objectives.

PUBLIC LAW 107-228—SEPT. 30, 2002

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

Iran Nuclear  
Proliferation  
Prevention Act of  
2002.

### SEC. 1341. SHORT TITLE.

This subtitle may be cited as the “Iran Nuclear Proliferation Prevention Act of 2002”.

22 USC 2021  
note.

### SEC. 1342. WITHHOLDING OF VOLUNTARY CONTRIBUTIONS TO THE INTERNATIONAL ATOMIC ENERGY AGENCY FOR PROGRAMS AND PROJECTS IN IRAN.

Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) is amended by adding at the end the following:

“(d)(1) Notwithstanding subsection (c), if the Secretary of State determines that programs and projects of the International Atomic Energy Agency in Iran are inconsistent with United States nuclear nonproliferation and safety goals, will provide Iran with training or expertise relevant to the development of nuclear weapons, or are being used as a cover for the acquisition of sensitive nuclear technology, the limitations of subsection (a) shall apply to such programs and projects, and the Secretary of State shall so notify the appropriate congressional committees (as defined in section 3 of the Foreign Relations Authorization Act, Fiscal Year 2003).

“(2) A determination made by the Secretary of State under paragraph (1) shall be effective for the 1-year period beginning on the date of the determination.”

Effective date.

### SEC. 1343. ANNUAL REVIEW BY SECRETARY OF STATE OF PROGRAMS AND PROJECTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY; UNITED STATES OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF THE AGENCY.

22 USC 2027.

#### (a) ANNUAL REVIEW.—

(1) IN GENERAL.—The Secretary shall undertake a comprehensive annual review of all programs and projects of the International Atomic Energy Agency (IAEA) in the countries described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and shall determine if such programs and projects are consistent with United States nuclear nonproliferation and safety goals.

(2) REPORT.—Not later than one year after the date of enactment of this Act, and on an annual basis thereafter for five years, the Secretary shall submit to Congress a report containing the results of the review under paragraph (1).

Deadline.

(b) OPPOSITION TO CERTAIN PROGRAMS AND PROJECTS OF INTERNATIONAL ATOMIC ENERGY AGENCY.—The Secretary shall direct the United States representative to the International Atomic Energy Agency to oppose programs of the Agency that are determined by the Secretary under the review conducted under subsection (a)(1) to be inconsistent with nuclear nonproliferation and safety goals of the United States.

### SEC. 1344. REPORTING REQUIREMENTS.

22 USC 2021  
note.  
Deadline.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and on an annual basis thereafter for five years, the Secretary, in consultation with the United States representative to the International Atomic Energy Agency, shall prepare and submit to Congress a report that contains—

(1) a description of the total amount of annual assistance to Iran from the International Atomic Energy Agency;

(2) a list of Iranian officials in leadership positions at the Agency;

(3) the expected timeframe for the completion of the nuclear power reactors at the Bushehr nuclear power plant;

(4) a summary of the nuclear materials and technology transferred to Iran from the Agency in the preceding year

## PUBLIC LAW 107-228—SEPT. 30, 2002

that could assist in the development of Iran's nuclear weapons program; and

(5) a description of all programs and projects of the International Atomic Energy Agency in each country described in section 307(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2227(a)) and any inconsistencies between the technical cooperation and assistance programs and projects of the Agency and United States nuclear nonproliferation and safety goals in those countries.

(b) **ADDITIONAL REQUIREMENT.**—The report required to be submitted under subsection (a) shall be submitted in an unclassified form, to the extent appropriate, but may include a classified annex.

**SEC. 1345. SENSE OF CONGRESS.**

It is the sense of Congress that the President should pursue internal reforms at the International Atomic Energy Agency that will ensure that all programs and projects funded under the Technical Cooperation and Assistance Fund of the Agency are compatible with United States nuclear nonproliferation policy and international nuclear nonproliferation norms.

## TITLE XIV—EXPEDITING THE MUNITIONS LICENSING PROCESS

**SEC. 1401. LICENSE OFFICER STAFFING.**

(a) **FUNDING.**—Of the amount authorized to be appropriated by section 111(a)(1)(A), \$10,000,000 is authorized to be available for salaries and expenses of the Office of Defense Trade Controls of the Department.

Effective date.

(b) **ASSIGNMENT OF LICENSE REVIEW OFFICERS.**—Effective January 1, 2003, the Secretary shall assign to the Office of Defense Trade Controls of the Department a sufficient number of license review officers to ensure that the average weekly caseload for each officer does not routinely exceed 40.

(c) **DETAILEES.**—Given the priority placed on expedited license reviews in recent years by the Department of Defense, the Secretary of Defense should ensure that 10 military officers are continuously detailed to the Office of Defense Trade Controls of the Department of State on a nonreimbursable basis.

**SEC. 1402. FUNDING FOR DATABASE AUTOMATION.**

Of the amount authorized to be appropriated by section 111(a)(2), \$4,000,000 is authorized to be available for the Office of Defense Trade Controls of the Department for the modernization of information management systems.

22 USC 2778  
note.  
Internet.  
Records.

**SEC. 1403. INFORMATION MANAGEMENT PRIORITIES.**

(a) **OBJECTIVE.**—The Secretary shall establish a secure, Internet-based system for the filing and review of applications for export of Munitions List items.

(b) **ESTABLISHMENT OF AN ELECTRONIC SYSTEM.**—Of the amount made available pursuant to section 1402 of this Act, \$3,000,000 is authorized to be available to fully automate the Defense Trade Application System, and to ensure that the system—

(1) is a secure, electronic system for the filing and review of Munitions List license applications;

(2) is accessible by United States companies through the Internet for the purpose of filing and tracking their Munitions List license applications; and

(3) is capable of exchanging data with—

(A) the Export Control Automated Support System of the Department of Commerce;

## PUBLIC LAW 107-228—SEPT. 30, 2002

(B) the Foreign Disclosure and Technology Information System and the USXPORTS systems of the Department of Defense;

(C) the Export Control System of the Central Intelligence Agency; and

(D) the Proliferation Information Network System of the Department of Energy.

(c) **MUNITIONS LIST DEFINED.**—In this section, the term “Munitions List” means the United States Munitions List of defense articles and defense services controlled under section 38 of the Arms Export Control Act (22 U.S.C. 2778).

**SEC. 1404. IMPROVEMENTS TO THE AUTOMATED EXPORT SYSTEM.**

(a) **CONTRIBUTION TO THE AUTOMATED EXPORT SYSTEM.**—Of the amount provided under section 1402 of this Act, \$250,000 is authorized to be available for the purpose of—

13 USC 301 note.

(1) providing the Department with full access to the Automated Export System;

(2) ensuring that the system is modified to meet the needs of the Department, if such modifications are consistent with the needs of other United States Government agencies; and

(3) providing operational support.

(b) **MANDATORY FILING.**—The Secretary of Commerce, with the concurrence of the Secretary of State and the Secretary of Treasury, shall publish regulations in the Federal Register to require, upon the effective date of those regulations, that all persons who are required to file export information under chapter 9 of title 13, United States Code, file such information through the Automated Export System.

Regulations.  
Federal Register,  
publication.  
13 USC 301 note.

(c) **REQUIREMENT FOR INFORMATION SHARING.**—The Secretary shall conclude an information-sharing arrangement with the heads of the United States Customs Service and the Census Bureau—

13 USC 301 note.

(1) to allow the Department to access information on controlled exports made through the United States Postal Service; and

(2) to adjust the Automated Export System to parallel information currently collected by the Department.

(d) **SECRETARY OF TREASURY FUNCTIONS.**—Section 303 of title 13, United States Code, is amended by striking “, other than by mail,”.

(e) **FILING EXPORT INFORMATION, DELAYED FILINGS, PENALTIES FOR FAILURE TO FILE.**—Section 304 of title 13, United States Code, is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking “the penal sum of \$1,000” and inserting “a penal sum of \$10,000”; and

(B) in the third sentence, by striking “a penalty not to exceed \$100 for each day’s delinquency beyond the prescribed period, but not more than \$1,000,” and inserting “a penalty not to exceed \$1,000 for each day’s delinquency beyond the prescribed period, but not more than \$10,000 per violation”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) Any person, other than a person described in subsection (a), required to submit export information, shall file such information in accordance with any rule, regulation, or order issued pursuant to this chapter. In the event any such information or reports are not filed within such prescribed period, the Secretary of Commerce (and officers of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed \$1,000 for each day’s delinquency beyond the prescribed period, but not more than \$10,000 per violation.”.

(f) **ADDITIONAL PENALTIES.**—

## PUBLIC LAW 107-228—SEPT. 30, 2002

(1) IN GENERAL.—Section 305 of title 13, United States Code, is amended to read as follows:

**“SEC. 305. PENALTIES FOR UNLAWFUL EXPORT INFORMATION ACTIVITIES.**

“(a) CRIMINAL PENALTIES.—

“(1) FAILURE TO FILE; SUBMISSION OF FALSE OR MISLEADING INFORMATION.—Any person who knowingly fails to file or knowingly submits false or misleading export information through the Shippers Export Declaration (SED) (or any successor document) or the Automated Export System (AES) shall be subject to a fine not to exceed \$10,000 per violation or imprisonment for not more than 5 years, or both.

“(2) FURTHERANCE OF ILLEGAL ACTIVITIES.—Any person who knowingly reports any information on or uses the SED or the AES to further any illegal activity shall be subject to a fine not to exceed \$10,000 per violation or imprisonment for not more than 5 years, or both.

“(3) FORFEITURE PENALTIES.—Any person who is convicted under this subsection shall, in addition to any other penalty, be subject to forfeiting to the United States—

“(A) any of that person’s interest in, security of, claim against, or property or contractual rights of any kind in the goods or tangible items that were the subject of the violation;

“(B) any of that person’s interest in, security of, claim against, or property or contractual rights of any kind in tangible property that was used in the export or attempt to export that was the subject of the violation; and

“(C) any of that person’s property constituting, or derived from, any proceeds obtained directly or indirectly as a result of the violation.

“(b) CIVIL PENALTIES.—The Secretary (and officers of the Department of Commerce specifically designated by the Secretary) may impose a civil penalty not to exceed \$10,000 per violation on any person violating the provisions of this chapter or any rule, regulation, or order issued thereunder, except as provided in section 304. Such penalty may be in addition to any other penalty imposed by law.

“(c) CIVIL PENALTY PROCEDURE.—

“(1) IN GENERAL.—Whenever a civil penalty is sought for a violation of this section or of section 304, the charged party is entitled to receive a formal complaint specifying the charges and, at his or her request, to contest the charges in a hearing before an administrative law judge. Any such hearing shall be conducted in accordance with sections 556 and 557 of title 5, United States Code.

“(2) COMMENCEMENT OF CIVIL ACTIONS.—If any person fails to pay a civil penalty imposed under this chapter, the Secretary may request the Attorney General to commence a civil action in an appropriate district court of the United States to recover the amount imposed (plus interest at currently prevailing rates from the date of the final order). No such action may be commenced more than 5 years after the date the order imposing the civil penalty becomes final. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

“(3) REMISSION OR MITIGATION OF PENALTIES.—The Secretary may remit or mitigate any penalties imposed under paragraph (1) if, in the Secretary’s opinion—

“(A) the penalties were incurred without willful negligence or fraud; or

“(B) other circumstances exist that justify a remission or mitigation.

## PUBLIC LAW 107-228—SEPT. 30, 2002

“(4) APPLICABLE LAW FOR DELEGATED FUNCTIONS.—If, pursuant to section 306, the Secretary delegates functions under this section to another agency, the provisions of law of that agency relating to penalty assessment, remission or mitigation of such penalties, collection of such penalties, and limitations of actions and compromise of claims, shall apply.

“(5) DEPOSIT OF PAYMENTS IN GENERAL FUND OF THE TREASURY.—Any amount paid in satisfaction of a civil penalty imposed under this section or section 304 shall be deposited into the general fund of the Treasury and credited as miscellaneous receipts.

“(d) ENFORCEMENT.—

“(1) BY THE SECRETARY OF COMMERCE.—The Secretary of Commerce may designate officers or employees of the Office of Export Enforcement to conduct investigations pursuant to this chapter. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate to the enforcement of this chapter, exercise such authorities as are conferred upon them by other laws of the United States, subject to policies and procedures approved by the Attorney General.

“(2) BY THE COMMISSIONER OF CUSTOMS.—The Commissioner of Customs may designate officers or employees of the Customs Service to enforce the provisions of this chapter, or to conduct investigations pursuant to this chapter.

“(e) REGULATIONS.—The Secretary of Commerce shall promulgate regulations for the implementation and enforcement of this section.

“(f) EXEMPTION.—The criminal fines provided for in this section are exempt from the provisions of section 3571 of title 18, United States Code.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of title 13, United States Code, is amended by striking the item relating to section 305 and inserting the following:

“305. Penalties for unlawful export information activities.”.

**SEC. 1405. ADJUSTMENT OF THRESHOLD AMOUNTS FOR CONGRESSIONAL REVIEW PURPOSES.**

(a) IN GENERAL.—The Arms Export Control Act is amended—

(1) in section 3(d) (22 U.S.C. 2753(d))—

(A) in paragraphs (1) and (3)(A), by striking “The President may not” and inserting “Subject to paragraph (5), the President may not”; and

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

“(5) In the case of a transfer to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on consent of the President set forth in paragraphs (1) and (3)(A) shall apply only if the transfer is—

“(A) a transfer of major defense equipment valued (in terms of its original acquisition cost) at \$25,000,000 or more; or

“(B) a transfer of defense articles or defense services valued (in terms of its original acquisition cost) at \$100,000,000 or more).”;

(2) in section 36 (22 U.S.C. 2776)—

(A) in subsection (b)—

(i) in paragraph (1), by striking “(1) In the case of” and inserting “(1) Subject to paragraph (6), in the case of”;

(ii) in paragraph (5)(C), by striking “(C) If” and inserting “(C) Subject to paragraph (6), if”;

## PUBLIC LAW 107-228—SEPT. 30, 2002

(iii) by adding at the end of the following new paragraph:

“(6) The limitation in paragraph (1) and the requirement in paragraph (5)(C) shall apply in the case of a letter of offer to sell to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries only if the letter of offer involves—

“(A) the sale of major defense equipment under this Act for, or the enhancement or upgrade of major defense equipment at a cost of, \$25,000,000 or more, as the case may be; and

“(B) the sale of defense articles or services for, or the enhancement or upgrade of defense articles or services at a cost of, \$100,000,000 or more, as the case may be; or

“(C) the sale of design and construction services for, or the enhancement or upgrade of design and construction services at a cost of, \$300,000,000 or more, as the case may be.”; and

(B) in subsection (c)—

(i) in paragraph (1), by striking “(1) In the case of” and inserting “(1) Subject to paragraph (5), in the case of”; and

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

“(5) In the case of an application by a person (other than with regard to a sale under section 21 or 22 of this Act) for a license for the export to a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand that does not authorize a new sales territory that includes any country other than such countries, the limitations on the issuance of the license set forth in paragraph (1) shall apply only if the license is for export of—

“(A) major defense equipment sold under a contract in the amount of \$25,000,000 or more; or

“(B) defense articles or defense services sold under a contract in the amount of \$100,000,000 or more.”;

(3) in section 63(a) (22 U.S.C. 2796b(a))—

(A) by striking “In the case of” and inserting “(1) Subject to paragraph (2), in the case of”; and

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

“(2) In the case of an agreement described in paragraph (1) that is entered into with a member country of the North Atlantic Treaty Organization (NATO) or Australia, Japan, or New Zealand, the limitations in paragraph (1) shall apply only if the agreement involves a lease or loan of—

“(A) major defense equipment valued (in terms of its replacement cost less any depreciation in its value) at \$25,000,000 or more; or

“(B) defense articles valued (in terms of their replacement cost less any depreciation in their value) at \$100,000,000 or more.”; and

(4) in section 47 (22 U.S.C. 2794), as amended by section 1202(b) of this Act—

(A) by striking “and” at the end of paragraph (9);

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

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

“(11) ‘Sales territory’ means a country or group of countries to which a defense article or defense service is authorized to be reexported.”.

(b) LICENSES FOR EXPORTS TO INDIA AND PAKISTAN.—Section 9001(e) of the Department of Defense Appropriations Act, Fiscal Year 2000 (Public Law 106-79) is amended by adding at the end the following: “The application of these requirements shall be subject to the dollar amount thresholds specified in that section.”.

## PUBLIC LAW 107-228—SEPT. 30, 2002

**SEC. 1406. CONGRESSIONAL NOTIFICATION OF REMOVAL OF ITEMS FROM THE MUNITIONS LIST.**

Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)) is amended by striking the third sentence and inserting the following: “The President may not remove any item from the Munitions List until 30 days after the date on which the President has provided notice of the proposed removal to the Committee on International Relations of the House of Representatives and to the Committee on Foreign Relations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961. Such notice shall describe the nature of any controls to be imposed on that item under any other provision of law.”.

**TITLE XV—NATIONAL SECURITY ASSISTANCE STRATEGY****SEC. 1501. BRIEFING ON THE STRATEGY.**

Deadline.

Not later than March 31, 2003, officials of the Department and the Department of Defense shall brief the appropriate congressional committees regarding their plans and progress in formulating and implementing a national security assistance strategy. This briefing shall include—

- (1) a description of how, and to what extent, the elements of the strategy recommended in section 501(b) of the Security Assistance Act of 2000 (22 U.S.C. 2305(b)) have been or will be incorporated in security assistance plans and decisions;
- (2) the number of out-years considered in the strategy;
- (3) a description of the actions taken to include the programs listed in section 501(c) of the Security Assistance Act of 2000 (22 U.S.C. 2305(c)), as well as similar programs of military training or other assistance to the military or security forces of a foreign country;
- (4) a description of how a national security assistance strategy is being implemented regarding specific countries;
- (5) a description of any programmatic changes adopted or expected as a result of adopting a strategic approach to security assistance policymaking;
- (6) a description of any obstacles encountered in formulating or implementing a national security assistance strategy; and
- (7) a description of any resource or legislative needs highlighted by this process.

**SEC. 1502. SECURITY ASSISTANCE SURVEYS.**

(a) UTILIZATION.—The Secretary should utilize security assistance surveys in preparation of a national security assistance strategy pursuant to section 501 of the Security Assistance Act of 2000 (22 U.S.C. 2305).

(b) FUNDING.—Of the amount made available for the fiscal year 2003 under section 23 of the Arms Export Control Act (22 U.S.C. 2763), \$2,000,000 is authorized to be available to the Secretary to conduct security assistance surveys, or to request such surveys, on a reimbursable basis, by the Department of Defense or other United States Government agencies. Such surveys shall be conducted consistent with the requirements of section 26 of the Arms Export Control Act (22 U.S.C. 2766).



PUBLIC LAW 107-228—SEPT. 30, 2002

## TITLE XVI—MISCELLANEOUS PROVISIONS

### SEC. 1601. NUCLEAR AND MISSILE NONPROLIFERATION IN SOUTH ASIA.

(a) UNITED STATES POLICY.—It shall be the policy of the United States, consistent with its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (21 U.S.T. 483), to encourage and work with the governments of India and Pakistan to achieve the following objectives by September 30, 2003:

- (1) Continuation of a nuclear testing moratorium.
- (2) Commitment not to deploy nuclear weapons.
- (3) Commitment not to deploy ballistic missiles that can carry nuclear weapons and to restrain the ranges and types of missiles developed or deployed.
- (4) Agreement by both governments to bring their export controls in accord with the guidelines and requirements of the Nuclear Suppliers Group.
- (5) Agreement by both governments to bring their export controls in accord with the guidelines and requirements of the Zangger Committee.
- (6) Agreement by both governments to bring their export controls in accord with the guidelines, requirements, and annexes of the Missile Technology Control Regime.
- (7) Establishment of a modern, effective system to control the export of sensitive dual-use items, technology, technical information, and materiel that can be used in the design, development, or production of weapons of mass destruction and ballistic missiles.
- (8) Conduct of bilateral meetings between Indian and Pakistani senior officials to discuss security issues and establish confidence-building measures with respect to nuclear policies and programs.

(b) FURTHER UNITED STATES POLICY.—It shall also be the policy of the United States, consistent with its obligations under the Treaty on the Nonproliferation of Nuclear Weapons (21 U.S.T. 483), to encourage, and, where appropriate, to work with, the Governments of India and Pakistan to achieve not later than September 30, 2003, the establishment by those governments of modern, effective systems to protect and secure their nuclear devices and materiel from unauthorized use, accidental employment, or theft. Any such dialogue with India or Pakistan would not be represented or considered, nor would it be intended, as granting any recognition to India or Pakistan, as appropriate, as a nuclear weapon state (as defined in the Treaty on the Non-Proliferation of Nuclear Weapons).

(c) REPORT.—Not later than March 1, 2003, the President shall submit to the appropriate congressional committees a report describing United States efforts to achieve the objectives listed in subsections (a) and (b), the progress made toward the achievement of those objectives, and the likelihood that each objective will be achieved by September 30, 2003.

Deadline.  
President.

42 USC 7704  
note.

### SEC. 1602. REAL-TIME PUBLIC AVAILABILITY OF RAW SEISMOLOGICAL DATA.

The head of the Air Force Technical Applications Center shall make available to the public, immediately upon receipt or as soon after receipt as is practicable, all raw seismological data provided to the United States Government by any international monitoring organization that is directly responsible for seismological monitoring.

## PUBLIC LAW 107-228—SEPT. 30, 2002

**SEC. 1603. DETAILING UNITED STATES GOVERNMENTAL PERSONNEL TO INTERNATIONAL ARMS CONTROL AND NON-PROLIFERATION ORGANIZATIONS.**

(a) **IN GENERAL.**—The Secretary, in consultation with the Secretaries of Defense and Energy and the heads of other relevant United States departments and agencies, as appropriate, should develop measures to improve the process by which United States Government personnel may be detailed to international arms control and nonproliferation organizations without adversely affecting the pay or career advancement of such personnel.

(b) **REPORT REQUIRED.**—Not later than May 1, 2003, the Secretary shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives setting forth the measures taken under subsection (a).

Deadline.

**SEC. 1604. DIPLOMATIC PRESENCE OVERSEAS.**

22 USC 2655b.

(a) **PURPOSE.**—The purpose of this section is to—

(1) elevate the stature given United States diplomatic initiatives relating to nonproliferation and political-military issues; and

(2) develop a group of highly specialized, technical experts with country expertise capable of administering the nonproliferation and political-military affairs functions of the Department.

(b) **AUTHORITY.**—To carry out the purposes of subsection (a), the Secretary is authorized to establish the position of Counselor for Nonproliferation and Political Military Affairs in United States diplomatic missions overseas, to be filled by individuals who are career Civil Service officers or Foreign Service officers committed to follow-on assignments in the Nonproliferation Bureau or the Political Military Affairs Bureau of the Department.

Government organization.

(c) **TRAINING.**—After being selected to serve as Counselor, any person so selected shall spend not less than 10 months in language training courses at the Foreign Service Institute, or in technical courses administered by the Department of Defense, the Department of Energy, or other appropriate departments and agencies of the United States, except that such requirement for training may be waived by the Secretary.

**SEC. 1605. COMPLIANCE WITH THE CHEMICAL WEAPONS CONVENTION.**

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

(1) On April 24, 1997, the Senate provided its advice and consent to ratification of the Chemical Weapons Convention subject to the condition, among others, that the President certify that no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.

(2) Congress enacted the same condition into law as section 304(f)(1) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6724(f)(1)).

(3) Part II, paragraph 57, of the Verification Annex of the Convention requires that all samples requiring off-site analysis under the Convention shall be analyzed by at least two laboratories that have been designated as capable of conducting such testing by the OPCW.

(4) The only United States laboratory currently designated by the OPCW is the United States Army Edgewood Forensic Science Laboratory.

(5) In order to comply with the Chemical Weapons Convention, the certification submitted pursuant to condition (18) of the resolution of ratification of the Chemical Weapons Convention, and the requirements of section 304(f)(1) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C.

## PUBLIC LAW 107-228—SEPT. 30, 2002

6724(f)(1)), the United States must possess, at a minimum, a second OPCW-designated laboratory.

(6) The possession of a second OPCW-designated laboratory is necessary in view of the potential for a challenge inspection to be initiated against the United States by a foreign nation.

(7) The possession of a third OPCW-designated laboratory would enable the OPCW to implement its normal sample analysis procedures, which randomly assign real and manufactured samples so that no laboratory knows the origin of a given sample.

(8) To qualify as a designated laboratory, a laboratory must be certified under ISO Guide 25 or a higher standard and complete three proficiency tests. The laboratory must have the full capability to handle substances listed on Schedule 1 of the Annex on Schedules of Chemicals of the Chemical Weapons Convention. In order to handle such substances in the United States, a laboratory also must operate under a bailment agreement with the United States Army.

(9) Several existing United States commercial laboratories have approved quality control systems, already possess bailment agreements with the United States Army, and have the capabilities necessary to obtain OPCW designation.

(10) In order to bolster the legitimacy of United States analysis of samples taken on its national territory, it is preferable that one designated laboratory not be a United States Government facility.

Deadlines.

(b) ESTABLISHMENT OF NON-GOVERNMENTAL DESIGNATED LABORATORY.—

(1) REPORT.—Not later than March 1, 2003, the United States National Authority, as designated under section 101 of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6711) (referred to in this section as the “National Authority”), shall submit to the appropriate congressional committees a report detailing a plan for securing OPCW designation of a nongovernmental United States laboratory by December 1, 2004.

(2) DIRECTIVE.—Not later than June 1, 2003, the National Authority shall select, through competitive procedures, a nongovernmental laboratory within the United States to pursue designation by the OPCW.

(3) DELEGATION.—The National Authority may delegate the authority and administrative responsibility for carrying out paragraph (2) to one or more of the heads of the agencies described in section 101(b)(2) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6711(b)(2)).

(c) DEFINITIONS.—In this section:

(1) CHEMICAL WEAPONS CONVENTION OR CONVENTION.—The term “Chemical Weapons Convention” or “Convention” means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Opened for Signature and Signed by the United States at Paris on January 13, 1993, including the following protocols and memorandum of understanding:

(A) The Annex on Chemicals.

(B) The Annex on Implementation and Verification.

(C) The Annex on the Protection of Confidential Information.

(D) The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.

(E) The Text on the Establishment of a Preparatory Commission.

(2) OPCW.—The term “OPCW” means the Organization for the Prohibition of Chemical Weapons established under the Convention.

PUBLIC LAW 107-228—SEPT. 30, 2002

**TITLE XVII—AUTHORITY TO TRANSFER  
NAVAL VESSELS****SEC. 1701. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN  
FOREIGN COUNTRIES.**

(a) **TRANSFERS BY GRANT.**—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) as follows:

(1) **POLAND.**—To the Government of Poland, the OLIVER HAZARD PERRY class guided missile frigate WADSWORTH (FFG 9).

(2) **TURKEY.**—To the Government of Turkey, the KNOX class frigates CAPODANNO (FF 1093), THOMAS C. HART (FF 1092), DONALD B. BEARY (FF 1085), McCANDLESS (FF 1084), REASONER (FF 1063), and BOWEN (FF 1079).

(b) **TRANSFERS BY SALE.**—The President is authorized to transfer vessels to foreign governments and foreign governmental entities on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761) as follows:

(1) **MEXICO.**—To the Government of Mexico, the NEWPORT class tank landing ship FREDERICK (LST 1184).

(2) **TAIWAN.**—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act), the KIDD class guided missile destroyers KIDD (DDG 993), CALLAGHAN (DDG 994), SCOTT (DDG 995), and CHANDLER (DDG 996).

(3) **TURKEY.**—To the Government of Turkey, the OLIVER HAZARD PERRY class guided missile frigates ESTOCIN (FFG 15) and SAMUEL ELIOT MORISON (FFG 13).

(c) **GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.**—The value of a vessel transferred to another country on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j) pursuant to authority provided by subsection (a) shall not be counted for the purposes of subsection (g) of that section in the aggregate value of excess defense articles transferred to countries under that section in any fiscal year.

(d) **COSTS OF TRANSFERS ON GRANT BASIS.**—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))) in the case of a transfer authorized to be made on a grant basis under subsection (a).

(e) **WAIVER AUTHORITY.**—For a vessel transferred on a grant basis pursuant to authority provided by subsection (a)(2), the President may waive reimbursement of charges for the lease of that vessel under section 61(a) of the Arms Export Control Act (22 U.S.C. 2796(a)) for a period of one year before the date of the transfer of that vessel.

## PUBLIC LAW 107-228—SEPT. 30, 2002

President. (f) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the country to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that country, performed at a shipyard located in the United States, including a United States Navy shipyard.

(g) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the two-year period beginning on the date of the enactment of this Act.

Approved September 30, 2002.

LEGISLATIVE HISTORY—H.R. 1646 (S. 1401):

HOUSE REPORTS: Nos. 107-57 (Comm. on International Relations) and 107-671 (Comm. of Conference).

SENATE REPORTS: No. 107-60 accompanying S. 1401 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD:

Vol. 147 (2001): May 16, considered and passed House.

Vol. 148 (2002): May 1, considered and passed Senate, amended.

Sept. 25, House agreed to conference report.

Sept. 26, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 38 (2002):

Sept. 30, Presidential statement.